

Compliance and Breach (Child Safeguarding) Policy and Procedures

Background

Casey Grammar, a co-educational Foundation to Year 12 school, was founded in 1994. The School is governed by a Board of Directors which include representatives from the Church, parents, individuals with specific expertise, the Executive Director Corporate Services and the Principal.

Learning, understanding and building friendships underpin the School's values of excellence, respect, compassion, inclusion and integrity and an informed awareness of the Christian faith.

The CSV Board, has approved the Compliance and Breach (Child Safeguarding) Policy and Procedures, as set out in the Policy Administration section, below.

A child safe organisation must ensure that its child safeguarding standards, policies and procedures are followed by everyone in the organisation.

In particular, **Ministerial Order 1359** requires the CSV Board to ensure that people management of staff and volunteers focuses on child safety and wellbeing.

Purpose

Casey Grammar is committed to providing a caring, supportive and safe environment where every student has a place, a voice and their story is known. In order to support this vision and the Schools approach to Child Safety, this Policy and its Procedure sets out the disciplinary actions that may result for Staff, Volunteers, Contractors and others in the School community who breach our child safeguarding policies and procedures, including in particular (but not limited to):

- the Child Safeguarding (Safety and Protection) Policy and Procedures
- the Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures
- the Child Safety Code of Conduct
- Child Safeguarding Responsibilities
- the Child Safeguarding Risk Management Policy and Procedures
- our Child Safeguarding Human Resources policies and procedures
- our Information Sharing policies and procedures.

It is designed to ensure compliance with these and all other Policies and Procedures in our Child Safeguarding Program.¹

¹ The "Child Safeguarding Program" is the name given to the full collection of policies and procedures that assist the School to be a child safe organisation and to meet the requirements of the Victorian Child Safe Standards, Ministerial Order 1359 and the National Catholic Safeguarding Standards. It includes policies and procedures for:

- responding to and reporting child safety incidents and concerns
- child safe human resources management (including WWC clearances)
- participation and empowerment of students
- informing and involving families and relevant communities in child safeguarding issues
- equity and diversity
- child safeguarding risk management strategies
- strategies for embedding a culture of child safety at the School; and
- regular reviews and continuous improvement of child safeguarding policies, procedures and practices.

Compliance and Breach (Child Safeguarding) Policy and Procedures

Principles

Casey Grammar School is committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

Casey Grammar School and the CSV Board have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Ministerial Order 1359 and the **Casey Grammar School Statement of Commitment to Child Safety** set out the principles that guide the CSV Board and Casey Grammar School in the development and regular review of the Compliance and Breach (Child Safeguarding) Policy and Procedures.

Scope

This Policy and its Procedures apply to all Staff including members of the Executive Team, and – where indicated in the particular section – to relevant Volunteers and Contractors, including School Board members.

They apply in all School environments, including physical, virtual and online environments, and on-site and off-site School grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas).

This Policy and its Procedures do not apply to School students who are volunteering with, coaching or tutoring younger students at the School, but these students are required to abide by the School's **Student Code of Conduct** at all times. Breaches by students are managed under our **Student Discipline Policy**.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in **Child Safeguarding Program Definitions**.

Of particular importance to the Child Safeguarding Human Resources policies and procedures are the following additional key definitions:

Child-Connected Work

For the purposes of Ministerial Order 1359, “child-connected work” is defined as work authorised by the school governing authority or the provider of school boarding services and performed by an adult in a school environment while children are present or reasonably expected to be present.

Under this definition, all staff members are engaged in child-connected work.

Under this definition, many, but not all, Volunteers and Contractors are engaged in child-connected work. Volunteers and Contractors who are not adults or who do not work when children are present or expected to be present are NOT engaged in child-connected work.

Compliance and Breach (Child Safeguarding) Policy and Procedures

“Child-connected work” is broader than “child-related work” (defined below). “Child-connected work” does not need to involve direct contact with children, whereas “child-related work” does. For example, a consultant engaged by the School to work with the School Board and who attends the School for meetings during school hours when children are present is not engaged in “child-related work” but is engaged in “child-connected work”.

Child Related Work

“Child-related work” is defined in the Worker Screening Act 2002 (Vic). It is work performed at or for the School by a staff member, Volunteer or Contractor that usually involves direct contact with a child (unless the direct contact is only occasional and incidental to the work).

Direct contact means any contact between a person and a child that involves:

- physical contact
- face-to-face contact
- contact by post or other written communication
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

Under this definition, most Staff at the School and any Direct Contact Volunteers and Direct Contact Contractors, are engaged in child-related work for the purposes of Ministerial Order 1359.

School staff

“School staff” is a particular phrase used in Ministerial Order 1359, and is defined as “an individual working in a school environment who is:

- directly engaged or employed by a school governing body*
- a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by a school governing body to perform child-related work; or
- a minister of religion, religious leader or an employee or officer of a religious body associated with the school”.

*The engagement or employment of Staff and Contractors at the School (other than the Principal and the Executive Director Corporate Services) is undertaken by the School on behalf of the CSV Board. This means that, at the School, all staff members as well as Direct Contact Contractors are “school staff”, no matter their age or the frequency of their engagement.

Staff/staff member

The terms “Staff” and “staff member” include all teaching and non-teaching Staff including the Principal. They include all those employed by the School on a permanent, temporary or casual basis.

Although School Board members are technically Volunteers, they are considered “Staff” for the purposes of this Policy and the Child Safeguarding Program.

Volunteer and Contractor

A Volunteer is someone who performs work for the School in a School environment without remuneration or reward. Volunteers may be family members of students, or

Compliance and Breach (Child Safeguarding) Policy and Procedures

from the wider School or local community. Volunteers are not “school staff” for the purposes of Ministerial Order 1359.

A Contractor is someone engaged by the School to perform specific tasks. Contractors are not employees of the School. However, Contractors who have direct contact with children (see below) are “school staff” for the purposes of Ministerial Order 1359.

The School categorises Volunteers and Contractors as either:

- **Direct Contact Volunteers/Contractors:** Volunteers and Contractors who have direct physical or face-to-face contact with, or who directly communicate with, students (such as Volunteers and Contractors who are tutors, provide learning support, work in the Canteen, attend or provide excursions/incursions, assist in music/drama productions and coach sports teams). External Education Providers are considered Direct Contact Contractors. All Direct Contact Volunteers/Contractors who are adults are engaged in both “child-related work” and “child-connected work”.
- **Regular Volunteers/Contractors:** Volunteers and Contractors who assist the School in ways that do not involve direct contact with students (although there could be indirect or incidental contact), and who do this more than seven times per year (such as Volunteers working the School’s administration office, contracted consultants, regular maintenance workers or cleaners, and caterers for staff events). Regular Contact Volunteers/Contractors are NOT engaged in “child-related work”. They are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.
- **Casual Volunteers/Contractors:** Volunteers and Contractors who assist the School in ways that do not involve direct contact with students (although there could be indirect or incidental contact) or whose services are aimed at the general public, and who do this seven times or less per year (such as Volunteers who work on a stall at a School fete or on a barbeque at a sporting event, and one-off emergency maintenance workers). Casual Contact Volunteers/Contractors are NOT engaged in “child-related work”. They are only engaged in “child-connected work” if they are adults and if they work when children are present or expected to be present.

Visitor

The term “Visitor” refers to any adult who attends a School event or who is in a School environment on a one-off or casual basis (such as Casual Volunteers/Contractors, parents and other adult family members of students when they are attending School events, and people invited by the School or a staff member to be in a School environment).

Roles and Responsibilities

In addition to relevant roles and responsibilities as set out in **Child Safeguarding Responsibilities**, the following people have particular responsibilities under this Policy and its Procedures.

Compliance and Breach (Child Safeguarding) Policy and Procedures

The Principal

- **The Principal** is responsible for implementing this Policy and its Procedures.
- The **Principal** is responsible for investigating alleged breaches by staff members, and for deciding what disciplinary actions, if any, to take in response.

The HR Manager

- The **HR Manager** is responsible for investigating alleged breaches by Volunteers and Contractors and for deciding the disciplinary actions if any to take in response, in consultation with the Principal and the Child Protection Officer.

Policy

1. Where a staff member, Direct Contact or Regular Volunteer/Contractor breaches any obligation, duty or responsibility within our Child Safeguarding Program, the School may take disciplinary action that may result in a range of measures including (depending on the severity of the breach):
 - remedial education
 - counselling
 - increased supervision
 - the restriction of duties
 - appointment to an alternate role
 - suspension
 - in the case of serious breaches, termination of employment, contract or engagement.
2. Where any other member of the School community, including Casual Volunteers/Contractors or other Visitors, breaches any obligation, duty or responsibility within our Program, the School will take appropriate action.
3. All members of the School community must be aware that, if they engage in certain conduct in breach of the Child Safeguarding Program, their conduct may also be reported to relevant external agencies, such as the Department of Families, Fairness and Housing (Child Protection), the Police and the Commission for Children and Young People, as set out in our **Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures**.

Procedures

Compliance and Breach (Child Safeguarding) Policy and Procedures and Other Legislation

Our child safeguarding human resources practices, including disciplinary actions, are subject to state and Commonwealth anti-discrimination legislation (refer to our Workplace Bullying, Discrimination and Harassment policies) and the requirements of the Privacy Act 1988 (Cth) when obtaining, using, disclosing, and storing information about disciplinary actions (refer to our **Privacy Program**).

Compliance and Breach (Child Safeguarding) Policy and Procedures

Implementation

This Policy and its Procedures are made available to all Staff, Volunteers, and Contractors, via the School's intranet. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to **Child Safeguarding Training and Supervision Policy and Procedures**.

They are made available to parents/carers, students and the wider School community in summary in our **Child Safeguarding (Safety and Protection) Policy and Procedures** as well available in hard copy by request.

Policy Breach

Casey Grammar School enforces this Policy and its Procedures. In the event of any non-compliance, we will instigate a review that may result in the measures set out above.

Policy Review

A review of the Compliance and Breach (Child Safeguarding) Policy and Procedures is conducted every two (2) years or earlier if required, such as due to changes in legislation.

The CSV Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

Source of Obligation

The Compliance and Breach (Child Safeguarding) Policy and Procedures implement:

- **Victorian Child Safe Standards, Standard 6**
- **Ministerial Order 1359, Clause 10**

Policy and Procedure Linkages

The Compliance and Breach (Child Safeguarding) Policy and Procedures are to be read and understood in conjunction with:

- **Child Safety Code of Conduct**
- **Child Safeguarding (Safety and Protection) Policy and Procedures**
- **Child Safeguarding (Responding and Reporting Obligations) Policy and Procedures**
- **Child Safeguarding Recruitment Policy and Procedures**
- **Child Safeguarding Training and Supervision Policy and Procedures**
- **Working with Children Checks Policy and Procedures**
- **Reportable Conduct Policies and Procedures**
- **Child Safeguarding Record Keeping Policy and Procedures**
- Our general **Human Resources Policies and Procedures**

Compliance and Breach (Child Safeguarding) Policy and Procedures

Related Forms and Documents

- Detailed note taking for investigations
- Formal letter for outcome or disciplinary action taken

References and Resources

- Commission for Children and Young People, Standard 4: human resource practices, 2018
- Department of Education and Training, HR Practices for a Child Safe Environment, 2018
- CECV Guidelines on the Employment of Staff in Catholic Schools
- CECV Guidelines on the Engagement of Volunteers in Catholic Schools
- CECV Guidelines on the Engagement of Contractors in Catholic Schools

Policy Administration

Status	Subject to final Board Approval
Person Responsible	The Principal
Approver(s)	The CSV Board is responsible for ensuring that the policy and its procedures are reviewed and updated as needed, and for approving this policy
Approval Date	TBC
Version Number	1.0
Version History	Created 2022
Review Frequency	A review of this policy and its procedures is conducted at least every 2 years or earlier if required, such as due to changes in legislation
Next Review Date	January 2023
Risk Rating	High
Location	CompliSpace