



Student Safety Definitions and Additional Resources

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PURPOSE

Ballarat Grammar is committed to child safeguarding, including zero tolerance of child abuse in every form. All allegations and safety concerns will be treated seriously and consistently in accordance with our policies and procedures. All staff, contractors, volunteers and members of our community have a duty of care to protect the safety, health and wellbeing of all children in their care.

As a school with a diverse population, this includes students with a disability, Aboriginal and Torres Strait Islander children and children from culturally and linguistically diverse backgrounds.

The purpose of this document is to provide explanations of key student safety terms and concepts, along with resources to support staff, contractors, volunteers and stakeholders in creating a safe and inclusive environment.

This guide is designed to:

- Provide consistent definitions of student safety terms to ensure shared understanding.
- Support the implementation and compliance of Child Safe Standards across all areas of Ballarat Grammar.
- Offer practical resources and guidance to support staff and volunteers to recognise, respond to, and prevent child abuse, harm and neglect.

Trigger warning: some documents within the Ballarat Grammar Student Safety program contain explicit descriptions of abuse which may be distressing to read. It is recommended that you speak with the school leadership team regarding access to arranging appropriate support if required. School staff may also access the school's Employee Assistance Program.

DEFINITIONS

Term	Definition
<i>Adult</i>	Means as a person over the age of 18 years. This includes a student who is over the age of 18 years.
<i>Allied Health Professionals</i>	Allied Health Professionals includes any person(s) the school has arranged (either on behalf of, or at the direction of the parent/guardian) to provide professional support services to a student(s) enrolled in the school, and who is required to attend the school to deliver these services (including for example Occupational Therapists and Speech Therapists).
<i>Behaviour Causing Emotional or Psychological Harm to a Child</i>	Includes sexual offences, sexual misconduct, physical violence (including conduct against, with or in the presence of, a child) and significant neglect. Other types of behaviours can also cause emotional or psychological harm including, for example, severe or sustained instances of verbal abuse; coercive or manipulative behaviour; hostility towards, or rejection of, a child; and humiliation, belittling or scapegoating.
<i>Caregiver</i>	An individual who provides unpaid care or support to another individual.
<i>CCYP / The Commission (see also Social Services Regulator)</i>	The Commission for Children and Young People – also referred to as “The Commission”.
<i>Child</i>	Means as a person who is under the age of 18 years.
<i>Child Abuse</i>	Child abuse includes: - any act committed against a child involving: - a sexual offence - grooming offences under section 49M(1) of the Crimes Act 1958



	b) the infliction, on a child, of: 1. physical violence 2. serious emotional or psychological harm c) the serious neglect of a child. Source: Child Wellbeing and Safety Act 2005
<i>Child Abuse (emotional)</i>	Serious emotional or psychological harm amounting to child abuse occurs when a child is repeatedly rejected, isolated, or frightened by threats. It also includes but is not limited to hostility, derogatory name-calling and put-downs, and persistent coldness from a person to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health. Source: PROTECT: Identifying and responding to all forms of abuse in Victorian schools
<i>Child Abuse (physical)</i>	Physical child abuse can consist of any non-accidental infliction of physical violence on a child by any person. It can be inflicted in many ways, including beating, shaking or burning, assault with implements and female genital mutilation. Source: PROTECT: Identifying and responding to all forms of abuse in Victorian schools
<i>Child Abuse (sexual)</i>	Child sexual abuse is when a person uses power or authority over a child to involve them in sexual activity. It can include a wide range of sexual activity. It may not always include physical sexual contact and can also include non-contact offences. It includes a sexual offence committed against, with or in the presence of, a child. Sexual offences are governed by the Crimes Act 1958 (Vic.). Source: PROTECT: Identifying and responding to all forms of abuse in Victorian schools
<i>Child Connected Work</i>	Work authorised by the school and performed by an adult in a school environment while children or young people are present or reasonably expected to be present. This includes direct and indirect contact in physical or online environments, such as during school hours, camps, excursions, and boarding settings. For the purposes of a school boarding premises, work authorised by the provider of school boarding services in a school boarding premises environment while children are present or reasonably expected to be present.
<i>Child Information Sharing Scheme (CISS)</i>	CISS enables professionals who support and care for children (such as teachers and nurses) to share their experience and knowledge about a child with each other, to determine how to best offer support to the child and their families. It also provides guidelines on how to request, share and document this information, helping them to: • understand what they can share • see the full picture of the child they work with • provide help and support sooner • understand how to protect a family's privacy The CISS works in conjunction with existing information sharing legislative provisions. All Victorian children from birth to 18 years of age are covered. Unborn children are only captured when there has been a report to Child First or Child Protection. Consent is not required from any person when sharing under CISS. The CISS does not affect reporting obligations created under other legislation, such as mandatory reporting obligations under the Children, Youth and Families Act 2005.





	Source: Child Information Sharing Scheme vic.gov.au
<i>Child Link</i>	Child Link is a digital tool that displays information about a child to authorised key professionals who have responsibility for child wellbeing and safety. Child Link shows limited but critical information, such as a child's participation in key early childhood and education services. Source: Child Link vic.gov.au
<i>Child Protection</i>	Is the Department of Families, Fairness and Housing (DFFH) Child Protection Service. It is the statutory child protection service provided by the Victorian DFFH to protect children and young people at risk of abuse and neglect. This service also works closely with Family Services (including Orange Door – previously Child FIRST) to support the assessment and engagement of vulnerable children and families in community-based services. Source: Child protection - DFFH Services
<i>Child Related Work</i>	Includes work at or for educational institutions and education and care services within the meaning of the <i>Education and Care Services National Law (Victoria)</i> that usually involves Direct Contact with a child. Source: <i>Section 7 Worker Screening Act 2020 (Vic)</i>
<i>Child Safety</i>	Child safety includes matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to suspicions, incidents, disclosures or allegations of child abuse.
<i>Child Safe Standards</i>	A set of eleven mandatory principles introduced by the Victorian Government under the Child Wellbeing and Safety Act 2005 to ensure organisations working with children promote child safety, prevent child abuse and to ensure that in the operations of a school allegations of child abuse are properly responded to. Schools must comply with each standard under Ministerial Order No. 1359.
<i>Child Safety Champion</i>	A designated staff member who leads, advocates for, and supports the implementation of the Child Safety and Wellbeing Framework. They provide advice and assist with coordination of policies and practices promoting student safety and wellbeing. This role differs from a Child Safety Officer in that it is focused on advocacy, leadership and whole-school implementation of student safety practices.
<i>Child Safety Officer</i>	Designated members of staff responsible for providing advice, oversight, and coordination of the school's practices for student safety. Officers are the main points of contact for concerns or disclosures related to child safety and wellbeing.
<i>Contractor</i>	A Contractor is someone engaged by the school under a contract for services, including to perform specific tasks. Contractors are not employees of the school however, Contractors who have direct contact with children are "school staff" for the purposes of Ministerial Order 1359. Contractors may include maintenance and building personnel, consultants, music tutors, sports coaches, catering staff and cleaners as well as external education providers (organisations that the school has arranged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the school). All Contractors are responsible for contributing to the safety and protection of students in the school environment and must comply with the school's Student Safety & Wellbeing Policy and Student Safety Code of Conduct. Contractors must participate in student safety training and induction provided by the school.
<i>Cultural Safety</i>	An environment where children and young people feel safe, respected, and valued in expressing their identity and culture. In particular, cultural safety involves



	considerations that protect and affirm the cultural rights of Aboriginal and Torres Strait Islander children and families.
<i>Culturally Safe Support Person</i>	A Culturally Safe Support Person is an individual who may be present at meetings, interviews or discussions (formal or informal) with the explicit purpose of providing a culturally safe perspective for the participants. A Culturally Safe Support Person is included to ensure that there is a safe environment for participants to express their culture and actively support and facilitate participation and inclusion by Aboriginal children and their families. Source: Resources to support culturally safe service delivery to Aboriginal and Torres Strait Islander peoples Australian Institute of Family Studies
<i>CWS Act</i>	Child Wellbeing and Safety Act 2005 (Vic), as amended from time to time.
<i>CYF Act</i>	Children, Youth and Families Act 2005 (Vic), as amended from time to time.
<i>DE</i>	Department of Education (Victoria) Source: Education vic.gov.au
<i>Department of Families, Fairness and Housing (DFFH)</i>	The department is responsible for child protection, prevention of family violence, housing, disability, multicultural affairs, LGBTIQ+ equality, veterans, and the offices for Women and Youth. Source: Department of Families Fairness and Housing Victoria Department of Families, Fairness and Housing
<i>Direct Contact</i>	Means any contact between a person and a child (aged under 18) that involves: physical contact, face to face contact, contact by post or other written communication, contact by telephone or other oral communication, contact by email or other electronic communication. Direct Contact staff, Contractors and Volunteers include those who engage in providing support, guidance, and supervision directly to students and could potentially have direct contact with students during the normal course of providing the volunteer service. Examples of Direct Contact Volunteer activities may include volunteers involved in school camps and excursions, coaching sporting teams or assisting in learning activities. Source: Worker Screening Act 2020 (Vic)
<i>DoE</i>	Department of Education (Australia) Source: Department of Education
<i>Diversity</i>	Diversity refers to the unique characteristics, experiences, and backgrounds that make individuals and communities different from one and another. In the context of student safety, diversity includes but is not limited to: • Culture and ethnicity (including Aboriginal and Torres Strait Islander backgrounds) • Language • Religion or spiritual beliefs • Gender identity and expression • Sexual orientation • Disability • Socioeconomic background • Family structure • Age • Children who are unable to live at home
<i>Duty of Care</i>	Duty of Care refers to legal obligations arising out of the relationship between the School (including its staff, contractors and volunteers) and students including to



	exercise reasonable care and supervision to protect students from foreseeable risks of injury.
<i>ETR Act</i>	Education and Training Reform Act 2006 (Vic), as amended from time to time.
<i>Executive Team</i>	Refers to the Headmaster, Heads of School, Assistant Heads of School and Business Manager.
<i>External Education Provider</i>	An external education provider is any organisation that the school has arranged to deliver a specified course of study, which is part of the curriculum, to a student(s) enrolled at the school. The delivery of such a course may take place on school premises or elsewhere.
<i>Grooming</i>	Grooming in an offence under section 49M(1) of the Crimes Act 1958. Grooming is described by the Royal Commission into Institutional Responses to Child Sexual Abuse as including behaviours that manipulate and control a child, their family and other support networks, or institutions with the intent of gaining access to the child, obtaining the child's compliance, maintaining the child's silence and avoiding discovery of the sexual abuse. Grooming may be identified by attempts being made at establishing an intimate relationship with befriending or influencing a child (or, in some circumstances, members of the child's family). Grooming can involve psychological manipulation that is usually very subtle, drawn out, calculated, controlling and premeditated (Victorian Parliamentary Inquiry 2013).
<i>Homestay Provider</i>	An individual or family authorised by the school to provide accommodation and support to a student as part of a homestay arrangement. Homestay providers are required to meet the school's child safety and wellbeing expectations.
<i>Independent Supportive Adult</i>	An Independent Supportive Adult is an individual who is aged over 18 years who is not connected with the school, such as a social worker or nurse, who provides support to a student.
<i>Indirect Contact</i>	Indirect Contact staff, contractors and/or volunteers are those people who engage in providing support and services whilst not directly assisting a specific group of students. An example may be a staff member who performs administrative duties for the school or contractor engaged during break time when no students are present on site.
<i>Mandatory Reporter</i>	Mandatory reporters are persons under a legal obligation to report a reasonable belief of child physical or sexual abuse to child protection authorities. At Ballarat Grammar, this includes registered teachers, the Headmaster, early childhood workers, nurses, registered psychologists, school counsellors and all people in religious ministry. Source: Section 182 of the CYF Act.
<i>Mandatory Reporting</i>	Mandatory reporting is the legal requirement for certain professional groups to report a reasonable belief of child physical or sexual abuse to child protection authorities. In Victoria, under the Children, Youth and Families Act 2005, mandatory reporters must make a report to child protection as soon as practicable, if: in the course of practising their profession or carrying out duties of their office, position or employment they form a belief on reasonable grounds that a child is in need of protection as defined by the Children, Youth and Families Act 2005 including if the child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.
<i>Neglect</i>	Neglect refers to a failure to meet the basic needs of a child (such as their wellbeing or safety) and can include the following types of neglect:



	a) Supervisory neglect, which is the absence or inattention of a staff member which places the child at risk of physical harm or injury, sexual abuse or allows other criminal behaviour to occur. b) Physical neglect, which is the failure to provide basic physical necessities for a child, such as adequate food, clothing, housing or medical attention. c) Educational neglect, which is a failure to ensure that a child's formal educational needs are being met. d) Emotional neglect, which is the failure to provide adequate nurturing, affection, encouragement and support to a child. Neglect can be described as minor, significant or serious. Source: PROTECT: Identifying and responding to all forms of abuse in Victorian schools
<i>Parent</i>	Parent includes a guardian or carer, and 'parents' has a corresponding meaning.
<i>Physical Violence</i>	Physical violence includes an act that causes physical injury or pain. Examples of physical violence can include but is not limited to: (a) Hitting, kicking and punching. (b) Pushing, shoving, grabbing, throwing and shaking. (c) Using an object to hit or strike. (d) Using inappropriate restraint/excessive force. Physical violence does not include lawful behaviour. For example: (a) Reasonable steps taken to protect a child from immediate harm, such as taking their arm to stop them from going into oncoming traffic. (b) Medical treatment given in good faith by an appropriately qualified staff member, such as a senior first aid officer administering first aid. Threats of physical violence that do not cause physical injury or pain may still amount to behaviour that causes emotional or psychological harm.
<i>Reasonable Belief</i>	Reasonable belief means a belief that would lead a reasonable person in the same position as you, and with the same information as you, to form a belief that child abuse (including sexual abuse), reportable conduct or misconduct that may involve reportable conduct is or may be occurring (or has occurred). For a belief to be reasonable it must be more than a mere rumour or a bare or idle speculation. There must be some objective basis for the belief. In forming a reasonable belief: - You do not have to believe the alleged conduct has actually occurred, a reasonable belief can be based on an objective assessment of the available information; - You do not have to have sufficient evidence to prove the alleged conduct, but the available information must suggest the alleged conduct. For example, a 'reasonable belief' about a sexual offence might be formed when: (a) A student states that they have been sexually abused. (b) A student states that they know someone who has been sexually abused (because sometimes the student may be talking about themselves). (c) Someone who knows a student states that the student has been sexually abused. (d) Professional observations of the student's behaviour or development lead a professional to form a belief that the student has been sexually abused. (e) Signs of sexual abuse led to a belief that the student has been sexually abused. It is permissible to ask a person raising a concern with you, sufficient questions to establish a reasonable belief. However, care should be taken not to ask the person any



	suggestive or leading questions. Staff who are not sure whether they have a reasonable belief must consult with a SSO or a member of the Executive Team.
<i>Reasonable Means / Reasonable Steps</i>	Reasonable steps refer to actions a person would take to ensure safety considering their role, training, authority and the circumstances when considered objectively. This includes awareness of red flags, sharing information appropriately, and monitoring risk.
<i>Reportable Allegation</i>	Reportable allegation means any information that leads a person to form a reasonable belief that an employee has committed reportable conduct, or misconduct that may involve reportable conduct, whether or not the conduct or misconduct that is alleged to have occurred was within the course of the person's employment or engagement with the school.
<i>Reportable Conduct</i>	Reportable Conduct is defined as: - a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child - behaviour causing significant emotional or psychological harm to a child - significant neglect of a child, or misconduct involving any of the above. Source: Child Wellbeing and Safety Act 2005 (Vic.)
<i>Reportable Conduct Scheme</i>	The Reportable Conduct Scheme is provided by the Child Wellbeing and Safety Act 2005 and is a child safety mechanism introduced as a result of the Betrayal of Trust report. The Reportable Conduct Scheme complements the Child Safe Standards and other existing child safety measures. It is a regulatory scheme administered by the Social Services Regulator (SSR) (formally the Commission for Children and Young People (CCYP)) that requires organisations to report allegations of reportable conduct by employees, contractors and volunteers, and take appropriate action.
<i>School</i>	Is defined as Ballarat and Queen's Anglican Grammar School including but not limited to its Forest St, Mount Rowan and City Cite campuses, Boarding Services, the CEED, Student Exchange program, and any CRICOS registered education programs.
<i>School Boarding Environment</i>	Means any physical, online or virtual space made available or authorised by the school boarding premises governing authority for a child 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 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.
<i>School Community</i>	Means all those who are directly and indirectly involved with the school, including students, parents, carers and alumni, as well as businesses, charitable organisations and locals that are affiliated with the school.
<i>School Environment</i>	Any physical, online, or virtual space accessible to students during school activities, including campuses, excursions, camps, homestays, transport arrangements, and any environment provided through external education or service providers.



<i>Sexual Misconduct</i>	Sexual misconduct includes behaviour, physical contact or speech or other communication of a sexual nature (including inappropriate touching, grooming behaviour and voyeurism). Other examples of sexual misconduct include: (a) Developing an intimate relationship with a student, for example, through regular contact with the student without the knowledge or approval of the school. (b) Inappropriately discussing sex and sexuality with a student. (c) Other overtly sexual acts that could lead to the school taking disciplinary or other action.
<i>Sexual Offence</i>	Sexual offence means a sexual offence under the Crimes Act 1958 (Vic) and as set out in clause 1 of Schedule 1 to the Sentencing Act 1991 (Vic) and includes sexual assault (including rape and attempted rape), indecent acts, possession of child abuse material, exposure to pornography, and grooming. Any sexual activity between a child and an adult can be a sexual offence. In certain circumstances, sexual activity between children can also be a sexual offence, and also between two adults (particularly when one is a student).
<i>Social Services Regulator or "SSR"</i>	Means the regulator of the Child Safe Standards and Reportable Conduct Scheme (formally CCYP). See: https://www.vic.gov.au/social-services-regulator
<i>SOCIT</i>	Victoria Police Sexual Offences and Child Abuse Investigation Team.
<i>Staff</i>	Includes all teaching, general staff (including Boarding House supervisors), members of the Board of Directors, Volunteers (including parents, guardians and caregivers), Third Party Contractors, and External Education Providers who, for the purposes of these procedures and policies are considered employees of the school, as will be referred to collectively as "staff" or "staff members". This also includes a minister of religion, a religious leader or an employee or officer of a religious body associated with the school.
<i>Student</i>	An individual who is enrolled at or attends Ballarat Grammar (the school) – this includes but is not limited to, a boarding student, a day student, a student at the CEEed, an exchange student or an overseas student.
<i>Student Connected Work</i>	Student-connected work means work authorised by the school and performed by an adult in a school environment while children or young people are present or reasonably expected to be present.
<i>Student Safety</i>	Student Safety includes matters related to protecting all students from child abuse, managing the risk of child abuse and responding to suspicions, incidents, disclosures or allegations of child abuse. Ballarat Grammar has adopted the term Student Safety following consultation with the Student body regarding their preferred terminology.
<i>Student Voice / Student Empowerment</i>	Student Voice refers to meaningful student participation and empowerment in decisions affecting them, including input into safety, wellbeing programs, and school culture. It involves respecting students' views and ensuring they are informed and heard.
<i>Trauma-Informed Practice</i>	An approach based on the understanding of the prevalence and impact of trauma, which seeks to create a safe environment for all children, minimise re-traumatisation, and provide supports that promote healing and resilience.
<i>VIT</i>	Victorian Institute of Teaching. Source: Home Victorian Institute of Teaching
<i>Victimisation</i>	Victimisation means treating a person unfairly or unreasonably because they, or someone associated with them, has made, or intends to raise a concern about student safety or student wellbeing, or who is otherwise involved or participates in the school's, or an external body's investigation of the concern.



<i>Visiting Presenter</i>	A visiting presenter is any person(s) or organisation that the school has arranged to deliver a professional presentation that relates to a specified course of study or program, which is part of the curriculum, to a student or group of students enrolled at the school. The delivery of such a presentation may take place online or on the school premises.
<i>Volunteer</i>	A person who contributes their time and effort to support the school and its operations and activities for altruistic reasons without receiving payment or reward. All volunteers must comply with the school's Student Safety & Wellbeing Policy and Student Safety Code of Conduct. Volunteers who are engaged in student connected work must participate in student safety training and induction provided by the school.
<i>VRQA</i>	Victorian Regulations and Qualifications Authority. Source: Victorian Registration and Qualifications Authority vrqa.vic.gov.au
<i>Worker Screening</i>	Worker screening refers to the process of ensuring that only suitable people work with children. It involves gathering a range of information, including but not limited to a Working with Children clearance and qualifications relevant to the role being performed by staff and volunteers. Source: Ministerial Order 1359
<i>WSA Act</i>	Worker Screening Act 2020 (Vic), as amended from time to time.
<i>WWCC</i>	Working with Children Check.

CHILD ABUSE IN VICTORIA

Child Abuse is defined in section 3 of the Child Wellbeing and Safety Act 2005 (Vic) as including:

- Any act committed against a child involving a sexual offence or a grooming offence under section 49M(1) of the Crimes Act 1958 (Vic).
- The infliction of physical violence or serious emotional or psychological harm.
- The serious neglect of a child.

Child abuse refers to an act or omission by an adult that endangers or impairs a child's physical and/or emotional health or development. Child abuse can be a single incident but often takes place over time. Abuse, neglect and maltreatment are generic terms used to describe situations in which a child may need protection. Child abuse includes any and all of the following:

- Physical abuse
- Sexual abuse
- Emotional and psychological abuse
- Neglect
- Family violence
- Racial, cultural, and/or religious abuse

For more information about sexual offences that constitute child abuse, refer to the *Sexual Offences* section in this guide.

FAMILY VIOLENCE IN VICTORIA

Whilst the term "family violence" does not form part of the legislative definition of "child abuse", the impact of family violence on a child is commonly referred to as a form of child abuse. In Victoria section 5 of the Family Violence Protection Act 2008 (Vic) defines "family violence" as behaviour by a person towards a family member that is:

- Physically or sexually abusive
- Emotionally or psychologically abusive
- Economically abusive
- Threatening





- Coercive
- In any other way controlling or dominating of the family member and causes them to feel fear for their own, or other family members' safety or wellbeing.

Behaviour that causes a child to hear, witness, or be exposed to the effects of such behaviour also falls within the definition of “family violence”. Family violence includes when children and young people witness or experience the chronic, repeated domination, coercion, intimidation and victimisation of one person by another through physical, sexual and/or emotional means within intimate relationships. Additionally, witnessing episodes of violence between people they love can affect young children as much as if they were the victims of the violence and may significantly impact on a child’s emotional and behavioural development (see *Family Violence* section of this guide for additional information).

CARE, SUPERVISION OR AUTHORITY

The legal phrase “care, supervision or authority” is central to several offences under the Crimes Act 1958 (Vic). As such, it is applicable for staff to understand that under Section 37 of the Crimes Act, people are considered to have a *child* under their care, supervision or authority if their role is as:

- The child’s parent or stepparent
- The child’s teacher
- The child’s employer
- The child’s youth worker
- The child’s sports coach
- The child’s counsellor
- The child’s health professional
- A person with parental responsibility for the child
- A religious or spiritual guide, or a leader or official (including a lay member) of church or religious body, however any such guide, leader, official, church or body is described who provides care, advice or instruction to the child or has authority over the child.
- A police officer acting in the course of their duty in respect of the child.

At the school, person's in positions of care, supervision or authority over a child may include teaching staff, sports coaches, youth workers, counsellors, registered nurses and religious leaders or officials.

Refer to our *Code of Conduct Student Safety and Professional Boundaries* documents for more information.

DIRECT CONTACT VOLUNTEERS

Direct Contact Volunteers are volunteers who are involved in providing support, guidance and supervision directly to students and could potentially have direct contact with students during the normal course of providing the volunteer service.

The *Worker Screening Act 2020 (Vic)* defines ‘direct contact’ as any contact between a person and a child (aged under 18) that involves:

- Physical contact
- Face to face contact
- Contact by post or other written communication
- Contact by telephone or other oral communication
- Contact by email or other electronic communication.





Direct Contact Volunteers may have:

- Limited supervision by school staff in their role
- Significant amounts of 1:1 time with students
- Supervisory responsibility for one or more students, such as in a sports' coaching role or learning support role.

Examples of Direct Contact Volunteer activities may include volunteers involved in school camps and excursions, coaching sporting teams, assisting in learning activities or administrative roles.

DIRECT CONTACT CONTRACTORS

Direct Contact Contractors are third party contractors who have direct contact with students during the normal course of their work or contractors who may be in a position to establish a relationship of trust. This also includes any contractors whom a school is legally required to screen.

The definition of 'direct contact' included under Direct Contact Volunteers applies to Direct Contact Contractors.

Examples of Direct Contact Contractor activities may include tutors, sports coaches and casual teachers.

INDIRECT CONTACT VOLUNTEERS

Indirect Contact Volunteers are those volunteers who are involved in providing support and services while not directly assisting a specific group of students. Examples of Indirect Contact Volunteer activities may include assisting with administrative functions.

Where the term "*Volunteer*" is used, it captures both "*Direct Contact Volunteers*" and "*Indirect Contact Volunteers*".

INDIRECT CONTACT CONTRACTORS

Indirect Contact Contractors are third party contractors who are not Direct Contact Contractors.

Where the term "*Third Party Contractor*" is used, it captures both "*Direct Contact Contractor*" and "*Indirect Contact Contractors*".

SEXUAL OFFENCES

The Crimes Act 1958 (Vic) and clause 1 of Schedule 1 of the Sentencing Act 1991 (Vic) set out that a "sexual offence" includes rape, indecent assault, incest, sexual penetration, grooming a child for sexual conduct, and encouraging a child to engage in, or be involved in, sexual activity. A sexual offence includes an attempted sexual offence and assault with the intent to commit a sexual offence, as well as the production or possession of child pornography.

A sexual offence occurs when a person involves a child in sexual activity or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child's age and development. Children may be bribed or threatened physically or psychologically to make them participate in the activity. Sexual offences are governed by the Crimes Act 1958 (Vic).

Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.

Sexual abuse can also include when a person uses power or authority over a child, or inducements such as money or special attention, to involve the child in sexual activity. It includes a wide range of sexual behaviour from inappropriate touching/fondling of a child or exposing a child to pornography, to having sex with a child and grooming with the intent of committing child sexual abuse. (*See the section on Grooming, below for a detailed definition*).





Ballarat Grammar Student Safety Program documents provide detail on certain sexual offences which involve behaviour that is intended to prepare or facilitate a child's involvement in sexual activity or conduct. These are grooming behaviour and the encouragement of a child to engage in, or be involved in, sexual activity. This is because the breadth of these offences and the nature of professional boundaries between school staff and students means that staff must be aware that certain behaviours will not only breach Staff and Student Professional Boundaries but may also amount to criminal offence.

Possible Physical Indicators that a Sexual Offence has occurred:
• Injury to the genital or rectal areas, such as bruising or bleeding
• Vaginal or anal bleeding or discharge
• Discomfort in urinating or defecating
• Presence of foreign bodies in the vagina and/or the rectum
• Inflammation or infection of the genital area
• Sexually transmitted diseases
• Pregnancy, especially in very young adolescents
• Bruising and other injury to breasts, buttocks or thighs
• Anxiety related illnesses such as anorexia or bulimia
• Frequent urinary tract infections

Possible Behavioural Indicators that a Sexual Offence has occurred
• The student discloses sexual abuse
• Persistent and age-inappropriate sexual activity, including excessive masturbation, masturbation with objects, rubbing genitals against adults, playing games that act out a sexually abusive event
• Drawings or descriptions in stories that are sexually explicit and not age appropriate
• A fear of home, a specific place, a particular adult, or excessive fear of men or of women
• Poor or deteriorating relationships with adults and peers
• Poor self-care/personal hygiene
• Regularly arriving early at school and leaving late
• Complaining of headaches, stomach pains or nausea without physiological basis
• Frequent rocking, sucking or biting
• Sleeping difficulties
• Reluctance to participate in physical or recreational activities
• Regressive behaviour, such as bedwetting or speech loss
• The sudden accumulation of money or gifts
• Unplanned absences or running away from home
• Delinquent or aggressive behaviour
• Depression
• Self-injurious behaviour, including drug/alcohol abuse, prostitution, self-mutilation, or attempted suicide
• The sudden decline in academic performance, poor memory and concentration
• Wearing of provocative clothing, or layers of clothes to hide injuries
• Promiscuity



Student Sexual Offending and Student-to-Student-Sexual Offending

Unwanted sexual behaviour towards a student by a child 10 years or over can constitute a sexual offence and is referred to as student sexual offending. All incidents, suspicions and disclosures of student sexual offending must be responded to in accordance with the school's *Procedures for Responding to and Reporting Allegations of Child Abuse*.

Where the students involved in such activities are aged over 12 years and are not more than two (2) years apart in age, the Crimes Act 1958 (Vic) states that there may be an exception (Section 49U) or a defence (Section 49V) to the offence. However, it is best practice to follow the procedures set out in the school's *Procedures for Responding to and Reporting Allegations of Child Abuse* in all circumstances regardless of any possible exceptions.

Encouragement to Engage in Sexual Activity

It is a criminal offence for an adult to encourage a child to engage in, or to be involved in, sexual activity where the adult seeks or gets sexual arousal or sexual gratification from the encouragement or the sexual activity. There are two "encouragement" offences in the Crimes Act 1958 (Vic):

- Section 49K: encouraging a child under the age of 16 to engage in, or be involved in, sexual activity.
- Section 49L: encouraging a child aged 16 or 17 under care, supervision or authority to engage in, or be involved in, sexual activity.

A section 49K offence carries a maximum 10-year term of imprisonment. A section 49L offence carries a maximum five-year term of imprisonment.

The Crimes Act 1958 (Vic) defines "encourage" to include suggest, request, urge and demand. Examples of encouragement include offering money or gifts or threatening harm. It can be done in person or by electronic communication. An example of conduct prohibited by these offences is an adult asking a child to watch inappropriate material. Conduct which occurred outside Victoria or while the child was outside Victoria can still constitute an offence.

The encouragement offences cover conduct that is similar to grooming but are broader. Both the encouragement and grooming offences are 'preparatory' offences, but encouragement behaviour occurs at a later stage to grooming, or closer to the substantive sexual offence. The encouragement offence applies to sexual activity that would otherwise not be a criminal offence. For example, if a student was encouraged to watch inappropriate material in contravention of sections 49K or 49L, the act of watching is not a sexual offence, but the encouragement would amount to an offence.

Note: Both offences of grooming and encouragement to engage in sexual activity are sexual offences reportable under every adult's Obligation to Report a Sexual Offence.

Possible indicators of adult encouragement behaviour would include those that may indicate grooming however the pattern of behaviours would not be required. The encouragement would normally be more sexualised.

GROOMING

Grooming is defined by the Royal Commission into Institutional Responses to Child Sexual Abuse as behaviours that manipulate and control a child, their family and other support networks, or institutions with the intent of gaining access to the child, obtaining the child's compliance, maintaining the child's silence and avoiding discovery of the sexual abuse.





Grooming by an adult for sexual conduct with a child under the age of 16, or with a person under the care, supervision or authority of the adult, is a crime under section 49M of the Crimes Act 1958 (Vic).

Grooming does not necessarily involve any sexual activity or even discussion of sexual activity. For example, it may only involve establishing a relationship with a child or a person who has care, supervision or authority for a child for the purpose of facilitating sexual activity at a later time. Conduct which occurred outside Victoria or while the child was outside Victoria can still constitute an offence.

Certain behaviours or acts will not in isolation constitute grooming behaviour. However, where there is a repeating pattern of indicative behaviour, or several incidents of indicative behaviour, it may constitute grooming behaviour.

Note: Not all physical contact between a student and a staff member or any person engaged by the school to provide services to children, including a Volunteer, will be inappropriate and/or an indicator of possible grooming behaviour.

The following contact with students is not grooming behaviour:

- Administration of first aid
- Supporting students who have hurt themselves
- Non-intrusive gestures to comfort a student who is experiencing grief, loss or distress, such as a hand on the upper arm or upper back
- Non-intrusive touching i.e. shaking a student's hand or a pat on the back to congratulate a student.

Online Grooming

The sexual offence of grooming under section 49M includes online grooming which occurs when an adult (18 years or over) uses electronic means to communicate with a child under the age of 16 in a predatory fashion to try and lower the child's inhibitions, or heighten their curiosity regarding sexual behaviour or activity, with the aim of eventually meeting them in person for the purposes of sexual activity. This can include communications through social media, online chat rooms, sexting or emails.

AI Imagery and Deepfakes

- AI imagery and deepfakes are when someone shares, or threatens to share, an AI or fake image or video of a person without their consent. This includes nude or sexual deepfakes created using artificial intelligence (AI) tools and apps. These highly realistic AI deepfake images or videos often appear to show real people in sexually suggestive or explicit situations that did not take place. This means creating and sharing them without consent can be extremely harmful. Nude or sexual deepfakes are also referred to as image-based abuse.
- It's important for students to understand that the creation and distribution of nude or sexual deepfakes (even as a misguided joke or meme) is against the law
- An intimate image that depicts a person under the age of 18 years old also meets the definition of child abuse material, this includes AI and deepfakes.
- It is a criminal offence in Victoria to possess, access, produce, or distribute child abuse material.

Possible Indicators of Grooming Behaviour in Adults	
•	Persuading a child or group of children that they have a special relationship
•	Asking a child to keep the relationship to themselves
•	Inappropriately allowing a child to overstep the rules
•	Testing boundaries, for example by undressing in front of a child
•	Manoeuvring to get or insisting on uninterrupted time alone with a student





• Buying a student gifts
• Insisting on physical affection such as hugging, wrestling or tickling even when the student clearly does not want it
• Being overly interested in the sexual development of a student
• Taking a lot of photos of a student
• Engaging in inappropriate or excessive physical contact with a student
• Sharing alcohol or drugs with a student
• Making inappropriate comments about a student's appearance or excessive flattery
• Using inappropriate pet names
• Making jokes or innuendo of a sexual nature
• Making obscene gestures or using obscene language
• Sending correspondence of a personal nature via any medium
• Inviting, allowing, or encouraging students to attend a staff member's home without parental/carer permission
• Entering change rooms or toilets occupied by students when supervision is not required or appropriate
• Communicating with a child's parent/stepparent, legal guardian, teacher, religious official or spiritual leader with the intention of facilitating the child's involvement in sexual conduct
• Inappropriately extending a relationship outside of work
• Photographing, audio recording, or filming students via any medium without authorisation or having parental consent to do so

Possible Indicators that a Child may be subject to Grooming

• Developing an unusually close relationship with an adult
• Displaying significant mood changes, including hyperactive, sensitive, hostile, aggressive, impatient, resentful, anxious, withdrawn or depressed behaviour
• Using 'street' or different language they learned from a new or older 'friend'
• Having new jewellery, clothing, expensive items or large amounts of money that were gifts from a new or older 'friend'
• Using a new mobile phone excessively to make calls, videos or send text messages to a new or older 'friend'
• Being excessively secretive about their use of social media or online communications
• Frequently staying out late or overnight with a new or older 'friend'
• Being dishonest about where they have been or who they were with
• Drug and alcohol use
• Being picked up in a car by a new or older 'friend' from home or school or 'down the street'

Possible Indicators that a Child may be subject to Online Grooming

• Discovery of pornography on their computer or device
• Receiving or making calls to unrecognised numbers
• Increasing or excessive amount of time spent online
• Increased secrecy in what they are doing online and efforts to try and hide what they are doing online
• Evidence of people on their 'friends' list that are unknown and they have never met them offline



PHYSICAL VIOLENCE

Physical Violence includes an act that causes physical injury or pain such as hitting/kicking/punching, pushing/shoving/grabbing/throwing/shaking, using an object to hit or strike, and using inappropriate restraint or excessive force. It does not include reasonable steps taken to protect a child from immediate harm such as taking a child's arm to stop them from going into oncoming traffic, or medical treatment given in good faith by an appropriately qualified person such as a First Aid Officer administering first aid.

- Physical violence occurs when a child (under 18) suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or using weapons (such as belts and paddles).
- Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline.

Physical abuse can include when a child suffers or is likely to suffer significant harm from an injury inflicted by a parent/guardian, caregiver or other adult. The injury may be inflicted intentionally or be the consequence of physical punishment or the physically aggressive treatment of a child. Physical injury and significant harm to a child can also result from neglect by a parent/guardian, caregiver or other adult. The injury may take the form of bruises, cuts, burns or fractures, poisoning, internal injuries, shaking injuries or strangulation.

Possible Physical Indicators of Physical Violence	
•	Unexplained bruises
•	Bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms or inner thighs
•	Any bruises or welts in unusual configurations, or those that look like the object used to make the injury, for example, fingerprints, handprints, buckles, iron or teeth
•	Burns that show the shape of the object used to make them, such as an iron, grill, cigarette, or burns from boiling water, oil or flames
•	Fractures of the skull, jaw, nose or limbs, especially those not consistent with the explanation offered or with the type of injury probable/possible at the child's age and development
•	Cuts and grazes to the mouth, lips, gums, eye area, ears or external genitalia
•	Human bite marks
•	Bald patches where hair has been pulled out
•	Multiple injuries, old and new

Possible Behavioural Indicators of Physical Violence	
•	Inconsistent or unlikely explanation for an injury
•	Inability to remember the cause of an injury
•	Fear of specific people
•	Wearing clothes unsuitable for weather conditions (such as long-sleeved tops) to hide injuries
•	Wariness or fear of a parent/carer and reluctance to go home
•	No reaction or little emotion displayed when hurt
•	Little or no fear when threatened
•	Habitual absences from school without explanations (the parent/carer may be keeping the child away until signs of injury have disappeared)
•	Overly compliant, shy, withdrawn, passive and uncommunicative
•	Fearfulness when other children cry or shout
•	Unusually nervous or hyperactive, aggressive, disruptive and destructive to self and/or others
•	Excessively friendly with strangers





• Regressive behaviour, such as bed wetting or soiling
• Poor sleeping patterns, fear of dark, nightmares
• Sadness and frequent crying
• Drug or alcohol misuse
• Poor memory and concentration
• Suicide attempts
• Academic problems.

SERIOUS EMOTIONAL OR PSYCHOLOGICAL HARM

Emotional or Psychological Abuse may occur when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired.

Emotional and Psychological abuse can include when a child's parent or caregiver repeatedly rejects the child or uses threats to frighten the child. This may involve name calling, put downs or continual coldness from the parent or caregiver to the extent that it significantly damages the child's physical, social, intellectual or emotional development.

Serious emotional or psychological harm could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

Psychological or emotional abuse may occur with or without other forms of abuse.

Possible Physical Indicators of Serious Emotional or Psychological Harm
• Speech disorders
• Delays in emotional, mental or even physical development
• Physical signs of self-harming

Possible Behavioural Indicators of Serious Emotional or Psychological Harm
• Exhibiting low self-esteem
• Exhibiting high anxiety
• Overly compliant, passive or undemanding behaviour
• Extremely demanding, aggressive, or attention-seeking behaviour
• Anti-social, destructive behaviour
• Low tolerance or frustration
• Unexplained mood swings
• Self-harming
• Behaviours that are not age appropriate, for example, overly adult (parenting of other children), or overly infantile (thumb sucking, rocking, wetting or soiling)
• Fear of failure, overly high standards and excessive neatness
• Depression, or suicidal thoughts
• Running away
• Violent drawings or writing
• Contact with other students forbidden



SIGNIFICANT AND SERIOUS NEGLECT

Neglect is the failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardised. Examples of different types of neglect include:

- Supervisory neglect, which is the absence or inattention of a person which places the child at risk of physical harm or injury, sexual abuse or allows other criminal behaviours towards the child
- Physical neglect, which is the failure to provide basic physical necessities for a child such as adequate food, clothing and housing
- Educational neglect, which is the failure to ensure that a child's formal educational needs are being met
- Emotional neglect, which is the failure to provide adequate nurturing, affection, encouragement and support to a child
- Medical neglect, which is the failure to provide for appropriate medical care for a child, including a failure to acknowledge the seriousness of an illness or condition, or deliberately withholding appropriate care.

Significant neglect, for the purposes of the Reportable Conduct Scheme, is something that is more than trivial or insignificant, but need not be as high as serious, and need not have a lasting or permanent effect. The use of the word 'significant' refers to the quality of the failure to act, not to the duration, severity or gravity of the outcome of the neglect. It is not necessary to establish whether any harm was actually suffered or whether any harm that did result could be treated and/or resolved or cured. It is the failure (or failures) itself which will generally be assessed for significance when considering reportable conduct. The Commission defines 'significant' as a deliberate or reckless failure or failures that separately or together have had, or could have, considerable detrimental force or effect on the safety or wellbeing of the child who is the victim of the neglect.

Serious neglect is the continued failure to provide a child (under 18) with the basic necessities of life to the extent that the child's health, safety and/or development is, or is likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life-threatening situations.

Possible Physical Indicators of Significant or Serious Neglect
• Consistently dirty and unwashed
• Consistently inappropriately dressed for weather conditions
• Consistently without adequate supervision and at risk of injury or harm
• Consistently hungry, tired and listless, falling asleep in class, or malnourished
• Unattended health problems and lack of routine medical care
• Inadequate shelter and unsafe or unsanitary conditions
• Abandonment by parents
• Poor hygiene

Possible Behavioural Indicators of Significant or Serious Neglect
• Begging or stealing food
• Gorging when food is available
• Inability to eat when extremely hungry
• Alienated from peers, withdrawn, listless, pale, and thin
• Aggressive behaviour
• Delinquent acts, for example, vandalism, drug or alcohol abuse
• Little positive interaction with parent/carer
• Appearing miserable or irritable





• Poor socialising habits
• Poor evidence of bonding, or little stranger anxiety
• Indiscriminate with affection
• Poor, irregular or non-attendance at school or kindergarten/childcare
• Staying at school for longer hours
• Self-destructive
• Dropping out of school
• Taking on an adult role of caring for a parent
• Misusing alcohol or drugs
• Academic issues

FAMILY VIOLENCE

As per the Section *Family Violence in Victoria*, “family violence” is a defined term under the Family Violence Protection Act 2008 (Vic.). It is a criminal offence.

Family violence is behaviour towards a family member that may include:

- Physical violence or threats of violence
- Verbal abuse, including threats
- Emotional or psychological abuse
- Sexual abuse
- Financial and social abuse

It is important to remember that “family violence” extends to behaviour that causes a child (under 18) to hear, witness, or be exposed to the effects of “family violence”. A child’s exposure to family violence constitutes child abuse.

Family violence includes when children and young people witness or experience the chronic, repeated domination, coercion, intimidation and victimisation of one person by another through physical, sexual and/or emotional means within intimate relationships. Additionally, witnessing episodes of violence between people they love can affect young children as much as if they were the victims of the violence and may significantly impact on a child’s emotional and behavioural development

As family violence can result in one or more forms of child abuse (being sexual offences, physical violence, serious emotional or psychological harm or serious neglect) the physical and behavioural indicators of these types of abuse may also be indicative of a family violence situation.

Possible Physical Indicators of Family Violence
• Speech disorders
• Delays in physical development
• Failure to thrive (without an organic cause)
• Bruises, cuts, or welts on facial areas, and other parts of the body including back, bottom, legs, arms or inner thighs
• Any bruises or welts (old or new) in unusual configurations
• Any bruises or welts that look like the object used to make the injury (such as fingerprints, handprints, buckles, iron, or teeth)
• Fractured bones, especially in an infant where a fracture is unlikely to have occurred accidentally
• Poisoning
• Internal injuries





Possible Behavioural Indicators of Family Violence

- Violent or aggressive behaviour and language
- Depression, anxiety, or suicidal thoughts
- Appearing nervous and withdrawn - including wariness or distrust of adults
- Difficulty adjusting to change
- Psychosomatic illness
- Bedwetting or sleeping disorders
- 'Acting out', such as cruelty to animals
- Extremely demanding, attention-seeking behaviour
- Participating in dangerous risk-taking behaviours to impress peers
- Overly compliant, shy, withdrawn, passive, and uncommunicative behaviour
- Taking on a caretaker role prematurely, or trying to protect other family members
- Embarrassment about family
- Demonstrated fear of parents, carers, or guardians, and of going home
- Disengagement from school (absenteeism, lateness, school refusal) or poor academic outcomes
- Parent-child conflict
- Wearing long-sleeved clothes on hot days in an attempt to hide bruising or another injury
- Becoming fearful when other children cry or shout
- Being excessively friendly to strangers

Possible Behavioural Indicators of Family Violence for Older Children and Young People

- Moving away or running away from the family home
- Entering a relationship early to escape the family home
- Experiencing violence in their own dating relationships
- Involvement in criminal activity
- Alcohol and substance abuse

RACIAL, CULTURAL AND RELIGIOUS ABUSE

Racial, cultural and religious abuse is conduct that demonstrates contempt, ridicule, hatred or negativity towards a child because of their race, culture or religion.

It may be overt, such as direct racial vilification or discrimination, or covert, such as demonstrating a lack of cultural respect (attitude and values) and awareness (knowledge and understanding) or failing to provide positive images about another culture.

BULLYING

Bullying can include repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons.

Bullying occurs when one or more people deliberately and repeatedly upset or hurt another person, damage their property, reputation or social acceptance.





MANDATORY REPORTING

Mandatory reporting is the legal obligation of certain professionals and community members to report when they believe, on reasonable grounds, that a child is in need of protection from harm.

A broad range of professional groups are identified in the Children, Youth and Families Act 2005 as ‘mandatory reporters’, including:

- Any person who is registered as a teacher under the Education and Training Reform Act (2006)
- Any person who has been granted to teach under the Act, including Headmasters
- Registered medical practitioners
- Registered nurses
- Registered psychologists
- Members of the Victorian Police Force
- A religious or spiritual guide, or a leader or official (including a lay member) of church or religious body

Mandated staff members must make a report to Victoria Police, and/or Child Protection as soon as is practicable if, during the course of acting out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- A child has suffered, or is likely to suffer, significant harm as a result of physical and/or sexual abuse; and
- The child’s parents/guardians have not protected, or are unlikely to protect, the child from harm of that type.

Mandatory reporters must also follow processes for responding to incidents, disclosures or suspicions of child abuse to fulfil all their legal obligations (refer to *Responding to and Reporting Allegations of Child Abuse*).

REASONABLE BELIEF/REASONABLE GROUNDS

A person may form a belief on reasonable grounds that a child or young person is in need of protection after becoming aware that the child or young person’s safety, health or wellbeing is at risk and the child’s parents/guardians are unwilling or unable to protect them. There may be reasonable grounds for forming such a belief if:

- A child or young person states that they have been physically or sexually abused
- A child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be referring to themselves)
- Someone who knows the child or young person states that the child or young person has been physically or sexually abused
- A child shows signs of being physically or sexually abused
- The person is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability or other factors that are impacting on the child or young person’s safety, stability or development
- The person observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- A child’s/young person’s actions or behaviour may place them at risk of significant harm, and the parents/guardians are unwilling or unable to protect the child.

In such instances the Victorian Police should be contacted on 000.

REPORTABLE CONDUCT SCHEME

The Reportable Conduct Scheme aims to improve oversight of how organisations respond to allegations of child abuse and child-related misconduct by their workers and volunteers.





There are five types of ‘reportable conduct’:

- Sexual offences committed against, with or in the presence of a child
- Sexual misconduct committed against, with or in the presence of a child
- Physical violence against, with or in the presence of a child
- Any behaviour that causes significant emotional or psychological harm to a child; and
- Significant neglect of a child.

For further information, see [SSR | Reportable Conduct Scheme](#)

WORKING WITH CHILDREN CLEARANCE

A Working with Children Clearance (WWC Clearance) is granted to a person under working with children legislation if:

- They have been assessed as suitable to work with children
- There has been no information that, if the person worked with children, they would pose a risk to those children
- They are not prohibited from attempting to obtain, undertake or remain in child-related employment

Once WWC Clearance is granted, an individual will be provided with the relevant Working with Children Check (WWC Check) for the state in which they have applied for the WWC Clearance.

In Victoria, a WWC Check is provided through Victorian State Government’s Department of Justice and Community Safety. [Working with Children Check | vic.gov.au](#)

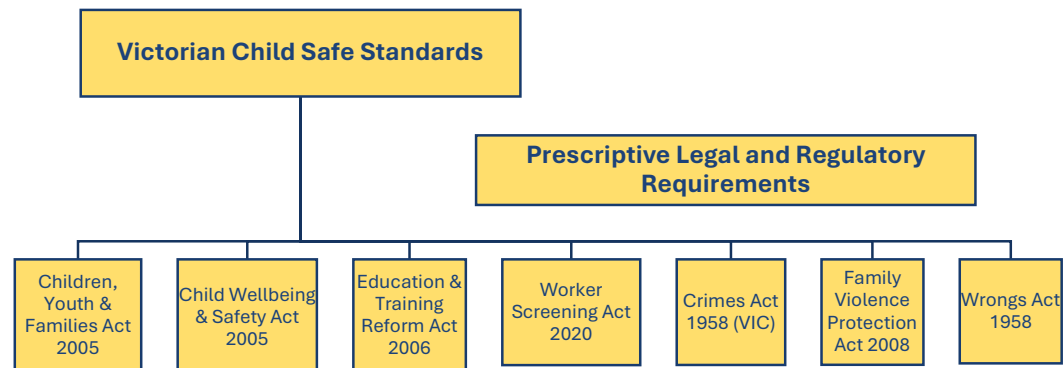




ADDITIONAL INFORMATION

Law and Regulation in Victoria – An Overview

The legal and regulatory framework for child protection in Victoria is made up of a complex web of laws, regulations and guidance notes.



Victorian Child Safe Standards

At the top of the diagram are the Victorian Child Safe Standards. These Standards are designed to improve the way all organisations that provide services to children, including schools, prevent and respond to child abuse. These Standards are 'principle-based' which means that, whilst they have the force of law, how the Standards are applied in practice is open to interpretation and will depend largely on the size, nature and complexity of the organisation that is seeking to comply with the Standards.

To provide a higher level of guidance for schools the Minister of Education has published Ministerial Order No. 1359 under the Education and Training Reform Act 2006 (Vic) that contains requirements that all registered schools must meet to comply with each of the Child Safe Standards. A copy of the Ministerial Order is available here - [Ministerial Order No. 1359 \(vrqa.vic.gov.au\)](http://Ministerial Order No. 1359 (vrqa.vic.gov.au)).

Prescriptive Legal and Regulatory Requirements

At the bottom of the diagram there are seven separate pieces of legislation that work together to make up the legal and regulatory framework for child protection in Victoria.

They are in summary:

- *The Children, Youth and Families Act 2005*
 - The Children, Youth and Families Act is important to consider in regard to our Student Safety policies and procedures because it establishes obligations with respect to Mandatory Reporting. It has many functions including:
 - Establishing the “child’s best interests: principle’
 - Regulation of community services and care providers
 - The management of child protection responses
 - Children in need of therapeutic treatment if exhibiting sexually inappropriate behaviour; and
 - Promoting stability in care arrangement.





- *Child Wellbeing and Safety Act 2005*
 - The Child Wellbeing and Safety Act is a companion piece of legislation to the Children, Youth and Families Act. Its primary function is to provide for the establishment of various government bodies that oversee the Victorian child and family services system. For the purpose of our Student Safety policies and procedures, the Child Wellbeing and Safety Act is important for three reasons:
 - It provides the Statutory Definition of Child Abuse;
 - It is the Act through which the Victorian Child Safe Standards are created; and
 - It is the Act through which the Reportable Conduct Scheme in Victoria is established.
- *Education and Training Reform Act 2006*
 - From a student safety perspective, the key functions of the Education and Training Reform Act are to:
 - Require schools to notify the Victorian Institute of Teaching (VIT) when a school has taken action against a teacher; and
 - Make compliance with the Victorian Child Safe Standards a requirement for registration of all Victorian schools.
- *Working Screening Act 2020*
 - The Working Screening Act establishes a framework to screen the criminal records and the professional conduct of people who intend to work with or care for children. People who are assessed as posing an unjustifiable risk to the safety of children will fail the Working with Children Check and the Act prohibits these people from working with children.
 - The Act imposes penalties for schools and individuals that do not comply with the Act.
- *Crimes Act 1958*
 - The Crimes Act in Victoria sets out a number of child protection related offences and key definitions including those relating to indecent acts and persistent sexual abuse.
 - Of key relevance to the Victorian child protection framework and the school environment are the offences of:
 - Grooming - which targets predatory conduct designed to facilitate later sexual activity with a child.
 - Encouraging a Child to Engage in Sexual Activity – which is a broader preparatory sexual offence than grooming, and targets behaviour that encourages sexual activity of children.
 - Failure to Protect a Child - which requires people in authority within a school to take action to protect children where they know that a person associated with the school poses a substantial risk of sexually abusing a child.
 - Failure to Disclose – which applies to all adults, not just professionals who work with children, and requires them to report to the Police where they hold a reasonable belief that a sexual offence has been committed by an adult against a child in Victoria.
- *Family Violence Protection Act 2008*
 - The Family Violence Protection Act is designed to maximise safety for children and adults who have experienced family violence and forms a key part of the overall legal and regulatory framework for child protection in Victoria.
 - Critically the Act provides an extensive definition of “family violence” that includes behaviour that causes a child to hear, witness, or be exposed to the effects of such behaviour.





- *Wrongs Act 1958*
 - The Wrongs Act is the principal legislation governing claims for damages for economic and non-economic loss arising from personal injury and death in Victoria, as a result of negligence or fault. It is through this Act that child abuse victims may claim compensation for loss arising from child abuse.
 - Section 91 of the Wrongs Act imposes a duty of care on schools to take reasonable precautions to prevent the physical or sexual abuse of a child under its care, supervision or authority, by an individual associated with the school. If a school is involved in a proceeding under the Wrongs Act, the school is presumed to have breached its duty of care unless it can prove, on the balance of probabilities, that it took reasonable precautions to prevent the abuse.
 - Whether or not a school took reasonable precautions will be assessed by a court in accordance with considerations set out in the Wrongs Act and case law. The effective implementation of the school's risk management strategies in Student Safety Risk Management is an example of taking reasonable precautions to prevent the physical or sexual abuse of a child.
 - It is important to note that the operation of section 91 is subject to section 5.4.10 of the Education and Training Reform Act which states that Ballarat Grammar will not have a duty relating to the care or control of a student while that student is employed under an approved work experience arrangement, structured workplace arrangement or an apprentice contract.

BREACH OF POLICY

All staff, volunteers and those engaged by Ballarat Grammar are expected to enact this policy in support of student and community learning, health, safety and wellbeing. Any breach of a Student Safety policy document is a student safety incident that must be reported internally. Any breach that meets the threshold for external reporting must also be reported to the relevant external authority.

GOVERNANCE DOCUMENT RESPONSIBILITIES AND COMMUNICATIONS

This document is made publicly available on the school's website. All documentation within the Governance Framework will be communicated throughout the school including, but not limited to, internal communications such as Nexus posts, staff emails, staff inductions and documentation distribution.

This document is available to staff as part of the school's and the Board's internal policies and procedures. Aspects of (and updates to) the school's student safety and wellbeing framework, including this document will be addressed in the school's professional development updates, training programs, bulletins and newsletters.

Document Owners are responsible for identifying and managing information-related risks and issues for their assigned information entities and for escalating these to Approval Authorities accordingly. Owners of Governance Documents are accountable for their respective procedures, manuals and work instructions in alignment with their position descriptions.

IMPLEMENTATION

To properly implement this document:

- The Board will review this policy and the school's student safe practices at least every two years (or more frequently after a significant student safety incident) and implement improvements where applicable.
- Families and the school community will be afforded the opportunity to contribute to the review and development of the school's student safe policies and practises (including this document).
- Periodic training and refresher sessions on this document are provided to all staff. All staff must ensure that they abide by this document and assist the school in implementing this document.





REFERENCES

Victorian Child Safe Standards

- Commission for Children and Young People, **The Child Safe Standards**, 2022
- Minister for Education, Implementing the Child Safe Standards – Managing the Risk of Child Abuse in schools and school Boarding Premises, **Ministerial Order No. 1359**, 2022

Mandatory Reporting

- Department of Education and Training, **Your Reporting and Legal Obligations**, 2022
- Department of Families, Fairness and Housing, **Reporting Child Abuse**, 2018

Responding to Student Safety Incidents

- Department of Education and Training and Department of Families, Fairness and Housing Child Protection, **Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools**, 2018
- Department of Education and Training and Department of Families, Fairness and Housing Child Protection, **Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse**, 2018
- Department of Education and Training and Department of Families, Fairness and Housing Child Protection, **Responding to Suspected Child Abuse: A Template for all Victorian Schools**, 2018
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Working with Children Checks

- Department of Justice and Community Safety, **Working with Children Checks website**

Reportable Conduct Scheme

- Commission for Children and Young People, **Reportable Conduct Scheme**, 2024
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General Obligations to Report

- Department of Justice and Community Safety, **Failure to Disclose Offence Fact Sheet**, 2018

Duty to Protect Students from Abuse

- Department of Justice and Community Safety, **Failure to Protect: A New Criminal Offence to Protect Children from Sexual Abuse**, 2018

Child-Related Human Resources Practices

- Commission for Children and Young People, **Practical guide to choosing, supervising and developing suitable staff and volunteers**, 2022
- Department of Education and Training, **HR Practices for Child Safe Environment**, 2018





Office Use Only

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Supporting Documents	
- Betrayal of Trust Report - Betrayal of Trust - Child Safe Standards - CCYP/SSR The 11 Child Safe Standards - IDG-003 Privacy Policy - IDG-002 ICT Acceptable Use - SSS-001 Pastoral Care and Wellbeing Support Policy - SSS-003 Student Safety Definitions and Additional References - SSS-004 Student Safety and Wellbeing - SSS-005 Code of Conduct Student Safety - SSS-006 Student Duty of Care	- SSS-007 Student Safety and Risk Management Procedure - SSS-008 Professional Boundaries Guidelines - SSS-009 Responding to and Reporting Allegations of Abuse - SSS-010 Our Student Safeguarding Officers - SSS-014 Student Version – Student Safety & Wellbeing - SSS-025 Restraint Guidelines - SSS-026 Behaviour Management Policy

Student Lifecycle / Pillars / Values / IDEALS / IB PYP Attributes					
Student Lifecycle	Student Lifecycle Subsection	Pillars	Values	IDEALS	IB PYP Attributes
- Student Recruitment - Delivery of Education Programs - Graduation & Community	- Marketing & Advertising - Enrolments & Offers - Finance - Teaching & Learning - Assessment - Experiences - Careers / Work Experience - Graduation - Old Grammarians / Alumni	- Governance & Leadership - Legislative & Regulatory Compliance - Complaints & Compliments - People & Culture - Finance - Community Engagement / Foundation - Property & Maintenance	- Integrity - Aspiration - Courage - Compassion - Responsibility - Hope	- Internationalism - Democracy - Environmentalism - Adventure - Leadership - Service	- Inquirers - Knowledgeable - Thinkers - Communicators - Principled - Open Minded - Caring - Risk Takers - Balanced - Reflective

Legislative Context



- Betrayal of Trust Report - [Betrayal of Trust](#)
- Child Safe Standards CCYP/SSR | [The 11 Child Safe Standards](#)
- Child Wellbeing & Safety Act 2005 (Vic) [Child Wellbeing and Safety Act 2005 | legislation.vic.gov.au](#)
- Crimes Act 1958 (Vic) [Crimes Act 1958 | legislation.vic.gov.au](#)
- Education & Training Reform Act 2006 (Vic) [Education and Training Reform Act 2006 | legislation.vic.gov.au](#)
- Education & Training Reform Regulations 2017 (Vic) [Education and Training Reform Regulations 2017 | legislation.vic.gov.au](#)
- Education Services for Overseas Students (ESOS) Act 2000 [Federal Register of Legislation - Education Services for Overseas Students Act 2000](#)
- Education & Care Service National Law Act 2010 [Education and Care Services National Law Act 2010 | legislation.vic.gov.au](#)
- Family Violence Protection Act 2008 [Family Violence Protection Act 2008 | legislation.vic.gov.au](#)
- Ministerial Order 1359 [ministerial-order-1359-975](#)
- National Code of Practice for Providers of Education & Training to Overseas Students 2018 (National Code 2018) [Federal Register of Legislation - National Code of Practice for Providers of Education and Training to Overseas Students 2018](#)
- National Quality Standard (NQS) [National Quality Standard | ACECQA](#)
- Notifiable Data Breaches Scheme [About the Notifiable Data Breaches scheme | OAIC](#)
- Privacy Act 1988 (Cth) [Federal Register of Legislation - Privacy Act 1988](#)
- Worker Screening Act 2020 [Worker Screening Act 2020 | legislation.vic.gov.au](#)

Regulatory Context				
VRQA	CRICOS / National Code / ESOS Act	ACECQA / Department of Education	International Baccalaureate	Other
• Education & Training Reform Act 2006 (Vic) – Section 4.3.1 • Education & Training Reform Regulations 2017 (Vic) – Part 2A • VRQA Guidelines to the Minimum Standards for School Registration • Victorian Child Safe Standards • Ministerial Order No: 1359 • Child, Youth & Families Act 2005 (Vic) – Section 184 • Worker Screening Act 2020 (Vic)	• Education Services for Overseas Students (ESOS) Act 2000 • National Code of Practice for Providers of Education & Training to Overseas Students 2018 (National Code 2018) – Standards 5	• National Quality Framework (NQF) • Education & Care Service National Law Act 2010 • National Quality Standard (NQS) – Quality Area 2	• International Baccalaureate Programme Standards – Standard A	• Child Wellbeing & Safety Act 2005 (Vic) • Crimes Act 1958 (Vic) • Privacy Act 1988 (Cth) • Notifiable Data Breaches Scheme • Family Violence Protection Act 2008 (Vic)

