6.09

MERCY EDUCATION POLICY
6.09 CHILD SAFETY AND WELLBEING

Introduction:

Mercy Education Limited (Mercy Education) has no tolerance for any form of child abuse. Mercy Education has a moral and legal obligation, an over-arching commitment and non-delegable duty to ensure that its children and young people are safe and secure while fostering their growth in a faith-centred community.

Child safety and wellbeing are at the core of Mercy Education's mission and operations and its schools promote safe, inclusive and welcoming learning environments. The Mercy Education Board of Directors approves and oversees the implementation of child safety and wellbeing policies, codes of conduct, reporting and recordkeeping procedures across all Mercy schools and throughout the organisation. This is in accordance with relevant state and federal legislation, diocesan regulations, and through its executive personnel at the National Office of Mercy Education Ltd.

Purpose:

The purpose of this policy is to demonstrate the commitment of Mercy Education to the care, safety and wellbeing of children and young people through its leadership, governance, operations and culture.

Mercy Education will facilitate and oversee the implementation of this Child Safety and Wellbeing Policy across Mercy schools and throughout the organisation as a part of its governance responsibility. Mercy Education will demonstrate and promote a child safe culture at all levels of the organisation.

Definitions:

'At Risk': A child or young person is considered to be at risk if the child or young person has suffered harm, is likely to suffer harm, or is likely to be removed from the State for the purpose of an unlawful medical procedure, to be married or take part in an illegal activity. A child or young person will be taken to be at risk if their parent or guardian are unable or unwilling to care for them, or if the child or young person is persistently absent from school without explanation, homeless or at no fixed address

Mercy Education Policy 6.09 Child Safety and Wellbeing
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Carer: someone who gives care and support to a relative or friend

Child: A child is a person under the age of 18 years or as defined according to applicable legislation. Enrolled students over the age of 18 years are not included in the definition of a child.

Child abuse: includes
a)   any act committed against a child involving
    (i)   a sexual offence; or
    (ii)   an offence according to relevant State legislation
b)   the infliction, on a child, of—
    (i)   physical violence; or
    (ii)   serious emotional or psychological harm; and
c)   the serious neglect of a child

Child-connected work: work authorised by Mercy Education and performed by an adult in a school environment or school boarding environment while children or young people are present or reasonably expected to be present

Child neglect: includes a failure to provide the child or young person with an adequate standard of nutrition, medical care, clothing, shelter, or supervision to the extent that the health and physical development of the child is significantly impaired or placed at serious risk

Child safety: matters related to protecting all children and young people from child abuse, managing the risk of child abuse, providing support to a child or young person at risk of child abuse and responding to suspicions, incidents, disclosures, or allegations of child abuse.

Child sexual abuse: when a person uses power or authority over a child or young person to involve them in sexual activity. It can include a wide range of sexual activity and does not always involve physical contact or force – Victorian schools refer to PROTECT: Identifying and responding to all forms of abuse in Victorian schools.

Clergy: any cleric, member of religious institute or other persons who are employed or engaged by a Church body, or appointed by a Church body to voluntary positions, in which they work with or are near children or young people or are engaged in other forms of pastoral care or chaplaincy.

> NB: Whilst specifically the definition of the word 'clergy' is for ordained persons who are religious leaders serving the needs of their religion and its members, for the purpose of this document, it includes other professed religious personnel providing pastoral care or chaplaincy services.

Conduct: the way an employee, volunteer, parent, or member of the wider school community behaves in a school environment or school boarding environment.

Emotional child abuse: when a child or young person is repeatedly rejected, isolated or frightened by threats, or by witnessing family violence – Victorian schools refer to PROTECT: Identifying and responding to all forms of abuse in Victorian schools.

Employee: an individual working in a school environment or school boarding environment who is:

- Directly engaged or employed by a school governing authority
- Contracted service provider (whether a body corporate or any other person is an intermediary) engaged by the school governing authority to perform child-related work; or
- A minister of religion, a religious leader or an employee or officer of a religious body associated with the school (ref Clergy)

Guardian: a person who has been appointed by a court or otherwise has the legal authority to make decisions relevant to the personal and property interests of another person such as a child or young person

Grooming: is when a person engages in predatory conduct to prepare a child or young person for sexual activity at a later date. It can include communication and /or attempting to befriend or establish a relationship or other emotional connection with the child/young person or their parent/carer – Victorian schools refer to PROTECT: Identifying and responding to all forms of abuse in Victorian schools

Harm: Physical harm or psychological harm, whether caused by an act or omission, includes such harm caused by sexual, physical, mental or emotional abuse or neglect

LGBTIQ+: Lesbian, gay, bisexual, trans and gender diverse, intersex, queer

Mandatory Reporting: The legal requirement under the *Children, Youth and Families Act 2005 (Vic.)* to protect children from harm relating to physical and sexual abuse. The Principal, registered teachers and early childhood teachers, school counsellors, religious clergy, medical practitioners and nurses at a school are mandatory reporters under this Act – Victorian schools refer to PROTECT: Identifying and responding to all forms of abuse in Victorian schools

Neglect: is the failure of a parent/caregiver to provide a child/young person with the necessities of life. These include regular supervision, adequate food or shelter, suitable clothing, effective medical, therapeutic, or remedial care and emotional security. Neglect can be acute, chronic, or episodic, and can result in detrimental effects on the child or young person's social, psychological, educational, or physical development and /or physical injury. Neglect should be considered in the context of physical, emotional, or psychological abuse

Parent: applies to an individual in a parenting capacity of a child, young person, student, prospective student, or past student, including carers, guardians, and natural, step, family care giver, or adoptive parents.

Reasonable belief – mandatory reporting: When school staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a reasonable belief. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. A reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds – Victorian schools refer to PROTECT: Identifying and responding to all forms of abuse in Victorian schools.

Reasonable belief – Reportable Conduct Scheme: When a person has a reasonable belief that a worker/volunteer has committed reportable conduct or misconduct that may involve reportable conduct. A reasonable belief is more than suspicion and there must be some objective basis for the belief. It does not necessitate proof or require certainty.

> NOTE: the difference between the reasonable belief definitions under mandatory reporting and the reportable conduct scheme is the category of persons who are required to, or can, form the reasonable belief which forms the basis for a report.

Reportable conduct: Victorian schools refer to the five types of reportable conduct as listed in the *Child Wellbeing and Safety Act 2005 (Vic.)* (as amended by the *Children Legislation Amendment (Reportable Conduct) Act 2017).*

These include:
1. sexual offences (against, with or in the presence of a child)
2. sexual misconduct (against, with or in the presence of a child)
3. physical violence (against, with or in the presence of a child)
4. behaviour that is likely to cause significant emotional or psychological harm
5. significant neglect

School boarding environment: any physical, online, or virtual space made available or authorised by Mercy Education for a child, young person or student boarding at a school boarding premises to use at any time, including:

a) online or virtual school boarding environments (including email, intranet systems, software applications, collaboration tools, and online services);

b) other locations provided by the provider of school boarding services or through a third-party provider for a child, young person or student to use including, but not limited to, locations used for:
   (i) camps
   (ii) approved homestay accommodation
   (iii) delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers, or another school; or
   (iv) sporting events, excursions, competitions, or other events

School environment: any of the following physical, online, or virtual places, used during or outside school hours:

a) A campus of the school
b) Online or virtual school environments made available or authorised by the school governing authority for use by a child, young person or student (including email, intranet systems, software applications, collaboration tools, and online services); and
c) Other locations provided by the school or through a third-party provider for a child, young person or student to use including, but not limited to, locations used for:
   (i) camps
   (ii) approved homestay accommodation
   (iii) delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers, or another school; or
   (iv) sporting events, excursions, competitions, or other events.

Self-harm: refers to harm perpetrated against oneself. This harm may occur with or without suicidal intent.

Student: means a person who is enrolled at or attends the school or a student at the school boarding premises. This may include a young person over the age of 18 years

Volunteer: an individual (including College Advisory Council Members) who is engaged by Mercy Education or its schools and performs work without renumeration or reward for the school environment or school boarding environment.

Wellbeing: Wellbeing encompasses the health of the whole person – physical, mental, social and emotional

Young person/people: students aged 18 years and older that are enrolled at the school

Policy Coverage:

This policy applies to Board Directors, Board Committee members, employees engaged by Mercy Education and its schools, members of groups formally constituted and associated with the school (e.g., College Advisory Council, Parents Association, Alumni Association), parents, volunteers, clergy, and the wider school community. The policy also applies to students at Mercy schools who are aged 18 years and older.

This policy also applies to physical and online school environments used by students during or outside of school hours, including other locations provided by our school for a student's use (for example, a school camp) and those provided through third party providers

Policy Statement:

01   Mercy Education has no tolerance for any form of child abuse and is committed to the safety and wellbeing of all children and young people enrolled in its schools

02   Mercy Education is committed to meeting nationally consistent child safe standards and all legislative requirements and regulatory obligations whilst operating in different States and diocesan jurisdictions

03   All children and young people regardless of their age, gender, race, religious beliefs, disability, sexual orientation, cultural, social, or economic background, have the right to personal safety, including safety in relationships and protection from all forms of abuse and neglect

04   Mercy Education pays particular attention to the most vulnerable children and young people, including Aboriginal and Torres Strait Islander children and young people, children and young people from culturally and/or linguistically diverse backgrounds, children and young people with a disability, children and young people who are unable to live at home, international students and LGBTIQ+ students

05   Mercy Education has clear reporting and recordkeeping protocols, policies, procedures, guidelines, and strategies in place to assist its Board Directors, Board Committee members, employees, volunteers, and the wider school community to provide culturally safe, secure, and nurturing learning environments

06   Mercy Education codes of conduct are publicly available and describe the expected attitudes and minimum appropriate behaviours for its Board Directors, Board Committee members, employees, parents, volunteers, and the wider school community. The codes of conduct are consistent with Mercy Education's child safety and wellbeing strategies, policies and procedures as revised from time to time

07   Mercy Education has a Risk Management Framework which identifies child safety and wellbeing risks at a governance level. In addition, Mercy Education schools have local risk management strategies which focus on preventing, identifying and mitigating risks to children and young people in a school environment or school boarding environment

08   Mercy Education applies thorough and rigorous practices in the recruitment, screening, induction and ongoing suitability practices for Board Directors and Board Committee members, employees, and volunteers in its schools

09   The Board of Mercy Education applies thorough and rigorous governance practices for the appointment, induction and ongoing suitability of new Directors and Board Committee members, including an acknowledgement of their individual and collective responsibilities for child safety and wellbeing across all levels of governance and operations in Mercy Education schools

10   Mercy Education has expectations on each of its individual schools concerning its commitment to school employees and volunteers in the associated Policy 6.09a/b/c Child Safety and Wellbeing and Procedure 6.09a/b/c Child Safety and Wellbeing which are customised for each State as per legislative and regulatory requirements

11   Mercy Education requires Board Directors, Board Committee members, employees, and volunteers to understand and acknowledge their roles, responsibilities, and obligations regarding the sharing, reporting and recordkeeping of child abuse suspicions and allegations. As a part of its governance responsibility, Mercy Education requires child safety and wellbeing matters related to Mercy Education schools to be brought to the attention of the Board and appropriate authorities, via clear and established reporting processes and recordkeeping protocols

12   Mercy Education has procedures in place for Board Directors, Board Committee members, employees, and volunteers to undertake regular, relevant training and education to better understand their individual roles, responsibilities, school strategies and practices in relation to child safety and wellbeing. Leadership and employee support, supervision and performance appraisal procedures include elements of child safety and wellbeing

13   Children and young people are informed of the commitment of Mercy Education to child safety and wellbeing and are empowered in their rights to provide input and feedback and participate in decisions affecting them as individuals. They access age-appropriate, culturally safe information and sexual abuse prevention programs, are taught to recognise safe school environments and school boarding environments and to apply personal safety and wellbeing strategies. Mercy Education details the individual schools' commitment to students in the associated Policy 6.09a/b/c Child Safety and Wellbeing.

14   Mercy Education empowers children and young people by including them in the development of literature, policies and presentations that explain its commitment to the cultural safety, inclusion and wellbeing of children and young people

15   Mercy Education ensures that families and communities are informed and involved in promoting child safety and wellbeing in school environments and school boarding environments. Mercy Education details the individual schools' commitment to parents, guardians and carers in the associated Policy 6.09a/b/c Child Safety and Wellbeing.

16   Mercy Education has an effective complaint handling process in place that is culturally sensitive, publicly available, and accessible to Directors and Board Committee members, school leadership, employees, children and young people, volunteers, parents, families, and the wider community. Complaints handling processes include all forms of child abuse. Complaints are treated seriously and responded to promptly and thoroughly by Mercy Education

17   Mercy Education has established structures and processes to review and continuously improve child safety and wellbeing practices whilst evaluating their effectiveness in responding to the needs of its schools and the wider community

18   Mercy Education and its schools have systems for creating, maintaining, and disposing of records in accordance with the applicable State legislation and diocesan child safe recommendations.

Related Documents:

Australian Catholic Safeguarding Ltd (ACSL)

*   *https://www.acsltd.org.au/*

Australian Human Rights Commission: (AHRC)

*   *National Principles for Child Safe Organisations*
    https://www.humanrights.gov.au/our-work/childrens-rights/national-principles-child-safe-organisations

Victorian Catholic Education Authority (VCEA)

*   *VCEA Anti-Bullying Guide for Principals and Leaders 2019*

Catholic Education Office Ballarat (CEOB)

*   *CEOB: https://ceob.edu.au/publications/child-protection/*

Catholic Education Sandhurst (CES)

*   *CES: https://www.ceosand.catholic.edu.au/child-safety*

Catholic Education South Australia (CESA)

*   *CESA: https://www.cesa.catholic.edu.au/our-schools/safe-environments-for-all*

Catholic Education Western Australia (CEWA)

*   *CEWA: https://www.cewa.edu.au/learning-and-wellbeing/wellbeing-and-safety/student-safety/*

Legislation
- *Ministerial Order 1359 Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises*
- *Child Safety (Prohibited Persons Act 2016) (SA)*
- *Children and Young People (Safety) Act 2017 (SA)*

Melbourne Archdiocese Catholic Schools (MACS)
CEM: https://www.cem.edu.au/Our-Schools/Child-Safety.aspx

Mercy Education Limited (MEL)
- *MEL Governance Charter*
- *MEL Policy 1.10 Codes of Conduct*
- *MEL Code of Conduct*
- *MEL Parent Code of Conduct: Respectful Relationships*
- *MEL Policy 6.09 a/b/c Child Safety and Wellbeing (State templates)*
- *MEL Operational Instructions 6.09 Child Safety Reporting to Mercy Education*

Review History:

Version	Date Released	Next Review	Author	Approved
1.0	March 2020	February 2023	Head of People and Culture	MEL Board
1.1	June 2020	February 2023	Head of People and Culture	MEL Board
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2.1	September 2023	July 2024	Head of People and Culture	MEL Board
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