



Child Safeguarding (Responding and Reporting)

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1. Statement of Context and Purpose

The Child Safeguarding Policy is set in the context of the mission and vision of St Kevin's College (the **College**), where we seek to live, learn and teach with the values of the Catholic Church and those of the College – compassion, integrity, and excellence. The College is committed to standards of excellence in the formation of young people. We lead through the values of the Gospel and in the spirituality of Edmund Rice. We strive with compassion and integrity to build a better world.

The Purpose of this Policy and Procedures is to:

- Outline the College's Duty of Care and Legal Obligations relating to recognising, reporting and responding to child safety incidents or concerns, including, obligations under Ministerial Order 1359, the Reportable Conduct Scheme, mandatory reporting under Child protection law and offences under the Crimes Act 1958.
- Outline the roles and responsibilities for identifying, responding and reporting child safety incidents at the College, including all its environments
- Detail the procedures that must be followed by College staff when they witness an incident, receive a disclosure or form a reasonable belief that a child is in need of protection.

The Child Safeguarding Program is the name given to the full collection of College Policies and Procedures in place to meet the requirements of the Victorian Child Safe Standards and Ministerial Order 1359.

2. Child Safety

The College is an inclusive school committed to providing a safe and educationally supportive environment for students where there is zero tolerance policy for child abuse. *Ministerial Order No. 1359 – Implementing the Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises* sets out the requirements that the College must meet in order to comply with the Child Safe Standards.

3. Related Documents

Policies and Procedures

- Child Safety Code of Conduct
- Child Safeguarding (Safety and Protection) Policy and Procedures
- Parent and Student Complaints Policy
- Record Retention Policy

Legislation, Regulations and Standards

- *Victorian Child Safe Standards*
- *the Children, Youth and Families Act 2005 (Vic.)*
- *the Crimes Act 1958 (Vic.)*
- *the Wrongs Act 1958 (Vic.)*
- *the Child Wellbeing and Safety Act 2005 (Vic.)*
- *Ministerial Order 1359*
- *National Catholic Safeguarding Standards*

4. Application

This policy applies to complaints and concerns relating to child abuse and grooming made by or in relation to a child or student, a representative of the College or any other person while connected to the school environment.

This Policy and its Procedures apply to all **Representatives of the College**.

Representatives of the College include all teachers, administration and education support employees, temporary or casual employees, pre-service teachers, all volunteers (including SKC Board and Committee Members), all contractors (including external education providers), visitors and clergy.

Representatives of the College are hereinafter referred to as “staff”.

This Policy and its Procedures apply in all College environments, both during and outside of school hours, including physical, virtual and online environments, and on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel).

5. Definitions

Child Safe Standards	Means the standards made under Section 17 of the <i>Child Wellbeing and Safety Act 2005 (Vic.)</i> . The aim of the Child Safe Standards is to promote child safety, ensure that child abuse is prevented, and ensure that allegations of child abuse are properly addressed.
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Cultural Safety	Cultural safety for Aboriginal and Torres Strait Islander peoples refers to an environment that is spiritually, socially, emotionally, and physically safe, free from racism, where there is no challenge or denial of a person's identity, where power imbalances are recognised and addressed, and where cultural safety is defined by Aboriginal and Torres Strait Islander peoples themselves.
MO 1359	Means <i>Ministerial Order No. 1359 – Implementing the Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises.</i>
Staff	Means all person identified in Section 4 of this policy.

6. Overview

Legislative and Regulatory Requirements

The College must operate in compliance with the prescribed minimum standards for school registration, including

- Ministerial Order 1359 – Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises (MO1359)
- Victorian Child Safe Standards (Standards) which came into force on 1 July 2022.
- The Crimes Act 1958 (Vic) includes the following as criminal offenses reportable to the Police:

Failure to disclose: Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report this information to the police.

Failure to protect: People in authority at the College will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

Offence of Grooming: It is an offence in the State of Victoria to groom a child under the age of 16 for sexual conduct. The offence applies where an adult communicates, by words or conduct, with a child (under 16 years) or with a person who has care, supervision or authority for the child, with the intention of facilitating the child's involvement in sexual activity at a later time either with the groomer or another adult. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity.

Mandatory Reporting: The Children, Youth and Families Act 2005 (Vic) (CYFA) (section 184) requires Mandatory Reporters to make a report to DHHF Child Protection when they believe that a child (aged under 17) is in need of protection from significant harm from physical injury or sexual abuse. All staff who are mandatory reporters (refer below) must comply with their duties, as outlined in this policy and procedures. The report must be made as soon as practicable after forming the belief.

If, in the course of carrying out their duties, a mandatory reporter forms a reasonable belief that a child is in need of protection because the child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and that the child's parents/guardians/carers are unwilling or unable to protect the child, they must report that belief to the Department of Families, Fairness and Housing (DFFH) Child Protection and/or Victoria Police.

Mandatory Reporting Obligations

At the College, the following people are Mandatory Reporters:

- registered teachers
- the Principal, Dean of Child Safeguarding and Deputy Principals
- medical practitioners
- nurses
- school counsellors
- registered psychologists
- early childhood workers
- persons in religious ministry.

Staff in the above categories are Mandatory Reporters regardless of whether they are engaged by the College as an employee, volunteer or contractor.

Reportable Conduct Scheme: The Victorian Reportable Conduct Scheme seeks to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers. The scheme is established by the Child Wellbeing and Safety Act 2005 (the Act).

Duty of Care: All staff must take reasonable steps to reduce the risk of reasonably foreseeable harm. This includes the duty to prevent child abuse and harm.

As part of this duty of care, all staff must:

- **act** by reporting serious concerns regarding the safety of a student in the College through the College Child Safety Incident Report and following the Four Critical Actions.
- **act** by reporting a suspicion/reasonable belief, even if they are unsure and have not directly observed child abuse (e.g. if the victim or another person tells them about the abuse)

7. Policy in Practice

Responding to Child Safety Incidents or Concerns Procedures

A child/student may experience harm or abuse from an adult in the family, or at school, from a member of the wider community, or from another student.

1. College staff will be guided in response by following the PROTECT Four Critical Actions.
2. **All child safety incidents and concerns are to be reported through the College Child Safety Incident Report Form, accessible on the College Portal.**
 - a. Staff may seek advice and guidance from a Child Safety Officer, the Dean of Child Safeguarding, or a member of College Leadership
 - b. Contractors, Volunteers and Visitors can inform a member of the College staff who are to support and facilitate a report.

3. Whenever there are concerns or a belief that a crime against a child has been committed a report must be made to Victoria Police.
4. Whenever there are concerns or a reasonable belief that parents/carers have not or are unlikely to protect a student from significant harm, or if that concern/belief involves physical or sexual abuse, a report will be made to DFFH Child Protection.
5. Whenever there is a reasonable belief that an adult engaged by the College has
 - a. committed a sexual offence against, with, or in the presence of a child
 - b. committed sexual misconduct against, with, or in the presence of a child
 - c. committed physical violence against, with or in the presence of a child
 - d. significantly neglected a child
 - e. through any behaviour caused significant emotional or psychological harm to a child

The College will report the matter to the Social Services Regulator and, as appropriate, to the Victorian Institute of Teachers (VIT)

6. All concerns relating to the conduct of adults engaged by the College are to be immediately reported to the Principal (or Delegate).

If the matter involves the Principal, the report must instead be made to the Chair of the SKC Board on chair@stkevins.vic.edu.au

Any staff member or member of the College Community can also or instead make a report directly to the SSR, by calling 1300 310 778 or emailing contact@ssr.vic.gov.au

7. The Dean of Child Safeguarding will
 - a. Provide support and guidance to staff in fulfilling their legally mandated and moral obligations concerning matters that meet the required relevant thresholds for reporting externally to DFFH Child Protection, the Police, the SSR, and/or the Victorian Institute of Teaching, depending on the issues raised, are reported
 - b. Ensure the College takes appropriate, prompt action in response to all child safety incidents or concerns, including all complaints, allegations or disclosures of abuse or other harm, when these are reported to the College, whether by staff, students, parents/carers or anyone else.
 - c. Ensure the College fully cooperates with any resulting investigation by an external agency
 - d. Take particular measures in response to child safety incidents or concerns about an Aboriginal or Torres Strait Islander student, a student from a culturally and linguistically diverse background, a student with a disability, students who identify as lesbian gay, bisexual, transgender, queer or intersex (LGBTQI+) students and other vulnerable students (such as students who are unable to live at home)
 - e. Coordinate sharing information with, or requesting information from, external people or agencies as permitted or required under the Child Information Sharing Scheme and/or the Family Violence Information Sharing Scheme
 - f. Secure and retain records of the child safety incident or concern and the College's response to it in accordance with the Public Record Office Victoria Recordkeeping Standards

- g. Support and coordinate the College Pastoral and Wellbeing teams in providing ongoing support to all impacted students, including referral to The Orange Door
- h. Take broader actions to improve child safety at the College (including systemic reviews informed by child safety and complaints data and resulting improvements)

Responding to Sexual Behaviour in Children and to Student Sexual Offending

Whenever there are concerns or a belief that a crime against a child has been committed a report must be made to Victoria Police.

To enable the College to respond appropriately to students with concerning or harmful sexual behaviour, it requires that all staff

- **Submit a Child Safety Incident Form**

Responding to Serious Student Wellbeing Concerns

Any concerns about the wellbeing of a student, regardless of whether it has been caused by abuse or other harm, will be taken seriously and acted upon.

- **Submit a Child Safety Incident Form**

Support for Staff

Witnessing a child safety incident or receiving a disclosure of abuse or other harm can be a distressing experience for the staff involved. The College will assist impacted staff to access necessary support, such as the Employee Access Program.

Privacy and Confidentiality

Anyone who has access to information regarding a case of suspected child abuse or other harm must keep such information confidential and secure and must only disclose or discuss this information with those involved in managing the situation.

8. Exemptions

Nil

9. Consequences of Breach

Breaches of these Guidelines will be taken seriously.

The College will respond in accordance with its requirements under law, relevant industrial agreements, and its policies and procedures.

10. Concerns and Complaints

Any concerns arising in respect of these Guidelines should be raised with the College in first instance.

11. Acknowledgement and Review

All Staff, Volunteers, Contractors and Visitors must understand and agree to abide by this Policy.

12. Where to get help?

For enquiries on this policy, contact the **Dean of Child Safeguarding**

For general policy enquires, contact the **Risk and Compliance Manager**

You can provide feedback on this policy by emailing policy@stkevins.vic.edu.au

For enquiries on the Colleges' handling of a breach of this policy, please contact the **Director of Governance**.