

# Children and Young People Safeguarding Policy

2.01



St Aloysius   
*A Ministry of Mercy Education Ltd*

# 2.01 Children and Young People Safeguarding Policy

## 1. CONTEXT

- 1.1 At St Aloysius College all children and young people are valued. The safety, care and wellbeing of children and young people is a fundamental commitment and central responsibility of all College staff.
- 1.2 Our Mercy values underpin our desire to keep students safe from harm, including protection from reasonably foreseeable accidental harm, as well as all forms of deliberate abuse in our College environment, on campus, online and in other locations provided by and used by the College.

## 2. PURPOSE

- 2.1 St Aloysius College aims to establish a school-wide approach to all matters relating to safeguarding children and young people. Our approach involves all persons working at the College. This is achieved by encouraging active participation in promoting and maintaining a safe and secure environment for all children and young people.

## 3. COMMITMENT TO SAFEGUARDING CHILDREN AND YOUNG PEOPLE

- 3.1 St Aloysius College is actively committed to the safety and wellbeing of children and young people.
- 3.2 The safeguarding of all in our community is paramount in living out our Mercy ethos and creating an environment for students that reflects our Mission Statement:  
*With faith and courage, we nurture in our students an enduring zest for all aspects of life and learning, inspiring them to be confident individuals who make a difference in the world.*
- 3.3 Our Mercy values of Compassion, Hospitality, Justice, Service, Respect and Courage call us to uphold the dignity and rights of all children and young people and the College commits to establishing safe, respectful and supportive relationships.
- 3.4 In alignment with the *Child Safety (Prohibited Persons) Act 2016 (SA)*, the *Children and Young People (Safety) Act 2017 (SA)*, the National Principles for Child Safe Organisations, and the National Catholic Safeguarding Standards, and Mercy Education Ltd Policy 6.09 Child Safety and Wellbeing, and the South Australian Commission for Catholic Schools Safeguarding Children and Young People Policy, the College is further committed to creating and maintaining a child safe environment, wherein:
  - a) Every person within the College who interacts with children and young people commits to establishing safe and supportive relationships.
  - b) Diversity within our community is respected, and each child and young person is valued and treated equitably. The College does not tolerate any form of child harm, bullying, unlawful discrimination or sexual harassment.
  - c) Children and young people are well-informed of their right to feel safe and know who to talk with or how to report if they have concerns or are feeling unsafe.
  - d) Activities with children and young people are proactively planned, organised and reviewed; with potential risks duly considered, reduced, mitigated and/or eliminated where possible.
  - e) Our staff (including contractors and volunteers) are carefully selected and trained in child safeguarding. They are encouraged to become and remain informed of the causes and signs of harm or risks of harm to children and young people, and the strategies to prevent, safeguard against, or respond effectively.
  - f) All concerns raised are treated seriously and are responded to promptly, appropriately, sensitively and thoroughly (including by ensuring that any response is compliant with the College's mandatory reporting and other legal responsibilities).

## 4. SCOPE

- 4.1 This policy applies to all children, young people, their families and all persons working within St Aloysius College, including teaching and non-teaching staff, Mercy Education Board and Committee members, College Advisory Council members, clergy, contractors, volunteers, casual employees, work experience students, alumni association and others associated with the College. Collectively, these individuals are referred to as 'staff.' All 'staff' sign off on this policy as part of their induction procedure.

## 5. DEFINITIONS

- 5.1 **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.
- 5.2 **Child or young person** is a person under 18 years of age, as defined under section 16 of the Children and Young People (Safety) Act 2017 (SA). Enrolled students over the age of 18 years are not included in the definition of a child.
- 5.3 **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.
- 5.4 **Child Safety** matters related to protecting all children and young people from harm, managing the risk of harm, providing support to a child or young person at risk of harm and responding to suspicions, incidents, disclosures, or allegations of harm to children.
- 5.5 **Child sexual harm** 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.
- 5.6 **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.
- 5.7 **Conduct** the way an employee, volunteer, parent, or member of the wider school community behaves in a school environment or school boarding environment.
- 5.8 **Harm** is defined in section 17 of the Children and Young People (Safety) Act 2017 (SA) to mean physical or psychological harm (whether caused by an act or omission), including harm caused by sexual, physical, mental or emotional abuse or neglect. Psychological harm does not include emotional reactions such as distress, grief, fear or anger that are a response to the ordinary vicissitudes of life.
- 5.9 **Mandatory Notifiers** are people who are obliged by law to notify the Department for Child Protection SA via the Child Abuse Report Line (CARL – Ph. 13 14 78) if they suspect on reasonable grounds that a child is or has been harmed or is at risk of harm.  
Under section 30 of the Children and Young People (Safety) Act 2017 (SA), the following persons are mandatory notifiers:
- a) Teachers.
  - b) Employees of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, childcare or residential services wholly or partly for children and young people, being a person who –
    1. Provides such services directly to children or young people, or
    2. Holds a management position in the organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of those services to children or young people.
  - c) Prescribed health practitioners (namely, medical practitioners, pharmacists, registered or enrolled nurses, dentists, psychologists).
  - d) Police officers.

- e) Community corrections officer under the Correctional Service Act 1982 (SA).
  - f) Social workers.
  - g) Minister of religions.
  - h) Employees of, or volunteers in, an organisation formed for religious or spiritual purposes.
- 5.10 **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.
- 5.11 **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
- 5.12 **Staff** any teaching and non-teaching staff, Mercy Education Board and Committee members, College Advisory Council members, clergy, contractors, volunteers, casual employees, work experience students, alumni association and others associated with the College.
- 5.13 **Student** means a person who is enrolled at or attends the school or a student at the school boarding premises. This may include a person over the age of 18 years.
- 5.14 **Volunteer** an individual (including College Advisory Council Members) who is engaged by Mercy Education or its schools and performs work without remuneration or reward for the school environment or school boarding environment.
- 5.15 **Working with Children Check (WWCC)** relates to people working or volunteering with children in South Australia who must, by law, have a valid, 'not prohibited' WWCC. A WWCC is an assessment of whether a person poses an unacceptable risk to children. As part of the process, the Department of Human Services Screening Unit will look at criminal history, child protection information and other information. Holding a valid WWCC is the responsibility of the individual, however, St Aloysius College has internal processes in place to check this requirement is met for all workers and volunteers.

## 6. PRINCIPLES

- 6.1 The strategies contained in this policy are based on, and underpinned by, the following principles:
- a) every student is made in the image of God;
  - b) the welfare and best interests of each student is paramount;
  - c) every student has the right to be safe and free from harm or risk of harm;
  - d) the views and voice of the student must be respected;
  - e) the privacy of the student must be protected;
  - f) staff have a significant role in the prevention of harm or risk of harm to students, and are required to take responsibility for implementing the strategies set out in this policy;
  - g) the safety and wellbeing of students is dependent upon the existence of a student safety and wellbeing culture;
  - h) students from culturally and linguistically diverse backgrounds have the right to additional care and supports including those who identify as Aboriginal, that enable their fullest participation and flourishing;
  - i) students who have any kind of disability have the right to necessary additional care and support;
  - j) student protection goes beyond the face-to-face relationships and extends into the world of online behaviour and interactions as can be reasonably monitored at a school level.

## 7. RAISING AND RESPONDING TO REPORTS THAT A CHILD OR YOUNG PERSON MAY BE AT RISK

- 7.1 St Aloysius College takes all allegations or disclosures of suspicions that a child or young person is or may be at risk of harm seriously, and responds to such allegations and disclosures promptly, sensitively and thoroughly.
- 7.2 All instances of suspected risks of harm to children and young people, or concerns and complaints relating to student safety and wellbeing, including alleged breaches of the Mercy Education Code of Conduct, must be reported to the Principal (or the Principal's delegate), following any report to external authorities if required, and will be treated seriously and consistently according to the College's and individual staff member's internal and external reporting procedures and obligations.
- 7.3 Where a concern relates to the Principal, the concern should be referred directly to the Chief Executive Officer of Mercy Education at [contact@mercy.edu.au](mailto:contact@mercy.edu.au).
- 7.4 If College staff believe a child or young person at the College is at immediate risk of harm, they must phone SA Police (SAPOL) on 000.

### Mandatory notifiers

- 7.5 All mandatory notifiers have a legal obligation to report a reasonable belief that a child or young person has been harmed or is at risk of harm.
- 7.6 Non-mandated notifiers are encouraged to make voluntary reports about harm or risk of harm to a child or young person.
- 7.7 If a Mandatory Notifier suspects on reasonable grounds that a child or young person is, or may be, at risk, and that suspicion was formed in the course of the person's employment, that Mandatory Notifier must report that suspicion as soon as is reasonably practicable after forming the suspicion.
- 7.8 A mandatory report can be made by telephoning the Child Abuse Report Line (CARL) on 13 14 78.
- 7.9 That the individual who identifies the harm or risk of harm is the person who makes the report to CARL/SAPOL. This is not reported internally for another staff member to determine if it is a reportable matter.
- 7.10 The College will be guided by the relevant authority (CARL/SAPOL) about whether an internal investigation is appropriate.
- 7.11 The College acknowledges that failure by mandated notifiers to report is an offence under the Children and Young People (Safety) Act 2017 (SA) and carries a maximum penalty of a \$10,000 fine.
- 7.12 For further guidance on mandatory reporting obligations, Mandatory Notifiers should refer to the Catholic Education South Australia (CESA) *Reporting Harm of Children and Young People Procedure*.

### Receiving a report

- 7.13 Where the College receives allegations of harm and risk of harm (including grooming, sexual misconduct, and crossing professional boundaries), the College's response – including decisions about whether an accused staff member should be stood down pending investigation, and the support made available to a child or young person the subject of a concern - will be guided by Mercy Education, the Mercy Education Code of Conduct and the CESA *Managing Allegations of Sexual Misconduct Policy*.

### Failure to Report Offence

- 7.14 Refusal or failure by an adult worker to report child sexual abuse to the police is a criminal offence under section 64A of the *Criminal Law Consolidation Act 1935 (SA)*.
- 7.15 This applies where the an adult worker knows, suspects or should have suspected that another person (the

abuser) has previously engaged in the unlawful sexual abuse of a child while an employee of the College, and the child is still under 18 years, the abuser is still an employee of the College or another institution such as a College, or the unlawful sexual abuse occurred during the preceding 10 year period, or is engaging (or is likely to engage) in the unlawful sexual abuse of a child.

#### Failure to Protect Offence

- 7.16 Failure by an adult worker to protect a child under the age of 18 years from unlawful sexual abuse is a criminal offence under section 65 of the *Criminal Law Consolidation Act 1935 (SA)*.
- 7.17 This applies where there is a substantial risk that another person (the abuser), who is an employee of the College (or another institution such as a College), will engage in the sexual abuse of a child who is under 17 years of age or in relation to whom the abuser is in a position of authority, and the adult worker has the power or responsibility to reduce or remove that risk but negligently fails to do so.

#### General complaints and grievances

- 7.18 Other than allegations of harm or risk of harm, and concerns about the safety and wellbeing of children and young people, the College has in place Grievances Procedures (available on the College website) for other general grievances which may be raised by children and young people, staff or other members of the College community. Mercy Education also has a *Policy 1.06 Complaints Management* for complaints specifically about the College Principal, available on the Mercy Education Limited website: <https://www.mercy.edu.au/resources/policies>

## 8. PARTICIPATION AND EMPOWERMENT OF CHILDREN AND YOUNG PEOPLE

- 8.1 St Aloysius College encourages and respects the views of children and young people who access our services. The College recognises that a safe culture for children and young people is also contingent upon the participation and empowerment of children and young people themselves.
- 8.2 The College engages children and young people's experiences by conducting satisfaction surveys each year. These capture student attitudes and feeling towards the service and facilities provided by the College such that we effectively involve children and young people in decisions that affect them.
- 8.3 The Student Representative Council, elected by peers in their respective cohorts from Reception to Year 12, invites the views of children and young people to be represented in a formal setting.
- 8.4 The College ensures that children, young people and their families/caregivers know their rights and how they can access services, advice and complaints processes available to them. The student support network is described to students and families at their enrolment interview and at all orientation and induction sessions. Students and families can access further information via the Learning Management System, SEQTA, or via the St Aloysius College website.
- 8.5 All families also have the ability to provide anonymous feedback to the College using provided online satisfaction surveys. This feedback is incorporated into decision-making by the College.
- 8.6 The College responds to complaints, ideas, and feedback promptly and fairly in accordance with its grievance policies.

## 9. SAFE EMPLOYMENT PRACTICES

- 9.1 St Aloysius College believes that the safety and wellbeing of children and young people is dependent on the existence of a student safe culture. Establishing that culture requires effective staff recruitment, selection, supervision, staff training and management practices.

- 9.2 All positions at the College that involve work connected to children and young people will have a position description, which clearly sets out:
- The position's requirements, duties and responsibilities regarding children and young people safety and wellbeing.
  - The applicant's essential or relevant qualifications, experience and attributes in relation to education and children and young people safety and wellbeing.
  - The College's ethos, values and commitment in respect of children and young people's safety and wellbeing.
  - How the College will support those who make disclosures.
- 9.3 The safety and wellbeing of children and young people is a paramount consideration during the recruitment process. All staff working with children and young people must be suitable and share the College's values and commitment to student safety and wellbeing in practice.
- 9.4 The College assesses the suitability of staff to undertake work connected to children and young people through screening (including identity checks), qualification verifications, values-based interviews, work history checks and referee checks.
- 9.5 All prospective and existing staff will be informed of and required to comply with the College's children and young people safety and wellbeing practices (including but not limited to this policy, the College's and individual staff member's record keeping, information sharing and reporting obligations), and be subject to children and young people safety screening in accordance with the College's obligations under legislation (including the *Child Safety (Prohibited Persons) Act 2016 (SA)*).
- 9.6 St Aloysius College meets the requirements of the Child Safety (Prohibited Persons) Act 2016 which requires that all adults and workers over the age of 14 years who will be working in a role with children and young people have a current, 'not prohibited' Working with Children Check (WWCC) issued by the DHS Screening Unit. St Aloysius College registers our organisation with the DHS Screening Unit and links all WWCCs to our registration. St Aloysius College verifies the accuracy of the WWCC before employing workers to work with children and young people, and for existing employees, verify that they renew their WWCC every 5 years and the status remains as 'not prohibited'. Verification is completed online through the Organisation Portal via the DHS Screening Unit. St Aloysius College advises the Screening Unit when the College becomes aware of assessable information regarding any person involved with the College, including any serious criminal offence, child protection information, or disciplinary or misconduct information.
- 9.7 The College requires that staff act professionally, and in a way that embodies the College's public commitment to children and young people's safety and wellbeing throughout their time at the College. The Mercy Education Ltd Code of Conduct provides guidelines for staff on expected behavioural standards and responsibilities, and sets out examples of appropriate and inappropriate behaviours. The College will take appropriate disciplinary action where a staff member is found to have acted contrary to that Code, or the College's other policies and procedures regarding appropriate standards of behaviour.
- 9.8 This policy and the Staff Code of Conduct is provided as part of the formal induction and onboarding process and is also available on the internal network for staff (SEQTA and Microsoft TEAMS).
- 9.9 The College is committed to taking all reasonable steps to ensure that all persons recruited are the most suitable and appropriate to work and provide service to children and young people.
- 9.10 Applicants for prescribed positions will be screened for their suitability for employment purposes by the SAC Office Administration and Compliance Officer. The screening will involve the verification of Department of Human Services (DHS) WWCC as stated in clause 9.6, Catholic Education South Australia electronic screening, interview, referee checks, Responding to Risks of Harm, Abuse and Neglect – Education and Care (RRHAN-EC) accreditation on commencement and refresher training every 3 years after, checking qualifications and previous employment history in working with children and young people.
- 9.11 These procedures are in accordance with the *Child Safety (Prohibited Persons) Act 2016 (SA)*, which requires staff to have a valid, 'not prohibited' WWCC. The College will verify the accuracy of all WWCCs through the DHS Screening Unit organisational portal before any person commences working with children and young people. For existing staff, the College will verify they renew their WWCC every 5 years and the status remains as not prohibited.

- 9.12 If the College is made aware of any serious criminal offence, child protection information or disciplinary or misconduct information regarding any staff member, the College will notify the DHS Screening Unit.
- 9.13 Staff will otherwise be subject to regular supervision, training and periodic children and young people safety checks, to ensure their ongoing suitability for work connected with children and young people.
- 9.14 At least annually, the College will ensure that appropriate guidance and training is provided to relevant staff engaged in work connected with children and young people about:
- Individual and collective obligations and responsibilities for managing the risk of harm to children and young people.
  - Relevant risks in the College environment (including the online environment).
  - The College's strategies for managing risks, as stipulated in the Pastoral Care Guidelines.
- 9.15 If for any reason, a staff member does not attend a mandatory children and young people safety and wellbeing training or briefing, the College will, in a timely manner, directly address the staff member on the relevant material and resources, which amongst other things, address mandatory reporting obligations, and the offences of failure to protect and failure to report under the *Criminal Law Consolidation Act 1935 (SA)*.  
If the training or briefing session is recorded, a copy of the recording and/or module will be provided to the staff member, who must confirm they have viewed and completed the content. Otherwise, the College must arrange for the staff member to complete the training or briefing on an alternate date, as soon as practicable.

## 10. RISK MANAGEMENT

- 10.1 St Aloysius College is committed to identifying and assessing potential sources of harm and takes proactive actions to ensure the likelihood of the harm is decreased. The risk assessment tools will be utilised where appropriate to determine if a child or young person is at risk.
- 10.2 Please view Schedule B for the College's current Risk Management Plan.

## 11. RESPONSIBILITIES

- 11.1 All members of the St Aloysius College community share responsibility for promoting the safety, wellbeing and protection of children and young people from the risk of harm.
- 11.2 Mercy Education provides a Parent Code of Conduct which outlines acceptable and unacceptable behaviours for parent and guardians in relation to the safety and wellbeing of children and young people
- 11.3 Specific responsibilities in respect of student safety and wellbeing are assigned to:
- Mercy Education Ltd.
  - The Principal.
  - The Executive Leadership.
  - Staff.
- For a summary of these responsibilities, please see Schedule A.

## 12. COMMUNICATION AND IMPLEMENTATION

- 12.1 This policy is made publicly available on the College's website available at <https://www.sac.sa.edu.au/>. This policy can also be accessed via the College's internal Content Management Systems, SEQTA and Microsoft TEAMS.
- 12.2 This policy is available to staff as part of the College's internal policies and procedures. Aspects of (and updates to) the College's children and young people safety and wellbeing strategies, including this policy will be addressed in the College's professional development updates, training programs, memos and newsletters.

- 12.3 To properly implement this policy:
- a) The College Advisory Council and Principal will review this policy and the College's children and young people safe practices at least once every five (5) years in accordance with the [Children and Young People \(Safety\) Act 2017 \(SA\)](#) (or more frequently after a significant child or young person safety and wellbeing incident) and implement improvements where applicable.
  - b) The College will submit the policy to the Board of Mercy Education for approval each time the policy is reviewed and updated.
  - c) The College will lodge a new Child Safe Environments Compliance Statement with the Department of Human Services each time the policy is reviewed and updated.
  - d) Families and the College community will be afforded the opportunity to contribute to the review and development of the College's children and young people safety and wellbeing strategies (including this policy).
  - e) Periodic training and refresher sessions on this policy are provided to all staff.
  - f) All staff must ensure that they abide by this policy and assist the College implementing this policy.

## 13. PRIVACY AND INFORMATION SHARING

- 13.1 Our school is bound by the Australian Privacy Principles contained in the Australian Privacy Act 1988 (Cth) and the Health Privacy Principles set out in the Health Records Act 2001 (Vic).
- 13.2 The Mercy Education Privacy Policy sets out the types of information that we collect about:
- students and prospective students, and their parents, guardians and carers
  - job applicants, staff members, volunteers and contractors
  - other people who come into contact with Mercy Education.
  - It also sets out how and why our College collects, holds, uses, discloses, secures and stores the information

## 14. RECORD KEEPING

- 14.1 The College creates full and accurate records of school activities and decisions relating to the safety and wellbeing of students. These records are maintained as per our school record keeping procedures and child safety and wellbeing standards. These records are kept secure and protected from unauthorised access, amendment, misuse, disclosure, damage, deterioration, loss or destruction.

## 15. RELATED DOCUMENTS AND REFERENCES

- 15.1 Legislation
- [Child Safety \(Prohibited Persons\) Act 2016 \(SA\)](#)
  - [Children and Young People \(Safety\) Act 2017 \(SA\)](#)
  - [Criminal Law Consolidation Act 1935 \(SA\)](#)
- 15.2 Internal policies
- [Children and Young People Safeguarding Policy](#)
  - [Mercy Education Ltd Code of Conduct](#)
  - [Personal Responsibility Policy and Procedure](#)
  - [Anti-Harassment Policy and Procedure](#)
  - [Grievance Procedure](#)
  - [Duty of Care Policy](#)
  - Pastoral Care Guidelines
- 15.3 External policies
- [Mercy Education Ltd Policy 6.09 Child Safety And Wellbeing](#)
  - Mercy Education Ltd Operational Instructions - Records and Record Keeping – Child Safety (OI 6.10)
  - [CESA Duty of Care Policy](#)
  - [CESA Duty of Care Procedure](#)

- [CESA Code of Conduct for Staff Employed in Catholic Education South Australia](#)
- [CESA Managing allegations of sexual misconduct in SA education and care settings](#)
- [CESA Recruitment of Staff in Catholic Schools](#)
- [CESA Engaging and Inducting Volunteers Procedure](#)
- [CESA Engaging Contractors in Catholic Schools Procedure](#)

## 16. REVISION RECORD

Document Title	2.01 Children and Young People Safeguarding Policy					
Document Type	Policy					
Document Date	November 2024					
Process Owner	Paddy McEvoy					
Contact	<a href="mailto:PMcEvoy@sac.sa.edu.au">PMcEvoy@sac.sa.edu.au</a>					
Approval Authority	College Advisory Council					
Review Date	2029					
Policy Distribution	Website		SEQTA		MS Teams	
Revision History	<b>Edition</b>	<b>Date</b>	<b>Description of change</b>			
	1.0	14/07/24	New policy drafted			
	2.0	14/09/24	Feedback received from College Advisory Council			
	2.1	23/09/24	Draft policy revised against MEL Child Safety Policy			
	2.2	17/11/24	Revised with feedback from Mercy Education Ltd			
	2.3	13/01/25	Revised with feedback from DHS			
	2.4	23/01/25	Revised with feedback from DHS			
	2.5	02/02/25	Revised with feedback from DHS			

## SCHEDULE A: SUMMARY OF RESPONSIBILITIES

### 1. MERCY EDUCATION LTD

- 1.1 Mercy Education Ltd (MEL) is the governing body for the St Aloysius College, and as such is ultimately responsible for ensuring that student safety and wellbeing (and in particular the care, safety and welfare of children and young people) is the College's paramount consideration.
- 1.2 Without limiting that responsibility, MEL:
- a) Acquires information on student safety and wellbeing matters and keeps up-to-date with its student safety and wellbeing obligations through engaging in professional development.
  - b) Endorses strategies (reflected through policies, procedures, words and actions) to embed a culture of student safety and wellbeing at the College, which comply with the College's legal obligations.
  - c) Seeks to be satisfied that the Principal has allocated appropriate roles and responsibilities to the Executive Leadership Team, and to staff, for achieving the College's student safety and wellbeing strategies.
  - d) Ensures that student safety and wellbeing are embedded in the leadership, governance, and culture of the College.
  - e) Ensures that the College, and in particular the Principal, has adequate resources and support to achieve the College's student safety and wellbeing strategies.
  - f) Periodically reviews the effectiveness of the College's student safety and wellbeing strategies.

### 2. THE PRINCIPAL

- 2.1 In accordance with good governance, MEL delegates responsibility for the day-to-day operation of the College – and in particular the care, safety and welfare of students – to the Principal.
- 2.2 The Principal is therefore responsible at a day-to-day level, and accountable, for taking all practical measures to ensure that:
- a) The College has a student safety and wellbeing culture (including in the online environment), and that this is promoted within the College environment – such as at assemblies and on posters in classrooms.
  - b) The College's student safety and wellbeing strategies are achieved, both in policy and in practice.
  - c) The College's student safety and wellbeing strategies are communicated to staff, students and families, and that input is sought regarding policy development and review.
  - d) Staff are enabled, prepared and supported when managing student safety and wellbeing concerns, including in their support of the student(s) involved (and, where appropriate, their families).
  - e) Staff are educated, and complying with, their professional and statutory responsibilities regarding student safety and wellbeing.
  - f) Staff are enabled, prepared and supported in identifying harm and risks of harm, noting that indicators of harm may vary depending on the differences and needs of the student.
  - g) Concerns about student safety and wellbeing, or harm and risks of harm, are dealt with seriously, promptly and thoroughly, and in accordance with the College's strategies, and any statutory obligations are met.
  - h) Mercy Education receives timely reports regarding student safety and wellbeing concerns and risks, or any developments regarding the College's student safety and wellbeing obligations and strategies.

### 3. EXECUTIVE LEADERSHIP

- 3.1 The College's Executive Leadership is committed to leading Child Safety measures and engaging in a preventative, proactive and participatory approach to student safety and wellbeing issues.
- 3.2 Where appropriate, the Executive Leadership will assist the Principal with discharging the student safety and wellbeing strategies contemplated in this policy.

## 4. STAFF

- 4.1 All staff are required to comply with the College's student safety and wellbeing strategies (including this policy and the Mercy Education Ltd Code of Conduct), as well as their legal and professional obligations with respect to the prevention and reporting of actual or suspected harm.
- 4.2 It is each such staff member's individual responsibility to be aware of key risk indicators of harm, or risks of harm, to be observant, and to raise any concerns they may have with one of the Principal or another member of, the Executive Team. In this regard, staff are encouraged to voice their concerns, no matter how minor, trivial or insignificant.

## SCHEDULE B: RISK MANAGEMENT PLAN

Risk Management Plan	
Responsible Officer(s)	Executive Leadership
Approved by	Principal
Date	November 2024
Date of Next Review	2029
Organisation Name	St Aloysius College
Purpose	To ensure St Aloysius College provides a child-safe environment for all children and young people.
Locations	In the St Aloysius College premises, parklands, bus transportation, sports and any other area where teaching, learning or co-curricular activities are held, including online environments.

Risk name and description	Actions to minimise risk
Culture of organisation is not child-safe focused	<ul style="list-style-type: none"> <li>• Child focused Staff Code of Conduct is in place that sets the behavioural standards expected, including what happens when a breach occurs.</li> <li>• The culture of Executive Leadership reflects our strong commitment of the College to the safety of children and young people and this is practically communicated in regular and informative staff briefings.</li> <li>• All teaching staff at the College are accredited in (or working towards) the Keeping Safe: Child Protection Curriculum (KS: CPC).</li> <li>• National Principles for Child Safe Organisations are embedded in policies and procedures.</li> <li>• We meet the requirements of the Children and Young People (Safety) Act 2017 (which mandates child safe environments) and the Child Safety (Prohibited Persons) Act 2016 (which mandates Working with Children Checks).</li> <li>• Our child safe environments policies and procedures are made available to staff, volunteers, children, young people and their families, via the College’s website, SEQTA and TEAMS.</li> <li>• Child Safeguarding Committee meets once a term to work through concerns, plan professional learning and review processes and practices.</li> <li>• SALT training for staff. The Salt Compliance Learning Management System provides schools with access to a range of online learning modules designed to help schools to meet compliance obligations and to support positive workplace behaviours.</li> <li>• Dedicated staff role in: <ul style="list-style-type: none"> <li>○ Ensuring all staff, volunteers, and visitors meet the safeguarding compliance requirement.</li> <li>○ Monitoring and managing WWCC&amp; Police clearances, RHHAN training.</li> </ul> </li> <li>• Dedicated Compliance Manager.</li> <li>• Risk Management Assessments completed for all excursions, camps, inductions, including when external providers are required: <ol style="list-style-type: none"> <li>1. Receive from all third party providers, the names of all participants who will be working with children during the prescribed activity; plus</li> <li>2. Receive a written assurance from external (off-site) third party providers, that all personnel involved in the provision of services to children have been screened in accordance with the requirements of the Child Safety (Prohibited Persons) Act 2016 (SA) and all Government directives and policy relating to the protection of children.</li> </ol> </li> <li>• Utilise programs to support work in compliance: Consent2Go.</li> <li>• Utilisation of classrooms are considered regarding accessibility and fire safety.</li> </ul>
Organisational staff (including employees, volunteers, students, contractors etc) harm children/young people	<ul style="list-style-type: none"> <li>• Recruitment processes include undertaking referee checks to ensure the suitability of persons before they are employed/volunteer with our organisation.</li> <li>• Interview questions (no prior preparation by candidate) should gauge an applicant’s understanding of Child Safe principles and actions that would be taken to prevent harm to children and young people and include Compulsory questions provided by CESA regarding the candidate’s suitability to undertake the role.</li> <li>• All employees and volunteers have WWCC with ‘not prohibited’ result prior to working</li> </ul>

	<p>with children and young people.</p> <ul style="list-style-type: none"> <li>• WWCCs are updated every five (5) years.</li> <li>• Information on the College’s complaints and feedback processes, and a copy of our Child Safe Environments policy is made available to children, young people, and their families.</li> </ul>
Children/young people do not feel included and children/young people and their families are not supported to report concerns, complaints and feedback.	<ul style="list-style-type: none"> <li>• Children, young people and their families are encouraged to participate in our College and provide feedback by filling out surveys throughout the academic year that helps to express their concerns and share ideas (e.g. Parent Evenings).</li> <li>• Grievance policies are available on the College website, detailing how complaints will be handled.</li> <li>• Complaints processes are in place and promoted to children, young people and their families to make sure that they feel safe reporting to the College.</li> <li>• Staff are trained in the process to follow when students disclose to them that they are/have been experiencing harm or engaged in sexual behaviour and are supported by members of the Executive Leadership and College counsellors in undertaking mandatory reports. In such circumstances, students are also followed up by the Student Wellbeing Team to ensure they are safe.</li> </ul>
Staff (including employees, volunteers, students, contractors etc) do not understand their obligations to report harm and risk of harm to the Child Abuse Report Line and SA Police if child/young person is at immediate risk or requiring an internal reporting process before meeting legal obligations to report to CARL.	<ul style="list-style-type: none"> <li>• All employees and volunteers must abide by the Child Safe Environments Policy and Code of Conduct (the latter being signed upon commencement with the College).</li> <li>• The College meets the requirements of the Children and Young People (Safety) Act 2017 (which mandates child safe environments) and the Child Safety (Prohibited Persons) Act 2016 (which mandates Working with Children Checks).</li> <li>• The Child Safe Environments Policy is reviewed at least once in every five-year period. When this happens, a new Child Safe Environments Compliance Statement is lodged with the Department of Human Services.</li> <li>• All staff in the College are required to go through the RRHAN-EC training which highlights these responsibilities.</li> <li>• All staff trained in Responding to Risk of Harm and Neglect – Education and Care on commencement and refresher training every 3 years after.</li> </ul>
Physical contact	<ul style="list-style-type: none"> <li>• Any physical contact must be appropriate to the delivery of services being provided.</li> <li>• Where physical contact is required, this is undertaken in a safe way by explaining why contact is required and what will happen and asking the child/young person for their permission (or their family if this is more appropriate) before proceeding.</li> <li>• Unnecessary physical contact is not allowed.</li> </ul>
Online communications	<ul style="list-style-type: none"> <li>• Cyber safety and social media guidelines are in place and provided to all staff.</li> <li>• Staff must not communicate with children or young people via social media.</li> <li>• The College’s IT Department has Content filtering (aligned with CESA firewall policy) that enable sites that may cause harm to children and young people to be blocked from access.</li> <li>• Teachers monitor all students when they use their laptops.</li> <li>• Social media is blocked for students in the College.</li> <li>• All students are required to adhere to the College’s Communications Technology Policy, which stipulates rules regarding the use of personal electronic devices during the school day.</li> <li>• Educational programs in line with the Child Protection Curriculum about online safety, are taught explicitly, within Pastoral Care programs and Information Evenings for parents/caregivers are provided.</li> </ul>
Transport of children and young people	<ul style="list-style-type: none"> <li>• Staff must not transport a child or young person unless specifically approved.</li> <li>• Parents/caregivers must provide consent before transporting a child or young person.</li> <li>• The staff member must have a valid, unrestricted driver’s licence if they are transporting a child.</li> <li>• The vehicle must be registered, insured and in roadworthy condition.</li> <li>• A staff member must not be alone in a vehicle with a child or young person.</li> <li>• Parents/caregivers are provided with the Driver Safety Policy and must grant permission for their child/young person to drive and/or transport another student in their care to College events.</li> </ul>

Taking images of children and young people	<ul style="list-style-type: none"> <li>• Consent to take pictures/recordings of children and young people and disclosure as to how the image is to be used, is sought from parents/caregivers at time of enrolment.</li> <li>• A list of students who do not have photo permission is readily available to staff.</li> <li>• The Marketing Team regularly check for changes to photo permissions in Consent2Go and update the list.</li> <li>• The Marketing Team check images before uploaded to websites/socials or used in College publications.</li> <li>• Any events where photography is taken, children or young people who do not have photo permission are noted and excluded accordingly.</li> <li>• No names are included with images on social media unless for special occasions when specific permission is sought.</li> <li>• In the first instance, the College’s preference is to have the SAC Marketing Team as the official photographer for school events and activities.</li> <li>• In other times, the Principal gives permission for staff to use personal phones to take photos of College events, however, all photos of students captured on staff personal devices are required to be shared with the Marketing Team and promptly deleted from personal devices.</li> </ul>
Physical environment	<ul style="list-style-type: none"> <li>• Maintain a risk register that is reviewed annually to ensure effectiveness.</li> <li>• The College conducts risk assessments for all activities. All risk assessments are reviewed post activity, to ensure a cycle of continuous improvement, in line with WHS best practice.</li> <li>• Ensure all equipment is in good working order.</li> <li>• Workplace Inspections biannually to ensure all classrooms, office and work areas pose no risk to child safeguarding.</li> </ul>
Privacy and confidentiality	<ul style="list-style-type: none"> <li>• Any private or confidential information is only shared with staff members who must be notified about the information. Notification should occur in person or in writing indicating the extent to which the information is confidential (i.e. indicating the limits to which the information can be used).</li> <li>• The College is guided by the Mercy Education Privacy Policy to deal with private and confidential information.</li> <li>• Multi-factor Authentication is used to strengthen security when staff are using laptops and mobile digital devices outside of the College’s Wi-Fi network.</li> <li>• All documents containing confidential information are stored privately in a locked cabinet (or similar place with restricted access).</li> <li>• Digital files containing confidential information shall be protected electronically by restricting the access to only those requiring it to perform their duties.</li> <li>• Staff must not disclose information regarding any child or young person without written consent of the child, young person and their parent/caregiver (other than for the purpose of mandatory notification).</li> <li>• College counsellors also keep their own confidential records.</li> <li>• Staff who hold PORs are briefed on our College’s approach to note keeping (based on best practice).</li> <li>• Critical Incident Template developed for use by Executive Leadership.</li> <li>• Secure storage in Teams re incidents</li> <li>• Any mandatory reports made online or via phone are documented on a proforma and forwarded to the Principal for secure storage as per the Pastoral Care Guidelines and as mandated by the Mercy Education Ltd Operational Instructions - Records and Record Keeping – Child Safety (OI 6.10)</li> </ul>

# 1.10a

## MERCY EDUCATION POLICY

### 1.10a CODE OF CONDUCT - EMPLOYEES AND VOLUNTEERS



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# Code of Conduct

## 1. PREAMBLE

Mercy Education Limited (Mercy Education) is an incorporated ministry of Mercy Ministry Companions (MMC). MMC is responsible for ensuring, as faithfully as Catherine McAuley and her sisters, that the Catholic identity, charism and spirituality of schools previously under the stewardship of the Institute of Sisters of Mercy of Australia and Papua New Guinea (ISMAPNG), thrives into the future. Mercy Education is responsible for the governance of Mercy schools.

In partnership with the family, the Catholic Church and the community, Mercy schools endeavour to nurture a relationship with God in Jesus Christ, to celebrate and share the Catholic faith and to educate all to make a positive contribution to the world.

## 2. PURPOSE

This Code of Conduct (Code) has been developed to provide a framework of appropriate and acceptable behaviours expected of all Mercy Education employees and volunteers in respect of their duties. The principles contained within the Code promote Mercy Education's values of *Compassion, Justice, Respect, Hospitality, Service and Courage* and are in accordance with Mercy Education's commitment to no tolerance for child harm/abuse.

The Code establishes a standard by which all Mercy Education employees and volunteers:

- conduct themselves toward each other, including colleagues, children, students, parents, employee representatives, contractors, government authorities and the wider school community
- perform their duties and obligations as directed by the Board or by the Principal acting as the Board's delegate in each school
- fulfil the mission, ethos, goals and objectives of Mercy Education and its schools
- promote and ensure child and student safety and wellbeing, in a culturally safe school environment or school boarding environment
- promote and exercise fairness and equity.

## 3. SCOPE

The Code applies to all employees, Board Directors, Board Committee members and volunteers of Mercy Education.

The following additional guidance is provided for employees:

- This document does not constitute part of your employment contract, but it does affect your obligations as an employee
- As an employer with staff in three States and five Dioceses, the Mercy Education Board is conscious that several alternative standards of professional behaviour may already exist for different employee groups and that this Code may duplicate, overlap or complement other professional codes or documentation

- The Board considers that it is nonetheless important that all employees of Mercy Education are clearly advised of Mercy Education’s expectations in this regard
- Employees must read and acknowledge the Code as complementary to other existing guidance.

Where there is any irreconcilable conflict between the expectations of this document and any other guidance:

1. The following documents should be read as superior to this Code:
  - Relevant State or Federal legislation
  - Any applicable State-based or national teaching code
  - Your contract of employment
2. The Code should be read as superior to:
  - Any diocesan, Church or Catholic Education Office Policy that specifically encompasses Religious Institute & Ministerial Public Juridic Person (RI/MPJP) schools
  - any local school policy, procedure or practice
  - other guidance

The mere provision of additional or higher standards (such as other professional codes) shall not, of themselves, constitute an “irreconcilable conflict.”

#### 4. DEFINITIONS

**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.

**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.

**Child harm/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 Safety:** includes matters related to protecting children from child harm/abuse, managing the risk of child harm/abuse, providing support to a child at risk of child

harm/abuse and responding to suspicions, incidents, disclosures or allegations of child harm/abuse.

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

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

- directly engaged or employed by a school governing authority
- a 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”).

**Learner:** anyone who is enrolled at a school and is undertaking an approved curriculum.

**School boarding environment:** means any physical, online or virtual space made available or authorised by Mercy Education 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.

**School environment:** means 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 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 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.

**Student** means a person who is enrolled at or attends the school or a student at the school boarding premises.

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

## 5. STANDARDS OF BEHAVIOUR

All employees and volunteers of Mercy Education are expected to uphold appropriate and agreed standards of behaviour. Principals and those in leadership positions with Mercy Education are expected to ensure that employees and volunteers understand their obligation to observe this Code and to uphold appropriate standards of behaviour.

These standards of behaviour include:

### 5.1 Child Safety

*Central to the mission of Mercy Education is an unequivocal commitment to fostering the dignity, self-esteem and integrity of children and young people and providing them with a culturally safe, inclusive and enriching environment to develop spiritually, physically, intellectually, emotionally and socially.*

All employees and volunteers are expected to:

- be aware of, and follow all relevant policies, guidelines and instructions regarding the safety and wellbeing of children and students, mandatory reporting obligations, school reporting protocols and Mercy Education internal reporting protocols
- maintain appropriate professional boundaries around their behaviour towards children and students – this includes avoiding unmonitored communications or interactions with children and students outside regular school hours and outside the school environment or school boarding environment and report to the Principal should any special circumstances that exist (e.g. child or student is a relative) or where there is a valid context or legitimate purpose for such interactions
- hold a current police check, professional registration and *Working With Children Clearance* (WWCC) in accordance with applicable legislation
- report to the Principal or Board any inappropriate conduct or conduct which may be a breach of this Code or a breach of criminal law
- report to the Police any conduct, suspicion or concern which may be illegal - such reporting would ideally be in conjunction with the Principal or Board but this is not a requirement of this Code

Teachers are also required to abide by the principles relating to relationships published by the relevant State Teacher Registration entity e.g. Victorian Institute of Teaching (VIT), Teacher Registration boards (TRBSA, TRBWA).

In their dealings with children or students, psychologists and school counsellors must also consider their professional obligations in accordance with a code of ethics or practice to which they are bound.

Employees and volunteers are expected to actively contribute to a school culture that respects the dignity of its members and affirms the gospel values of love, care for others, compassion, and justice. They are required to observe child safe principles and expectations for appropriate behaviour towards each other and in the company of children or students, as noted below:

Coaches, employees and volunteers involved in coaching, training or assisting children or students during sporting and recreation activities should adopt practices that encourage or assist children to feel safe and protected, including:

- using positive reinforcement and avoiding abusive, harassing or discriminatory language
- coaching children or students to be 'good sports'
- explaining the reason for the contact and asking for the child's or student's permission if physical contact with child or a student by a coach or other adult is necessary during a sporting or other recreational activity
- avoiding (where possible) situations where an adult may be alone with a child or student such as in a dressing or change room, first aid room, dormitory or when the child or student needs to be transported in a vehicle.

#### Acceptable behaviours

All employees and volunteers are responsible for supporting Mercy Education's zero tolerance to child harm/abuse by:

- adhering to the school's child safe policy and upholding Mercy Education's Child Safety Policy at all times
- taking all reasonable steps to protect children and students from harm/abuse
- treating everyone in the school community with respect
- taking into account the needs of all children and students
- listening and responding to the views and concerns of children and students particularly if they are telling you that they or another child or student has been harmed/abused or that they are worried about their safety/the safety of another child or student
- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children and students (for example, by not questioning an Aboriginal and Torres Strait Islander child's or student's self-identification unless there is a specific need such as to clarify conflicting information)
- promoting the cultural safety, participation and empowerment of children and students with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance to discrimination)
- promoting the cultural safety, participation and empowerment of children and students with a disability (for example, during personal care activities)
- promoting the participation and empowerment of all children and students by involving them in decision-making regarding their own personal safety
- ensuring as far as practicable that adults are not alone with a child or student and implementing risk management strategies should this situation be necessary
- reporting any suspicion, incident, disclosure or allegation of child harm/abuse to the relevant authority and the Principal or school leadership (or child safety officer if the school has appointed someone to this role) or to the Board

- understanding and complying with all reporting obligations as they relate to mandatory reporting, including reporting under State legislation
- understanding and complying with all obligations as they relate to any State reportable conduct scheme including reporting in accordance with the school's reportable conduct policy and applicable State legislation
- reporting any child safety concerns to the school's leadership (or child safety officer)
- if an allegation of child harm/abuse is made, ensuring as quickly as possible that the child(ren) is safe from harm
- reporting to the relevant state teacher registration authority (e.g. VIT, TRBSA or TRBWA) any charges, committals for trial or convictions in relation to a sexual offence by a registered teacher or specific allegations or concerns about a registered teacher
- ensuring that they comply with all applicable professional or occupational codes of conduct.

#### Unacceptable behaviours

Employees and volunteers must not:

- ignore, disregard or fail to disclose or report, any suspicion, incident, disclosure, or allegation of child harm/abuse
- develop any 'special' relationships with children or students that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children)
- exhibit behaviours with children or students which may be construed as unnecessarily physical (for example, inappropriate sitting on laps). If physical contact is required for technical instruction, it must be brief and only with the consent of the child or student
- put children or students at risk of harm/abuse (for example, by locking or blocking a door so that a person cannot exit the room)
- initiate unnecessary physical contact with children or students or assist with things of a personal nature that a child or student can do for themselves (for example, toileting or changing clothes)
- initiate or develop a relationship with any child or student that is or can be misinterpreted as having a romantic or sexual, rather than on a professional, basis
- engage in open or overly friendly discussions of a mature or adult nature in the presence of children or students (for example, personal social activities)
- use inappropriate language in the presence of children or students
- express personal views on cultures, race, or sexuality in the presence of children or students
- discriminate against any child or student because of, but not limited to, age, gender, race, culture, vulnerability, sexuality, ethnicity, or disability

- have contact with a child, student or their family, outside of the school environment or school boarding environment without the knowledge and/or consent of the Principal (or delegate) or the approval of the school governing authority (for example, unauthorised after hours tutoring, private instrumental/other lessons or coaching). Accidental contact, such as seeing people in the street, is appropriate and where special circumstances exist (for example, child or student is a relative) or where there is a valid context or legitimate purpose for such interactions
- have any online contact (including by social media, email, digital messaging etc) with a child, student or their family unless necessary, for example, assisting with on-line learning in a virtual classroom, providing families with e-newsletters or other school related matters pertaining to the person's role
- use personal communication channels such as a personal email account, personal social media account, personal messaging or chat rooms when communicating with children, students or their families
- give to children or students or their families, personal contact details such as personal phone numbers, personal social network identity or personal email addresses
- photograph or video a child or student without the consent of a parent or guardian, or exchange personal images with a child or student
- deliberately expose a child or student to the sexual behaviour of others (for example, pornography)
- store digital images of a child or student except on school approved devices and only with the permission of the parent and/or guardian
- seek unwarranted opportunities to be alone with a child, or student, for example, 1:1 help sessions
- work with, or be responsible for a child or student whilst under the influence of alcohol or illegal drugs
- consume illegal drugs in the school environment or school boarding environment in the presence of a child, or student or their family
- consume alcohol in the school environment or school boarding environment in the presence of a child or student or their family, unless authorised by the Principal.

Employees must also be aware that a professional relationship may be compromised if a teacher has a sexualised relationship with a former learner within two years of the learner completing their senior secondary schooling or equivalent. In all circumstances, the former learner must be at least 18 before a relationship commences. See Principle 1.5 '*The Victorian Teaching Profession's Code of Conduct*' [The Victorian Teaching Profession's Code of Conduct](#).

## **5.2 Workplace Health and Safety**

All employees and volunteers are expected to:

- present for duty in sufficient physical and mental health to be capable of complying with their duty of care to their colleagues, children and students – this includes being unimpaired by alcohol, medication, or drugs
- take reasonable care to ensure their own health and safety at work and the health and safety of others – this includes following established safety guidelines
- present to work in professional attire (including appropriate footwear) that is safe and appropriate to the role or functions of the school employee, or wear the uniform designated by the school for a particular role
- refrain from behaviour which constitutes bullying, discrimination or any form of violence or harassment
- ensure that any offsite or remote workplace, including a virtual environment is safe and appropriate for working with colleagues, volunteers, children and students
- use high visibility classrooms/offices and common spaces such as the library or shared work areas with children or students as much as possible or when practical for the activity

## **5.3 Support the Mission and Reputation of Mercy Education**

All employees and volunteers are expected to:

- respect the moral values and teachings of the Catholic Church and ensure that their public conduct is consistent in this respect
- support the aims, philosophy, and Mercy ethos of the school by their conduct and interactions with the school
- respect and comply with all Federal, State, and local laws
- conduct themselves in a manner that will not discredit the school or Mercy Education
- act ethically and with integrity

## **5.4 Professional Conduct**

All employees and volunteers are expected to:

- carry out their duties in a professional, conscientious, and timely manner
- communicate at all times in a manner which is respectful, honest, timely and courteous.
- respect the inherent dignity of all persons and maintain a proper regard for their safety and wellbeing
- declare and manage situations that may give rise to a conflict of interest or the perception of such a conflict
- observe confidentiality in relation to the communication, secure storage and disposal of confidential information and disclose such information only to authorised persons
- respect the privacy of personal and sensitive information (except where legal or moral reporting obligations exist)

- refrain from improperly using information gained in the course of their employment for personal or commercial gain for themselves or others
- comply with any lawful and reasonable direction given by the Principal or Board of Mercy Education

## 6. LEADERS

Leaders include Mercy Education Directors, Executive Office Staff, Principals, Deputy Principals, Business Managers and other employees holding positions of leadership or responsibility in schools.

In addition to the expectations of all employees and volunteers outlined in Section 4, Leaders have additional responsibilities to:

- set a good example for others
- make decisions fairly, impartially and promptly, considering available information, legislation, policies and procedures
- act expeditiously in response to a suspicion, incidents, disclosure or allegation of child harm/abuse or a complaint from any person
- provide opportunities for employees, volunteers, children and students to participate in decisions which affect them
- ensure all persons are treated fairly and equitably
- ensure that employees and volunteers understand the expectations of the Mercy Education Code of Conduct
- ensure that employees and volunteers understand how complaints are managed by the school and by Mercy Education

## 7. NON-COMPLIANCE WITH THE CODE OF CONDUCT

Mercy Education employees and volunteers are required to comply with this Code of Conduct.

Any person who holds a reasonable belief in good faith, that this Code may not have been complied with, may raise this matter with the school Principal in the first instance. If the matter relates to the Principal, it may be referred directly to Mercy Education. If the matter relates to a child protection concern or alleged child harm/abuse it must be referred directly to the Chief Executive or the Board Chair following report being made to authorities.

Following appropriate investigation, non-compliance with this Code may give rise to a range of outcomes, including counselling and/or disciplinary action which may lead to suspension or dismissal. In the case of employees, the performance management and dispute resolution procedures of the relevant industrial agreement will be applied (subject to mandatory and professional reporting obligations).

***In some cases, non-compliance with the Code may constitute a civil or criminal offence and result in prosecution.***

All members of the College community have access to the provisions of the Mercy Education Complaints Management Policy.

## 8. RELATED POLICIES, PROCEDURES AND RESOURCES

This Code of Conduct is to be read in conjunction with, and is additional to, other relevant Mercy Education Policies, Procedures or Guidelines. All Mercy Education employees and volunteers are required to comply with the provisions of such documents.

### Related documents and resources:

Australian Catholic Safeguarding Ltd (ACSL)

- <https://www.acsltd.org.au/>

Catholic Education Commission of Victoria (CECV)

- [CECV Guidelines on the Employment of Staff in Catholic Schools](https://www.cecv.catholic.edu.au/Media-Files/IR/Policies-Guidelines/Employment-of-Staff/Guidelines-on-the-employment-of-staff.aspx)  
(<https://www.cecv.catholic.edu.au/Media-Files/IR/Policies-Guidelines/Employment-of-Staff/Guidelines-on-the-employment-of-staff.aspx>)
- <https://www.cecv.catholic.edu.au/Our-Schools/Child-Safety>
- <https://www.cecv.catholic.edu.au/Employee-Relations/Salary-and-Conditions/Secondary-Principals>

Catholic Education South Australia (CESA)

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

Catholic Education Commission of Western Australia (CECWA)

- <https://policy.cewa.edu.au/executive-directive/employment/>

<https://policy.cewa.edu.au/m>

Legislation

- *Model Work, Health, and Safety Laws (as applicable to states)*
- *Ministerial Order 1359 (Vic) Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises*
- *Criminal Law legislation (as applicable to states)*

Mercy Education Limited (MEL)

- *1.06 Policy: Complaints Management*
- *1.10 Policy Codes of Conduct*
- *1.10b Parent Code of Conduct*
- *6.09 Policy: Child Safety*

National Committee for Professional Standards, 2011, “Integrity in the Service of the Church”, September 2011

- <https://www.catholic.org.au/documents/1345-integrity-in-service-of-the-church-1/file>

Statutory Authority for the Teaching Profession

Teachers Registration Board of South Australia

- *Australian Professional Standards for Teachers and Registration in South Australia*
- *Code of Ethics for the Teaching Profession in South Australia*

Teacher Registration Board of Western Australia (TRBWA)

- *Professional Standards for Teachers in Western Australia*
- *Teacher-Student Professional Boundaries - A Resource for WA Teachers*

Victorian Institute of Teaching (VIT)

- *Victorian Teaching Profession’s Codes of Conduct and Ethics*

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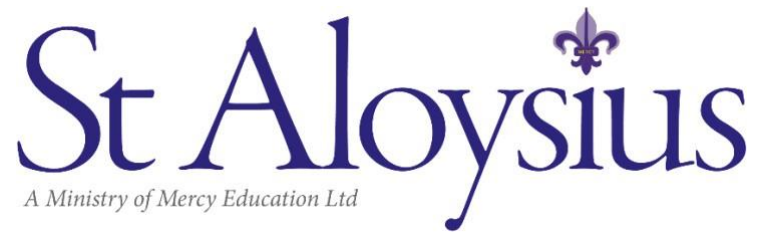
I have read and I agree to the Mercy Education Code of Conduct.

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Organisation: \_\_\_\_\_

Date: \_\_\_\_\_



# Pastoral Care Guidelines for Staff

**Mandated Notifiers and the Role of Staff**

Compassion . Hospitality . Justice . Service . Respect . Courage

empowering  
bright futures

# Rationale

At St Aloysius College, the wellbeing and safety of each student is our first priority.

Pastoral Care Guidelines for Staff have been developed to clarify how we will work together with students and families to monitor attendance, academic progress, and the wellbeing of all our students.

A coordinated pastoral care approach will ensure students and parents/caregivers are supported and will enable the individual needs of each student and their family to be considered when responding to pastoral care concerns.

This document outlines our pastoral care approach relating to:

- 1. Mandated Notifiers and the Role of Staff ..... Page 3**

# 1. Mandated Notifiers and the Role of Staff

## Mandated Notifiers

A mandated notifier is required by law to make a report to the Department for Child Protection if they suspect on reasonable grounds that a child or young person is, or may be, at risk of harm. This obligation arises when a mandated notifier forms this suspicion in the course of their employment (whether paid or voluntary).

A mandated notifier must make the notification as soon as is reasonably practicable after forming the suspicion.

A mandated notifier does not have to be able to prove that harm has actually occurred.

Reasonable grounds to report suspected harm or risk of harm may include:

- when your own observations of a particular child's behaviour and/or injuries lead you to suspect a child is, or may be, at risk of harm
- when a child tells you they have been harmed
- a child telling you that they know of someone who has been harmed (they may possibly be referring to themselves)
- when your own observations about the behaviour of the child, or their adult caregiver/s, give you cause to suspect that a child is being harmed or is at risk of being harmed
- when you hear about it from someone who is in a position to provide reliable information - perhaps a relative or friend, neighbour or sibling of a child who is at risk.

For more information about what may be considered harm, see [indicators of harm or risk of harm](#).

A failure by a mandated notifier to report a suspicion formed on reasonable grounds that a child or young person is, or may be at risk, may result in a person being prosecuted and a court imposing a fine. See section 31(1) of the *Children and Young People (Safety) Act 2017*.

## When a Person Does Not Need to Report a Suspicion

A person need not report a suspicion if:

- the person believes on reasonable grounds that another person has reported the matter in accordance with that subsection  
*or*
- the person's suspicion was due solely to having been informed of the circumstances that gave rise to the suspicion by a police officer or child protection officer acting in the course of their official duties  
*or*
- the person believes on reasonable grounds that the Department for Child Protection is already aware of all of the information that forms the basis of the person's suspicion.

## Child Abuse Report Line (CARL)

To report a suspected case of harm or risk of harm to a child or young person call the Child Abuse Report Line (CARL): 13 14 78. The report line is available 24 hours a day.

All serious concerns must be reported via the report phone line and **not via the online reporting system**.

Serious concerns include when you suspect a child or infant is in imminent or immediate danger of:

- serious harm
- serious injury
- chronic neglect
- or when a child is in care of the department and **under the Guardianship of the Minister (GOM)** and you suspect they are being abused or neglected this **must be reported via the Child Abuse Report Line (T: 131 478) and must not be submitted via eCARL notification**.

See [preparing to report suspected harm to children and young people](#) for details on what to provide in a report.

## Making a Notification

If any staff member suspects a student has been harmed or is at risk of harm, the staff member must make a mandatory notification. Staff members can request support from a Counsellor and/or a Deputy Principal.

### Step 1 - Make a notification

Phone call [Child Abuse Report Line \(CARL\)](#) T: 131 478

E-notification <https://ecarl.sa.gov.au/>

### Step 2 - SAC Mandatory Notification form

Complete an internal [SAC Mandatory Notification form](#) and give to a Deputy Principal to sign.

Additional documents that may be helpful:

- [Mandatory Notification Checklist](#)
- [Online Child Abuse Reporting New Users Instructions](#)

## Protective Practices and Professional Practice

This document applies to all staff in schools and is consistent with SAC policies:

[Protective Practices and Professional Practice Document](#)

# Managing allegations of sexual misconduct in SA education and care settings



Government of South Australia  
Department for Education



Association of  
Independent Schools  
of South Australia



## Acknowledgments

This document is very closely adapted from Chapter 15 of the *Royal Commission 2012–2013 Report of Independent Education Inquiry*. The adaptations give effect to recommendation 39 of the Report that the guideline be applicable to government, Catholic and Independent education sectors. Grateful acknowledgment is made of the advice provided by the Hon Bruce DeBelle AO QC in his drafting of Chapter 15, specifically his setting out of the application of various laws to the considerations to be made by education and care sites when responding to allegations of sexual misconduct by adults against children or young people.



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## FOREWORD

The South Australian government and non-government education sectors have jointly developed policies of a child protection nature since an agreement established in 2004. The policies and practices developed under that agreement help ensure that staff, children and parents can expect the same standards of child protection practice no matter which sector they access. This document joins that collection of guidelines and affirms that learning about child safety in education and care settings will continue to be shared across the government and non-government sectors.

This document is very closely adapted from Chapter 15 of the *Royal Commission 2012–2013 Report of Independent Education Inquiry*. The adaptations give effect to recommendation 39 of the Report that the guideline be applicable to government, Catholic and Independent education sectors. Grateful acknowledgment is made of the advice provided by the Hon Bruce DeBelle AO QC in his drafting of Chapter 15, specifically his setting out of the application of various laws to the considerations to be made by education and care sites when responding to allegations of sexual misconduct by adults against children or young people.

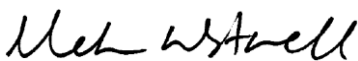
An important feature of these incidents is that they involve the concerted and coordinated efforts of a number of professionals from different agencies. For this reason, it is unlikely that a site leader will undertake responses to an incident of this kind in isolation from other professionals. Site leaders can expect a high level of support and advice from their relevant sector office.

Education and care settings are expected to be safe environments for everyone who attends them. A range of processes and systems are utilised by the education sectors to prevent unsuitable individuals from working or volunteering in those settings. As leaders of the education sectors, we strongly support the ongoing development of legislative schemes to enable the most thorough assessments of an individual's suitability to work or volunteer with children and young people.

However, the best screening schemes are unlikely to remove all possibility of an adult exploiting their role in order to offend against children or young people. Education and care communities can help in limiting this risk by recognising and reporting *all* inappropriate adult behaviour towards children and young people. The introduction that follows strongly reinforces this responsibility and outlines the place of this guideline alongside other child protection responsibilities.

Finally, allegations against adults of sexual misconduct towards children and young people are complex matters. This guideline cannot be assumed to provide the appropriate directions for every case. It does not cover the full range of circumstances that an education or care site will encounter when assessing whether an individual is suitable to work or volunteer with children and young people. Therefore, in any situation of this kind, it may be necessary to seek legal advice. Nevertheless, it is hoped that this guideline will provide general assistance by removing confusion about the matters to be considered and actions that may need to be taken at different stages when allegations of sexual misconduct are made. In doing so, it is hoped that the guidance will help reduce any additional trauma for the affected children, young people, families and staff.

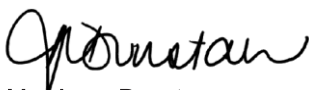
Key updates have been made to this document in 2023 to reflect changes in legislation and policy, new court processes, relevant publications, and to update wording to align with contemporary standards.



Professor Martin Westwell  
Chief Executive, Department for Education



Dr Neil McGoran  
Executive Director, Catholic Education South Australia



Mrs Anne Dunstan  
Chief Executive, Association of Independent Schools of South Australia



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# SECTION 1: Introduction

## 1.1 A note for site leaders

Managing an allegation of adult sexual misconduct is a highly complex task for a site leader to face. This guideline document is designed to provide site leaders, their parent community and their respective sector offices with improved clarity about the actions to be taken and matters that require considerations at each stage. It is important to remember that the obligation to report and respond to allegations of sexual misconduct applies irrespective of whether the accused person is still working, volunteering or undertaking a role in connection to an individual site. The person may have moved, resigned, taken leave, or may be deceased. The obligation to report and respond remains.

In managing situations of this kind, site leaders can assume that sector office decisions impacting their school or care community will be made consultatively and that their local knowledge and professional judgment will contribute to those decisions. They can also assume that they will be kept informed of new information as it becomes available and of relevant actions undertaken by others. No two cases will be identical so matters such as whether and when to send a letter to parent communities, who signs letters, the content of letters or the facilitation of a parent meeting may differ in every circumstance and will always require consultation. Site leaders of Independent schools should expect the same kind of collaboration with those from whom they seek support.

The information in Section 3 and the checklists provided as Appendices 1 and 2 give site leaders the scope and general sequence of actions they and their sector office will need to undertake. At the time parents of a victim are informed that a matter of this kind is being managed, they should also be informed that this guideline will be followed. If and when other parents are informed of the matter, they should also be advised that the guideline is being followed.

### 1.1.1 Associated responsibilities

This guideline is closely linked with two other intersectoral child protection policies summarised below. The role of these two policy documents in helping prevent inappropriate adult conduct and in contributing to safe environments cannot be over-emphasised. Both documents are incorporated in the mandatory staff training used by the three sectors. However, it is assumed that site leaders routinely refer to these documents as part of their site-based professional development programs. Copies of both documents should be held in all education and care sites and can be downloaded from each sector's website.

## Protective practices for staff in their interactions with children and young people

The Protective Practices document outlines the professional boundaries within which all staff members are expected to operate in their relationships with children and young people. Meeting the requirements outlined in Protective Practices is critical to helping prevent the circumstances of adult sexual misconduct. The Protective Practices policy requires all staff to act if they observe or are told about adult behaviour that represents a breach of a professional boundary. This point cannot be overstated: 'It is not acceptable to minimise, ignore or delay responding to such information. For the wellbeing of all members of the education or care community, the site leader must be informed as a matter of urgency ...' (p 14).

Immediate actions in response to inappropriate behaviour may enable more serious underlying behaviour to be identified, and may prevent sexual misconduct. The more vigilant and transparent an education or care community is in complying with the Protective Practices document the more likely it will be that sexual misconduct can be prevented—through early identification, intervention, and deterrence.

## Sexual behaviour in children and young people – procedure and guideline

This procedure and guideline is to be followed when responding to sexual behaviour. The responsibilities staff members have in these circumstances are significantly different from those involving allegations of sexual misconduct by adults. They reflect the different rights and needs of children and young people and the different legislation within which staff must operate. The guideline applies to and is available in all sectors.

### 1.1.2 Differences between the sectors

One significant difference between the three sectors' implementation of this guideline is in the seeking of legal advice. In the government and Catholic sectors, seeking legal advice will occur through the respective sector office. An Independent school can seek legal advice on its own behalf. Generally, the different responsibility that is carried by the site leader and governing authority of an Independent school is identified, wherever appropriate, throughout the guideline and in the definition of 'sector office' in Section 1.3.

## 1.2 Purpose

This guideline document:

- Informs leaders in education and care settings of the procedures for managing and reporting allegations of sexual misconduct at an education or care site.
- Ensures that parents are informed at the appropriate time of allegations of sexual misconduct by an adult against a child or young person enrolled or previously enrolled, where relevant, at an education or care site.
- Assists parents to understand the process that is followed in managing allegations of sexual misconduct by an adult against a child or young person enrolled or previously enrolled, where relevant, at an education or care site.
- States the respective duties of site leaders and sector offices in managing allegations of sexual misconduct at a site.
- Provides a transparent policy that enables early intervention, effective management and provision of the support required in these complex and serious matters.

## 1.3 Definitions

'accused person' means a current or past employee of an education or care site or any other adult who has a connection to a site against whom allegations of sexual misconduct have been made

'an adult who has a connection to a site' means and includes current and past employees of the education or care site; current and past volunteers, contractors, professional service providers, other paid education and care participants, governing authority members, and tertiary students and supervisors; and any adult who has engaged with children and young people enrolled at the site

'CARL' means Child Abuse Report Line

'child or young person' means persons up to the age of 18 years and includes young adults with developmental disabilities attending education settings

'governing authority' means a site or service's Governing Council or School Board

'parent' means and includes natural parents, step parents, foster parents, guardians, grandparents and any other relative or other person caring for a child

'relevant time' means the relevant time as defined in section 71A(5) of the *Evidence Act 1929*, provided in Section 2.3.1 below

'sector office' in this document means the policy, legal, case management support and/or direction provided through the:

- central office of the South Australian Department for Education
- central office of Catholic Education South Australia
- Office of the Association of Independent Schools of South Australia

*Note: The relationship between sites and their sector offices differs. It may be one of direct governance and accountability or a partnership in which the individual site retains ultimate responsibility with its governing authority.*

'site' means a school; preschool; children's centre; a junior primary, primary, secondary or senior secondary school; an Out of School Hours Care service; and the home of a Family Day Care provider

'site leader' means the principal or director and any other person who has ultimate responsibility for the welfare of children and young people on that site

'staff' means all adults who have a duty of care to children and young people at the site and includes volunteers

'victim' means the child or young person against whom an act of sexual misconduct by an adult who has a connection to a site has been alleged

## 1.4 Scope

The procedures in this guideline apply to allegations of sexual misconduct made against any adult who has a connection with the site where the allegations affect the suitability of that adult to work or volunteer with children and young people.

These procedures apply to allegations of sexual misconduct where any of the following situations exist:

- the allegation is disclosed at or off the site
- the incident is alleged to have occurred at or off the site
- at the time of the alleged incident, the victim was or was not in the direct care of the site.

This guideline applies only to allegations of sexual misconduct by an adult against a child or young person. For incidents involving sexual harm between children and young people, please refer to *Sexual behaviour in children and young people procedure and guideline*, available at each site and located on each sector's website.

This guideline is not intended to apply to instances where the alleged conduct is by an adult student. However, it might be a useful guide in such instances on a case-by-case basis.

## 1.5 Sexual misconduct

Sexual misconduct may take many forms. It includes, but is not limited to, sexual assaults of all kinds and other forms of unlawful sexual behaviour including such offences as being in possession of child exploitation material and acts of gross indecency. A sexual assault ranges from indecent assault through a number of offences to rape.

*Note: This definition is provided for general information. It is not necessary for staff to determine whether an alleged behaviour is sexually motivated. It is simply necessary that staff report all inappropriate behaviour as per the Protective Practices guidelines. Those guidelines identify any behaviour of a potentially sexual nature between an adult and a child or young person as a breach of professional conduct. In meeting that reporting obligation, it is then the site leader's task to consult with their sector office regarding all allegations so that the appropriate response is made at all times.*

## SECTION 2: Legislative framework

### 2.1 Underlying principles

Teachers and site leaders owe to the children and young people in their care a duty to take reasonable care to protect them from a reasonably foreseeable risk of harm or injury. That duty is not necessarily confined to events on the site or during site hours. In addition to observing sector policy, staff must comply with a number of statutory duties or obligations.

*Note: Appendix 8 provides links to relevant legislation.*

### 2.2 Mandatory notification

Section 31 *Children and Young People (Safety) Act 2017* (SA) imposes a duty on employees and volunteers in education and care settings to notify the Child Abuse Report Line (CARL) if, in the course of their work, they suspect on reasonable grounds that a child or young person is, or may be, at risk. The child or young person will be taken to be at risk if the child or young person has suffered harm or there is likelihood that the child or young person will suffer harm (being harm of a kind against which a child or young person is ordinarily protected). In practical terms, the duty to notify the Department for Child Protection is a duty to notify the CARL on 131 478 or via online notification (eCARL).

If an allegation is made to staff, or the staff member has a suspicion on reasonable grounds that a child has been or is being abused or neglected, the staff member must notify CARL as soon as practicable after a suspicion is formed or the allegation is learned. It is an offence to fail to do so.

All staff members in government, Catholic and Independent schools are required to undertake training in their child protection responsibilities, both when they are first employed and every three years thereafter. This training is jointly developed by the three education sectors and describes this responsibility in detail.

An outline of the process for documenting mandatory notifications in education and care settings is provided at <<https://www.education.sa.gov.au/schools-and-educators/child-protection>>.

### 2.3 Prohibitions on disclosure of identity

#### 2.3.1 Restrictions on publication of identity

When a person has been, or is about to be, charged with a sexual offence, it is necessary to comply with the legal obligations imposed by section 71A of the *Evidence Act 1929*. Section 71A restricts publication of the identity of the alleged victim and of the alleged offender who, in this guideline, will be called 'the accused person'.

Where the alleged victim is a child or young person under the age of 18, the name of the alleged victim or anything that might identify the victim can never be published. Therefore, care must be taken to ensure that nothing is said or published that might identify the alleged victim.

The name of the accused person can be published only after the 'relevant time', and only if there are no suppression orders in force (see section 2.3.2 "suppression orders"). Section 71A(5) defines 'relevant time' as follows:

*relevant time means*

*in relation to a charge of an offence, means the time at which the accused person's first appearance in a court (whether personally or by counsel or solicitor) in relation to the charge is concluded.*

Appendix 7 to this document gives a brief outline of the steps in a criminal prosecution.

#### 2.3.2 Suppression orders

Suppression orders are made by a court pursuant to section 69A of the Evidence Act. A suppression order is an order forbidding publication of whatever is the subject matter of the order. The order will state that it forbids publication of the subject matter of the order. For example, the order might read:

*The name or anything tending to identify the accused be suppressed from publication in the interests of justice until further order.*

A suppression order is not a statement made by a judge or magistrate that he or she does not intend to name a person or a school in order to protect the victim.

Before sending a letter to parents, the relevant sector office should inquire of the Registrar of the relevant court whether a suppression order exists. If an order exists, the sector office should examine the terms of the order and consider whether the order forbids the kind of letter under consideration. If there is any uncertainty about what is prohibited, legal advice should be sought.

It is still possible to give some information to staff, the governing authority and parents while complying with these restrictions. Section 3 of this guideline provides advice as to how and when that information is to be provided.

### 2.3.3 Avoiding defamation

When allegations of sexual misconduct have been made, care must be taken to avoid stating anything that might defame the person against whom the allegations have been made. If a site wishes to send a letter before a person has been charged with an offence, it is desirable to obtain legal advice as to the terms of the letter to ensure that nothing is said that defames that person. If that person has been charged by way of arrest or summons, it is lawful to state that fact but nothing should be said that would suggest the person is in fact guilty of the alleged misconduct.

## SECTION 3: Managing allegations of sexual misconduct

Allegations might be made against a member of the teaching staff, administration or other support staff, employees of a governing authority, volunteers, or against an adult who has a connection to a site. In most cases, the steps to be taken by the site leader will essentially be the same.

It must be emphasised that these are guidelines only. The manner in which a site will learn of allegations will vary. Different circumstances may require a variation of the sequence of these actions. It is not possible to draft guidelines that will address every possible variation of fact. The fundamental steps that should always be observed are to notify immediately:

- SA Police
- Child Abuse Report Line
- parents of the victim, unless a parent is the accused person, and with due regard for the victim's wishes
- the relevant sector office.

### 3.1 Importance of note taking

Memories fade and recollections of events will be difficult at a later date when site leaders or members of staff are asked to recall events or conversations.

It is essential that site leaders and all other members of staff involved keep a written record of all conversations relating to the allegations. The notes should, if possible, be made in the course of the conversation or immediately after. In addition, site leaders and other members of staff should complete the 'Record of allegation' and 'Record of meeting' forms contained in Appendices 3 and 4. They can be downloaded from the sector's website. These forms should be completed in addition to the site leader's own notes of conversations.

Staff and volunteers should be aware that they may be called to give evidence in court proceedings. Contemporaneous notes will then be very helpful in assisting the recollection of events and conversations. It is also important to be aware that notes may be subpoenaed for court proceedings and, therefore, should be completed in a legible and professional manner.

The notes and forms should be placed in a file marked 'Confidential' and held in a secure place or location. The only person with access to the file should be the site leader or the site leader's delegate. The site leader will provide this documentation to the sector office, if required by that office.

### 3.2 Immediate action

Allegations of sexual misconduct might be made either to the sector office or directly to a member of staff at the site or to the site leader. The allegations may be made by a child or young person, a staff member, a parent, a volunteer or a member of the public. On other occasions, the first knowledge that either the sector office or anyone at the site has of the allegations is when police state that they are investigating or have charged a person by way of arrest or summons with a sexual offence.

The following is a list of the steps that should be taken by the site leader when allegations of sexual misconduct have been made. Which step a site leader begins with will vary according to whether the site leader is responding to the allegation 'first hand' or acting on information and instructions from the police or the sector office. Nevertheless, all the steps are important and need to be attended to immediately. The site leader has responsibility to undertake or, if tasks are undertaken by others, to oversee and confirm the execution of all the steps. Some steps can be taken simultaneously and most will be undertaken through consultation with, or by direction from, police and the sector office.

#### 3.2.1 Actions of site leader

*Reminder: The steps outlined are not necessarily sequential (see above).*

##### Step 1: Obtain medical assistance for child or young person if required

The site leader should attend immediately to any medical treatment that the victim might require and attend to the victim's emotional needs in all ways appropriate until they are in the care of parents.

##### Step 2: Receive report of allegation

If an allegation of sexual misconduct is made to a member of staff or a volunteer at the site, it should be reported to the site leader immediately. The member of staff or the volunteer to whom the allegation is reported should record the allegations on the form in Appendix 3.

If the allegation involves the site leader, the report should be made to the relevant sector office or, in the case of an Independent school, the chairperson of the governing authority.

### Step 3: Report to SA Police

Once the site is aware of an allegation of sexual misconduct, the site leader must immediately report the allegations to police on 131 444. If the site leader is the person against whom the allegation is made, it is the sector office (or governing authority of an Independent school) that has responsibility to make this report to police.

During this report, the site leader should seek and note SA Police's immediate advice on:

- restricting the staff member's access to children and young people (very important to executing step 7)
- preservation of evidence
- contact with parents of the victim
- police contact number to provide to parents of victim.

This will help inform the strategy discussions that the sector office, the site and police will undertake. Site leaders should expect that police will not normally interview children or young people at a site except as a matter of urgency or immediate necessity. In the ordinary course, children and young people should be interviewed at a place nominated by police that is off-site.

### Step 4: Notify the Child Abuse Report Line

The site leader should, as soon as practicable, notify CARL on 131 478 or via online notification (eCARL) and ensure the report is documented using the mandatory report form used by the relevant education sector and securely stored in the site leader's file.

### Step 5: Preservation of evidence (if applicable)

The site leader should immediately take basic steps to secure the place where the alleged offending occurred, if that is on the site, until police arrive. An example is blocking access to the site's network if an allegation regarding child exploitation material is made, or locking the room in which an incident is alleged to have occurred. Electronic material of any kind must not be deleted but must be quarantined as far as practicable for handover to SA Police. The police will properly secure the crime scene on arrival. The site leader should seek advice from police on this issue when making the initial report.

### Step 6: Inform the sector office and establish who will be assisting

The site leader should inform the relevant sector office and establish who will be assisting the site (eg a nominated case manager) in its management of the allegation and begin discussions immediately regarding the steps below.

### Step 7: Preventing access to children and young people

When it is necessary to prevent the accused person from having any further contact with children or young people at the site, the site leader should take steps to prevent the accused person from attending the site.

In some circumstances, the sector office or SA Police may ask the site leader not to indicate to the accused person that an allegation has been made until SA Police are able to complete their own preparations. The site leader will discuss with the sector office the most appropriate plan to either re-direct the individual from their teaching or care duties or to allocate another adult to the teaching or care situation in order to provide supervision until the end of the day. Each situation will provide different options and challenges for site leaders and their sector office to consider in managing this situation.

The responsibility of SA Police and the relevant education sector to work together in managing this circumstance is outlined in the *Interagency Code of Practice – Investigation of suspected harm to children and young people*.

### Step 8: Inform parents of victim

Unless a parent is the accused person, the site leader should immediately seek the approval of SA Police to inform the parents of the victim of the allegations if the parents are not already aware. This should be done in a sensitive manner, taking into consideration the victim's wishes. Information about counselling services and support for the victim and family should be provided at this time.

When the victim is a child under the Guardianship of the Chief Executive, Department for Child Protection, the Chief Executive and their delegates are responsible for case management and planning for the safety, care and wellbeing of that child or young person. The Department for Child Protection has the additional responsibility to advise the Guardian for Children and Young People about sexual abuse involving children under the Guardianship of the Chief Executive Department for Child Protection. For these reasons, it is essential that the social worker is immediately informed so the special circumstances of the child or young person can be properly considered and managed.

### Step 9: Inform the accused person of their immediate work requirements

In consultation with the relevant sector office and SA Police, the site leader should communicate which leave/employment/contract options are appropriate and available for the accused person. These will vary across the three sectors but the intent is that the accused person does not attend the site while an investigation proceeds.

## Step 10: Complete sector specific reporting requirements

These reporting requirements vary across the three sectors:

- Department for Education: critical incident report system and Education Director
- Catholic Education SA: critical incident report through the relevant Schools Performance Leader
- Independent schools: school-based procedure.

## Step 11: Document all information/discussions/observations

The template provided in Appendix 3 should be used to document all information, discussions and observations relating to the incident. They should be signed, dated and placed in a confidential, secure site leader's file and provided to the sector office as required.

### 3.2.2 Actions of sector office

#### Step 1: Liaise with SA Police

Under the Interagency Code of Practice, SA Police will provide the relevant sector office with the following information:

- the name, date of birth and address of the person who has been apprehended for offences by way of arrest or report
- details of the offences for which the person has been apprehended as set out in the charge sequencing report
- the conditions upon which the accused person has been bailed by police or the courts after being arrested, or upon appearing in court after being summoned on the basis of a police report
- the court bailed to and the date of the first court appearance
- the school or schools involved
- whether there is a reasonable suspicion that there might be other victims
- whether there are any complicating factors that would affect disclosure to parents
- the contact details of the investigating officer
- whether the offence is a major indictable offence, a minor indictable or a summary offence
- if apprehended for a class 1 or 2 offence prescribed under the *Child Sex Offenders Registration Act 2006* (the 'Act'), confirmation that the accused person has been served a notice under section 65(A) of the Act
- if served with an intervention order, any conditions in relation to any communication or facilities the accused person is not to approach or attend.

#### Step 2: Create a central file and appoint a case manager

The sector office, through its relevant divisions or personnel, will ensure that a central file is established and that a case manager is identified to support the site in its management of the allegation. In an Independent school, this will be the responsibility of the school principal.

#### Step 3: Assist the site in establishing appropriate leave for the accused person

The sector office will assist the site leader to manage these arrangements. It will ensure that the accused person is directed not to attend the site but it will assist the accused person to have personal materials delivered to them that have been approved by SA Police as appropriate.

In an Independent school, this will be the responsibility of the school principal.

#### Step 4: Check that all immediate responsibilities have been met

The sector office needs to check that the immediate responsibilities of the site have been met; for example:

- contact with parents
- contact with a social worker if the alleged victim is under the Guardianship of the Chief Executive, Department for Child Protection
- provision of counselling
- report to the Child Abuse Report Line
- documented notes and secure file established.

In an Independent school, this will be the responsibility of the school principal.

#### Step 5: Alert others as required

This responsibility varies across the three sectors but will include, as appropriate:

- relevant Minister (confirmed in writing)
- relevant Chief Executive/Director
- chairperson of the governing authority
- other education sectors, as per the Intersectoral Information Sharing Protocol
- Education Standards Board in the case of early childhood and care settings
- any other agency/organisation where risks to children's or young people's safety are identified.

#### Step 6: Alert media unit

The sector office should alert its media unit or advisor as appropriate:

- Department for Education: 8226 7990
- Catholic Education SA: 8210 8147
- Association of Independent Schools of South Australia: 8179 1400.

## Step 7: Collate notes

The sector office should ensure that the site leader and other staff have made notes of any relevant events and conversations, using the record templates provided as Appendices 3 and 4, and ensure copies are placed on the sector office's central file.

In an Independent school, this will be the responsibility of the school principal.

## 3.3 Further action

As soon as the sector office has satisfied itself that the steps listed in Section 3.2 'Immediate action' have been carried out, liaison should occur with the site in considering the following:

- the future employment of the accused person
- providing counselling and support
- undertaking a risk assessment
- responsibly giving out appropriate information.

The previous section (Section 2 Legislative Framework) outlines actions that must be taken immediately. The tasks under this 'further action' section should be undertaken as promptly as possible without compromising the consultation, risk assessment and information gathering that is required for those tasks to be undertaken appropriately. It is understood that maintaining an unqualified focus on the protection of children and young people will mean varying lengths of time are taken to complete the required actions. However, the guiding principle for sites and sector offices is that all the steps outlined in Section 3.3 must be maintained as priority actions and shown to be so by the records kept.

### 3.3.1 Future employment/ engagement of accused person

Where the accused person is a staff member, the site leader should consult the relevant sector office to ascertain whether the accused person can be suspended from duty pending the outcome of the investigations.

If the accused person is a volunteer, the services of that person should be terminated immediately.

If the accused person is a contractor, legal advice should be obtained whether the contract can be terminated.

If the accused person is an employee of the governing authority, the site leader and the governing authority should seek advice from the sector office on suspending that person.

In the event of the charges being withdrawn or in the event of an acquittal, the sector office should inform the site leader about what is to occur in relation to the future employment of the accused person.

In an Independent school, this will be the responsibility of the school principal.

### 3.3.2 Counselling and support

Appropriate support should be provided as required to:

- the victim and their parents
- other children or young people and parents of the school or care community
- staff members
- relatives of the accused person who are employees or enrolled students at the site or in the sector and who identify their needs.

Generally speaking, that support will be in the form of counselling.

#### Victim and victim's parents

The site leader should meet with the parents of the victim to discuss continuing support. Details of counselling services with contact numbers should be provided to the victim and their parents as part of this first meeting. The site leader should ensure that a written record of the meeting is made. A sample is provided as Appendix 4.

Over the following days, a support and safety plan should be finalised covering all aspects of the victim's and the family's ongoing needs and agreed actions (see Appendix 6). Copies of the plan, and all updated versions, should be provided to the victim and the family. A copy of the plan/s should also be provided to the sector office as required. The verbal offer of counselling to the victim and the family should be followed by a letter re-stating the offer and the specific service options. If these services have been taken up by the victim and the family and recorded as part of the support and safety plan, the letter should simply confirm those agreed arrangements and attach the support and safety plan. The site leader should consult with the sector office on drafting this letter.

The site and the sector office must continue to monitor the wellbeing of the victim and their family through regular reviews of the support and safety plan. Particular attention must be given to significant dates where court proceedings are likely to prompt further stress and emotional burden.

#### Other children or young people and parents of the school or care community

The nature of the support or counselling that may be appropriate for other children or young people and parents in the school or care community will vary depending on the circumstances of each incident. If the risk assessment indicates the appropriateness of informing a wider group of parents then, generally speaking, the same services as outlined above should be offered. This may happen via a letter, face-to-face meeting or small-group meeting, as appropriate. These actions will be undertaken in consultation with SA Police, the sector office and an appropriate provider of such counselling, for example Child and Adolescent Mental Health Services. Copies of letters and records of meetings must be stored with the site leader and provided to the sector office as required.

## Staff members

Staff members may be profoundly impacted by sexual misconduct allegations. Consideration must continue to be given to the wellbeing of staff, particularly those who were in some way associated with the accused person (eg co-class teachers, friends, relatives), and to the site leader on whom the additional burden of ultimate responsibility for the safety of the site rests.

Particular care should be taken in explaining the restrictions that may be placed on the accused person to staff who are friends of the accused. Individual staff members may need specific help in knowing how to respond to requests for emotional or other support from the accused person without complicating their own obligations at the site or unwittingly complicating matters for the accused. It is reasonable and important that staff members are able to offer emotional support to others and that accused persons have access to the support of friends. However, staff will need clear guidance on how to respond to particular requests such as acting as a witness. Site leaders should seek sector office support in clarifying the advice they give in these circumstances.

As with any other kind of serious critical incident, the site or sector office may need to deploy additional personnel to the site to ensure that it can operate without placing staff wellbeing or the care of children and young people at risk. Staff members may not immediately appreciate the impact on their wellbeing so reminders about the availability of the relevant sector counselling service should be given to staff on a number of occasions in the weeks or months that follow. Important events such as the outcome of court proceedings can trigger new points of stress and need which the sector office must anticipate and monitor.

## Relatives of the accused person who are employees or enrolled students at the site or in the sector

A sensitive plan of support may need to be developed with and for relatives of the accused person who make their needs known to the site leader or sector office. Each circumstance will differ but the site leader and sector office will need to consider the best ways to support relatives who identify their needs, including the provision of counselling and the option of alternative placements if requested.

In some instances, relevant information may need to be shared between the sector office and site leaders so that appropriate monitoring of an employee's or enrolled student's safety and wellbeing is maintained. The impact on relatives of media coverage or letters to the community should be anticipated and protected against wherever possible. The details of support plans for relatives should be provided to the sector office as required and filed by the site leader.

## 3.3.3 Risk assessment

A risk assessment will be made by the relevant sector office in consultation with the site leader and will draw on information provided by SA Police. In an Independent school, this will be the responsibility of the school principal. The risk assessment will consider whether there is a reasonable suspicion that there might be other victims and the most appropriate way of addressing that risk through informing identified people. Where necessary, the relevant sector office or Independent school principal should consult experts.

The risk assessment should consider relevant factors, including:

- the nature of the offending
- the circumstances in which the offending occurred
- the place or places where the offending occurred
- the age and gender of the victim
- the age and gender of the accused person, whether the accused person had regular and frequent contact with other individual children or young people, or a group or groups of children or young people, and the nature and circumstances of that contact
- the opportunities that were available to the accused person on which to offend against other children or young people.

## 3.3.4 Informing responsibly

Although the publication of the name of the accused person generally to the public may be forbidden, either by suppression order or by section 71A of the Evidence Act before the first court appearance, it is proper for those with a legitimate interest in the matter to be informed of the alleged offending. Those who have a legitimate interest in the offending are the staff at the site, the members of the governing authority of the site and parents of children or young people who are likely to have been in contact with the accused person.

As considerable care must be taken when informing staff, the governing authority and parents of the incident, site leaders and sector offices should follow the advice below.

It is necessary to consider the question of providing information at three stages. They are:

1. when no more is known than what is contained in the allegations
2. after the accused person has been charged by way of arrest or summons
3. after the accused person has appeared in court (whether personally or by counsel or solicitor) in relation to the charge.

*Note: As with all other parent communications, site leaders should ensure that, wherever required, letters are translated and interpreters are available at meetings. Written communications should be marked 'Confidential' and signed either by the site leader or a senior official of the relevant sector office. The decision about who signs letters will be taken consultatively and will respond to the unique circumstances of each case.*

## Stage 1: When allegations only are known

### Informing staff

It might be necessary for the site leader to make arrangements to replace the accused person who has been placed, for example, on special leave, and to make other consequential administrative arrangements. The site leader is at liberty to inform the staff involved in the administrative arrangements of the allegations but should not inform other staff at that stage. Those staff members who are informed of the allegations should be asked to keep the information confidential and if contacted by the accused person they should not discuss the allegation. Other staff members should be told that the member of staff will be on leave using a neutral term applicable to processes utilised in the relevant sector.

Once the decision of the relevant sector has been taken to suspend the accused person, the site leader should call a staff meeting and inform all staff that the accused person has been suspended.

It might be necessary to state that the accused person has been suspended because their conduct is being investigated but nothing should be said that might indicate that allegations of sexual misconduct had been made against the accused person.

Staff should be informed that the accused person is not allowed on the site and if the accused person is seen at the site to report it to the site leader. See Section 3.3.2 regarding support for staff in managing this circumstance. Staff should be instructed to keep the information confidential and to refer any parents with questions to the site leader (see section on managing rumour, misinformation and curiosity below).

Staff members should be instructed that, if they have any information that will assist the police investigation, they should contact police and provide that information. If that information is relevant to the safe operation of the site, it should also be provided to the site leader. If the identity of the victim is known and consent is obtained from the victim or the victim's parents, specific staff members such as the victim's class teacher or school counsellor may be told who the victim is on a confidential basis in order to provide appropriate support for the victim.

### Informing governing authority

The members of the governing authority should be informed by the site leader. They should be given the same information as staff, namely, that the accused person has been suspended until further notice and that the accused person has been directed not to attend the site. They should be asked to keep the information confidential and to refer any questions from parents to the site leader.

### Informing parents

Generally speaking, while allegations are being investigated, it is not appropriate to inform parents of those allegations. The allegations might prove to be false, may not be substantiated, or there may be insufficient evidence to warrant criminal proceedings. A letter that named the accused person and reports what are no more than allegations has a real potential to be defamatory. As a general rule, the site should not, therefore, inform parents of allegations.

Generally speaking, if there is an occasion when it is necessary to send a letter to parents referring to allegations, for example as a means of managing serious and harmful misinformation, that letter should not name the person against whom the allegations have been made. Legal advice through the sector office should be obtained before sending such a letter. It will be necessary, also, to consult SA Police.

### Managing rumour, misinformation and curiosity

In some cases, sites can anticipate that discussion will occur within their parent community once a member of staff has been suspended. It is appropriate that staff be provided with instructions for dealing with potential queries or comments. That instruction should be to refer all inquiries to the site leader.

If an inquirer asks the site leader why the suspended person is no longer at the site, the site leader should give the inquirer an answer that is as neutral as possible and one that does not disclose the nature of the alleged offending. One example of an appropriate answer is 'The person has been suspended. I am sorry I cannot give you any further information at this stage. As soon as I am in a position to do so, I will let you have more information'. If the inquirer persists, the site leader should do no more than state that the person has been suspended because their conduct is being investigated by police and more information will be given when the outcome of the police investigation is known.

Staff members should also be instructed to alert the site leader immediately if they become aware of accusations or threats by community members that pose risks to the safety or wellbeing of individuals or the broader site community. The site leader should consult with the sector office and SA Police about the best course of action. In some circumstances, this may prompt the need for a letter to the whole community. However, as stated above, this should occur only through consultation with the sector office and SA Police and legal advice must be sought.

The prompt actions of the site leader and sector office in facilitating all of the actions required in this guideline will help prevent rumour and misinformation in the community.

## Stage 2: After accused person has been charged by way of arrest or summons

### Informing staff

An accused person is 'charged' with an offence once a charge has been laid before the court. This can occur by way of arrest by police, or after an accused person has been reported by police and summonsed to attend court.

If a person has been reported by police and has not received a summons to attend court, refer to Stage 1.

Following the arrest or charging of a member of staff, the site leader should convene a meeting of staff for the purpose of:

- informing them that a member of staff has been arrested and to name that person and the offence
- informing them of changes to staff required by the absence of the accused person
- informing them that the accused person is not permitted on the site
- asking staff to inform the site leader if the accused person is seen at or near site grounds so that the site leader may take appropriate action
- informing them that, if they have any information that will assist the police investigation, to report that information to police and to the site leader if relevant to the safe operation of the site
- informing them that if they are contacted by the accused person they should not discuss the allegation.

Staff should also be instructed to keep the matter confidential in order to protect the confidentiality and identity of the victim and also instructed that it may be an offence to publish any material identifying the accused person at this stage of the criminal proceedings.

See Section 3.3.2 regarding advice for staff members in managing their contact with or support of the accused person.

If new staff join the site, the site leader should give the same information to those new members of staff. Information should be given to a relieving teacher only if that teacher will be teaching the victim.

If the identity of the victim is known and consent is obtained from the victim or the victim's parents, specific staff members, such as the victim's class teacher or school counsellor, may be told on a confidential basis who the victim is in order to provide appropriate support for them.

### Informing governing authority

The most suitable means by which to inform the governing authority is at an extraordinary general meeting called for that purpose. The site leader is at liberty to inform members of the governing authority of the same facts as revealed to staff members. Governing authority members should be given the same instructions regarding the requirement to maintain confidentiality and to inform SA Police and the site leader of any information relevant to the safety of the site.

The site leader should also advise the governing authority of parent communications (see below). Wherever practicable, this advice should be given ahead of the communications occurring.

### Informing parents

The manner in which information is given to parents and the kind of information given to parents will depend on the result of the risk assessment (see Section 3.3.3).

Particular care must be taken when informing parents of the fact that a staff member has been arrested and charged with an offence. Parents will be advised either by letter, email or at a meeting, as described below.

#### Letters

As a general rule, the accused person should not be named in a letter to parents before the relevant time. The letter must be sent as soon as reasonably practicable. There is no one letter that will be suitable for all occasions. With the assistance of the sector office, the site leader will have to prepare a letter suitable to the occasion in question.

Before finalising the contents of the letter with the site leader, the sector office must consult with police as to the timing and content of the letter.

The letter to be sent to parents should have regard for the following five factors:

- the presumption of innocence
- the fact that section 71A of the Evidence Act restricts publication of the name of the accused person before the 'relevant time'. If, contrary to the recommendation in this guideline, it is decided to name the accused person in a letter to parents, legal advice should be taken as to whether the letter is permitted by section 71A
- the fact that a person who receives the letter might distribute it or post it on a website or social media
- the fact that the name of the accused person can lawfully be published after the 'relevant time', in accordance with section 71A of the Evidence Act
- whether a suppression order has been made by a court.

The purpose of a letter is twofold: to inform parents of the fact that a person connected to the site has been charged by way of arrest or summons with a sexual offence and to state whether there is any concern for the safety and welfare of children and young people other than the victim.

The letter should be sent by post or email as per the sector's or site's established process. It should not be sent home with the child or young person. It should not be posted on the site's noticeboard or published in a newsletter. It is strongly recommended against placing these communications on any social media or internet platform.

### *No other victims*

If the result of the risk assessment is that there is no suspicion that there might be other victims, a letter should be sent to all parents at the site stating that fact.

The letter should inform parents that a person connected to the site has been arrested and/or charged and the offences with which they have been charged. The letter should not name the accused person if their identity is prevented from publication by section 71A of the Evidence Act or by suppression order. An example of this type of letter and a list of the topics the letter should contain are set out in Example 1 of Appendix 5.

### *Reasonable suspicion of other victims*

Where the risk assessment has determined that there is a reasonable suspicion there might be other victims (see Section 3.3.3), the relevant sector office will consider the most appropriate way to inform parents of children or young people who are likely to have been in contact with the accused person. This should occur in consultation with the site leader, based on information and advice from SA Police.

Contact with parents may occur in writing, by telephone, or through individual or group meetings. Any written communication to parents should not name the accused person if their identity is prevented from publication by section 71A of the Evidence Act or by suppression order.

Parents may be given further information and instruction verbally that cannot be given in a letter. The site leader may name the accused person and answer any questions parents might have. The site leader should ask parents to treat the information as confidential. Parents can be told that the identity of the accused person is prevented from publication by section 71A of the Evidence Act or by suppression order (where applicable).

It is also recommended to encourage parents to treat the information as confidential by stating that it is in the interests of the victim and the victim's family to keep the matter confidential. It should also be stressed in the discussions that nothing should be said or done that might identify the victim.

If it is determined to inform parents at a group meeting, such a meeting should be planned with and attended by a qualified and experienced expert, such as a psychologist, with experience in assisting children who have been victims of abuse and who would be able to answer any questions parents might have.

Parents should be provided with appropriate information and advice on how to deal with any disclosures made by their child. This may include information that deals with such matters as informing parents of the kind of behaviour that is indicative of a child having been the victim of abuse, the appropriate way to provide opportunities for the child or young person to talk about what has been a traumatic

experience, and how to support the child or young person and manage the situation.

The information and instruction should be directed to the type of offending that has been alleged. It should include a strong message that parents should be available to their child but not to interrogate them. Parents should be provided with contact details for relevant support services.

### *When a group is identified*

Where the risk assessment has determined that there is a reasonable suspicion there might be other victims among a particular group of children or young people who have had contact with the accused person, and it is determined that a meeting will be held with parents, two letters should be sent to parents. Neither letter should name the accused person if their identity is prevented from publication by section 71A of the Evidence Act or by suppression order.

The first of these two letters should be sent to the parents of those children or young people in the group in which it is suspected that there might be other victims. It will inform those parents of the fact that a person connected to the site has been arrested and/or charged and the offences with which they have been charged. It would inform those parents if a meeting is being called to give information to parents, or if parents are being invited to meet personally with the site leader. At the same time, the letter should not suggest that the children or young people of those parents who received the letter are, in fact, victims.

An example of this type of letter and a list of the topics the letter should contain are set out in the first letter of Example 2 of Appendix 5.

The second letter to be sent should be addressed to all other parents at the site. It will contain essentially the same information as the first letter except that it will state that, while there is no evidence that any child or young person at the site apart from the victim is involved, a group meeting or individual meetings are occurring with parents whose children or young people have been in contact with the accused person. The letter may state that the site is holding such a group meeting and the recipient may attend the meeting if they wish to do so.

An example of this type of letter and a list of the topics the letter should contain are set out in the second letter of Example 2 of Appendix 5.

### *When a particular group cannot be identified*

In those cases where it is not possible to narrow down the group of children or young people because the accused person has had contact with most of the children or young people at the site, and it is determined that a meeting will be held with parents, one letter will be sent to all parents.

An example of this type of letter is Example 3 of Appendix 5.

### Stage 3: After first court appearance (the 'relevant time')

After the accused person's first court appearance (provided that no suppression order has been made), there are no restrictions on informing staff, members of the governing authority or parents of the fact that the accused person has been charged with a sexual offence. Any information given to people in those groups can name the accused person and state the offence with which the accused person has been charged. However, it should be noted that publication of any information that may identify a victim is prohibited under section 71A(4) of the Evidence Act.

#### Informing parents of previous students

In consultation with the sector office and where appropriate based on the risk assessment undertaken earlier, a site leader should ascertain the names of children or young people who in previous years would have been in contact with the accused person. Having done so, the site leader should send a letter to the parents of those children or young people whose addresses are known or to the young people themselves if they are now adults. This information should be given to those parents in accordance with Stage 2 above.

#### Informing other sites

Where the accused person has been employed at other education and care sites, the sector office will notify those other sites so that they can consider whether it is necessary to inform parents in the same way as described in Stage 2 above.

#### Informing other authorities

This responsibility to inform other authorities about changes to the situation and actions taken varies across the three sectors but will include, as appropriate:

- relevant Minister (confirmed in writing)
- relevant Chief Executive/Director
- chairperson of the governing authority
- other education sectors, as per the Intersectoral Information Sharing Protocol
- the Education Standards Board in the case of early childhood and care settings
- any other agency/organisation where risks to children's or young people's safety are identified.

### 3.3.5 Monitoring court proceedings

The sector office should monitor the court proceedings and inform the site leader of the stage the prosecution has reached. In an Independent school, this will be the responsibility of the school principal. The site leader should inform parents by letter of any significant development in the prosecution. Any letters should be drafted in consultation with the sector office and should not name the accused person if their identity is prevented from publication by section 71A of the Evidence Act or by suppression order.

### 3.3.6 Responding to the media

All media inquiries should be referred to the relevant sector's media unit or advisor:

- Department for Education: 8226 7990
- Catholic Education SA: 8210 8147
- Association of Independent Schools of South Australia: 8179 1400.

### 3.3.7 Reporting the outcome

It is desirable to inform the staff, members of the governing authority and parents of the outcome of the criminal proceedings. It is essential to inform them of the outcome if the accused person is acquitted or if the charges against them are withdrawn or if the proceedings lapse for any reason. The letter should be drafted by the sector office and signed by a very senior leader. In an Independent school, this will be the responsibility of the school principal.

Should the accused person be acquitted or if the charges against them are withdrawn or if the proceedings lapse for any other reason, the sector office or the Independent school principal will have to make a number of decisions in relation to the future employment of the accused person. They include:

- whether the accused person will be subject to any disciplinary proceedings under section 114 of the *Education and Children's Services Act 2019*, or any other sector specific policies or contractual arrangements
- whether the accused person will return to the site where they had been employed
- whether the accused person should be employed at another site.

## APPENDIX 1: Checklist for site leaders

*Note: These steps are not necessarily sequential. Different circumstances will dictate a variation in the sequence of actions. It is assumed site leaders will delegate responsibilities to ensure they are undertaken in a timely fashion. Many of the actions are undertaken under advice from SA Police or the sector office.*

1. Attend to immediate welfare needs of victim. (Section 3.2.1)
2. Receive report of allegation and make notes of complaint. (Appendix 3)
3. Call SA Police on 131 444 to report allegations. Obtain appropriate police contact number for parents to use, and seek advice re steps 4, 5 and 6.
4. If SA Police approves, take steps to preserve evidence. (Section 3.2.1)
5. Following SA Police/sector office advice, prevent accused person from having access to children and young people. (Section 3.2.1)
6. Following SA Police advice, contact parents of victim, taking into consideration victim's views. (Section 3.2.1)
7. Notify CARL on 131 478 or by eCARL.
8. Inform victim and victim's parents of counselling and support options. Inform social worker if victim is under the Guardianship of the Chief Executive Department for Child Protection. Document allegations, meetings and support and safety plan. (Section 3.3.2 and Appendices 3, 4 and 6)
9. Follow sector reporting procedures regarding critical incidents and contact sector office. (Section 3.2.1)
10. Communicate with accused person in relation to sector specific leave as per sector office guidance. (Section 3.2.2)
11. Consider the support needs of relatives of the accused person who work or are enrolled at the site and who identify their needs. (Section 3.3.2)
12. Consider the support/advice needs of staff, in particular those closely associated with the accused person. (Section 3.3.2)
13. In consultation with the relevant sector office, provide written offer of counselling support to victim and victim's family and formalise the support and safety plan for the victim. (Section 3.3.2 and Appendix 6)
14. Inform staff and governing authority, in consultation with the sector office and in accordance with guideline (Section 3.3.4)
15. Write letters to parents, in consultation with sector office and SA Police, and in accordance with the guideline. (Section 3.3.4 and Appendix 5)
16. If appropriate, hold meeting of parents as outlined in the guideline. (Section 3.3.4)
17. Inform site community, staff and governing authority of progress of the prosecution. This is especially important if there is an acquittal. (Section 3.3.4)
18. Ensure all documentation is stored in a secure, confidential file and copies are provided to sector office as required. (Appendices 3, 4, 5 and 6)

## APPENDIX 2: Checklist for sector office

*Note: These steps are not necessarily sequential. Different circumstances will dictate a variation in the sequence of actions. The involvement of Association of Independent Schools of South Australia in supporting its Independent member schools will be at each individual school's request, however the Association of Independent Schools of South Australia recommends that its member schools adopt this checklist as best practice.*

1. Receive the following information from SA Police, as per the Interagency Code of Practice:
  - (a) the name, date of birth and address of the person who has been charged or is under investigation
  - (b) details of the offences charged or under investigation
  - (c) the conditions upon which the accused person has been bailed
  - (d) the court bailed to and the date of the first court appearance
  - (e) the school or schools involved
  - (f) whether there is a reasonable suspicion that there might be other victims
  - (g) whether there are any complicating factors that would affect disclosure to parents
  - (h) the contact details of the investigating officer
  - (i) whether the offence is a major indictable offence, a minor indictable or a summary offence
  - (j) whether the accused person has been served a notice under section 65(A) and 66 of the *Child Sex Offenders Registration Act 2006*
  - (k) whether the accused person has been served with an intervention order, and if so, any conditions in relation to any communication or facilities the accused person is not to approach or attend.
2. Create file and appoint a person to supervise and manage the matter to its conclusion.
3. Assist site leader to manage the immediate placement of the accused person including preventing access to children/young people as necessary.
4. Meet reporting obligations to other authorities and information sharing with other sectors/organisations in accordance with the guideline.
5. Inform media unit.
6. Conduct risk assessment drawing on SA Police information and decide whether letter should be sent to parents in accordance with guideline.
7. Determine employment status of accused person.
8. Ensure site leader has met all responsibilities, including notification to CARL or eCARL and offer of counselling to victim and parents of victim. The offer should be made orally and be confirmed in writing.
9. Assist site leader to support/advise relatives of the accused person, who identify their needs and staff who are friends of the accused person as appropriate.
10. Check that relatives of the accused person who are employed or enrolled at different sites, and who identify their needs are supported as appropriate.
11. Work with site and SA Police to draft letter/s to parents.
12. Consider whether legal advice is needed on letter/s, especially if the matter is complex.
13. Collate notes of site leader and other staff and place copies of these and victim's support and safety plan on central file.
14. Assist site leader and other relevant child health professionals to facilitate a meeting with parents as relevant.
15. Notify parents of children/young people of past years and other sites as relevant.
16. Monitor court proceedings and the existence of suppression orders, and continue to consider the appropriateness of all actions as matters progress or new information comes to light.
17. Inform site leader of the progress of the prosecution, and assist site leader in keeping staff, governing authority members and relevant parents similarly informed.
18. Continue to meet reporting obligations to other authorities.



## APPENDIX 3: Record of allegation

*Note: This record can be used as a guide for recording information regarding the allegation. The staff member who first received the information should complete this record. It must be stored in a confidential file.*

### Record of allegation of sexual misconduct

Name of person making the allegation (complainant)

Date and time that allegation was reported

Age, gender and role of complainant

Name of accused person

Role of accused person

Name of victim (if not the complainant)

Age and gender of victim

Allegation details

Do not interrogate the victim. Complete in direct speech what was reported to you.

Name: (person who received the complaint)

Signature:

Date:

## APPENDIX 4: Record of meeting

*Note: This record can be used as a guide for recording meetings or conversations relating to the management of allegations of sexual misconduct by adults and stored in a confidential file.*

Date of meeting

---

Location of meeting

---

Attendees

Include full names and titles of attendees

*Example: John Smith Principal, Ms Jones mother of Marcus*

---

Purpose of meeting

*Example: Discuss allegation of sexual misconduct towards Ms Jones' son Marcus by staff member/volunteer*

*Discuss as much of support and safety plan as possible*

*Discuss options for changed enrolment, if considered appropriate by any party*

---

Actions taken to date

*Example: Police contacted, referral to <name of agency or support service>*

---

Contact names and contact details

Include all relevant contact details

*Example: Contact number for Principal, contact number of SA Police investigating officer*

---

Future actions

List future actions to be taken and person responsible

Set date for finalising the support and safety plan

---

Signature of site leader

Name:

Signature:

---

Signatures of other attendees

Name:

Signature:

---

Name:

Signature:

---

## APPENDIX 5: Sample letters to parents

### Example 1: Where no other victims are suspected

The letter to all parents when there is no suspicion that there might be other victims would deal with the following topics:

1. a statement that the accused person has been arrested and charged but not naming the accused person
2. a statement of the offence with which the accused person has been charged
3. a statement indicating that the site does not suspect that there are other victims
4. an assurance that the Department/Catholic Education SA/Association of Independent Schools of South Australia will keep parents informed
5. a request to keep the matter confidential in order to protect the victim and the victim's family
6. contact numbers of support services for concerned parents
7. a statement that those who have questions or concerns may contact the site leader
8. a statement that the accused person has been removed from the site
9. an assurance that the site is managing the issue without impairing the provision of education and care at the site
10. a request that parents with information that may assist the police investigation to contact police and provision of a contact number.

The letter below uses a teacher as an example of an 'accused person'.

Confidential

Dear Parent/Caregiver

I regret to inform you that a teacher from our school has been arrested by police and charged with [NAME THE OFFENCE].

Police are investigating the matter. The teacher has been suspended from duty pending the outcome of the police investigation and prosecution. The teacher has been instructed not to attend the school. I will keep you informed of the progress of the prosecution.

The information available to the school suggests that there is no need for any concern for any other children at the school.

For the sake of the victim and the victim's family and particularly to protect the identity of the victim, please treat this information as confidential. I ask you not to distribute this letter, to post it or to display it in any public way including on social media or on any other internet site.

If you have any information that may assist the police investigation, please contact SA Police on 131 444.

A relief teacher has been appointed and the classes will proceed as normal.

If you have concerns about the safety and welfare of your child, please feel free to contact me directly at the school. Alternatively, you may seek advice from one of the services below:

- Kids Helpline on 1800 55 1800 or at [www.kidshelpline.com.au](http://www.kidshelpline.com.au)
- *any other relevant public support service.*

If you have any questions or concerns, please do not hesitate to contact me.

Yours faithfully  
Principal

## Example 2: When a group is identified

Where the risk assessment has determined that there is a reasonable suspicion there might be other victims among a group of children or young people who have had contact with the accused person, two letters will be sent.

One letter will be sent to parents of the children or young people who have been identified in the risk assessment process as possible victims.

The other letter will be sent to all other parents at the school.

Both letters will refer to the meetings to be held to give information and instruction to parents. Both letters would deal with the following topics:

1. a statement that the accused person has been arrested and charged but not naming the accused person
2. a statement of the offence with which the accused person has been charged
3. a statement that the accused person has been suspended from duty and directed not to attend the site
4. a statement that a meeting is being called for parents whose children had contact with the accused person, including the purpose of the meeting
5. a statement that there is no evidence at this stage that, apart from the victim, any other child or young person at the site is involved
6. a statement that any parent with information that may assist the investigation should contact police, with provision of contact details of the investigating officer
7. a statement that the site is managing the issue without impairing the provision of education and care at the site
8. a request to keep the matter confidential in order to protect the victim and the victim's family
9. contact numbers of support services for concerned parents
10. a statement that parents who have a concern should contact the site leader or, if the site has one, the school counsellor.

The letters below use a teacher as an example of an 'accused person'. The first letter (to parents of the identified group) can be in the following or similar terms.

Confidential

Dear Parent/Caregiver

I regret to inform you that a teacher from our school has been arrested by police and charged with [NAME THE OFFENCE].

Police are investigating the matter. The teacher has been suspended from duty pending the outcome of the police investigation and prosecution. The teacher has been instructed not to attend the school. I will keep you informed of the progress of the prosecution.

There is no evidence at this stage that any child at the school other than the victim is involved. However, I am concerned about the welfare of those children who have had contact with the teacher. Your child might have had contact with the teacher. I invite you to attend a meeting which will be held at 6.00pm on [INSERT DATE] in the School Hall.

I appreciate that this is short notice but I urge you to attend the meeting. Alternatively, if you are more comfortable meeting with me privately, please contact the school directly.

The meeting will be addressed by a psychologist who has experience working with victims of child abuse. The psychologist will inform you of behavioural signs and possible effects of child abuse and will answer any questions you might have.

For the sake of the victim and the victim's family and particularly to protect the identity of the victim, please treat this information as confidential. I ask you not to distribute this letter or post this letter on social media or on any other internet site.

A relief teacher has been appointed and classes will proceed as normal.

If you have any information that may assist the police investigation, please contact SA Police on 131 444.

If you have concerns about the safety and welfare of your child, please feel free to contact me directly at the school. Alternatively, you may seek advice from one of the services below:

- Kids Helpline on 1800 55 1800 or at [www.kidshelpline.com.au](http://www.kidshelpline.com.au)
- *any other relevant public support service.*

If you have any questions or concerns, please do not hesitate to contact me.

Yours faithfully  
Principal

The second letter (the letter to all other parents at the school) can be in the following or similar terms.

Confidential

Dear Parent/Caregiver

I regret to inform you that a teacher from our school has been arrested by police and charged with [NAME THE OFFENCE].

Police are investigating the matter. The teacher has been suspended from duty pending the outcome of the police investigation and prosecution. The teacher has been instructed not to attend the school. I will keep you informed of the progress of the prosecution.

There is no evidence at this stage that any child at the school other than the victim is involved. However, I am concerned about the welfare of some children who have had contact with the teacher and am writing separately to their parents and inviting them to attend a meeting. The meeting will be held at 6.00pm on [INSERT DATE] in the School Hall. If you wish, you may also attend the meeting.

The meeting will be addressed by a psychologist who has experience working with victims of child abuse. The psychologist will inform parents of behavioural signs and possible effects of child abuse and will answer any questions parents might have.

For the sake of the victim and the victim's family and particularly to protect the identity of the victim, please treat this information as confidential. I ask you not to distribute this letter or post it on social media or on any other internet site.

If you have any information that may assist the police investigation, please contact SA Police on 131 444.

A relief teacher has been appointed and the classes will proceed as normal.

If you have concerns about the safety and welfare of your child, please feel free to contact me directly at the school. Alternatively, you may seek advice from one of the services below:

- Kids Helpline on 1800 55 1800 or at [www.kidshelpline.com.au](http://www.kidshelpline.com.au)
- *any other relevant public support service.*

If you have any questions or concerns, please do not hesitate to contact me.

Yours faithfully  
Principal

It might be necessary to adapt each of these letters to the particular circumstances of each case.

### Example 3: When a particular group is not identified

When a risk assessment determines that there is a reasonable suspicion of other victims but it is not possible to identify a specific group because all children and young people at the site might have had contact with the accused person, the letter to parents should be in the following or similar terms.

The letter below uses a teacher as an example of an 'accused person'.

Confidential

Dear Parent/Caregiver

I regret to inform you that a teacher from our school has been arrested by police and charged with [NAME THE OFFENCE].

Police are investigating the matter. The teacher has been suspended from duty pending the outcome of the police investigation and prosecution. The teacher has been instructed not to attend the school. I will keep you informed of the progress of the prosecution.

There is no evidence at this stage that any child at the school other than the victim is involved. However, I am concerned about the welfare of all children at the school because they have all been in contact with the teacher at one time or another. For that reason, I invite you to attend a meeting to be held at 6.00pm on [INSERT DATE] in the School Hall.

I appreciate that this is short notice but I urge you to attend the meeting.

The meeting will be addressed by a psychologist who has experience working with victims of child abuse. The psychologist will inform you of behavioural signs and possible effects of child abuse and will answer any questions you might have.

For the sake of the victim and the victim's family and particularly to protect the identity of the victim, please treat this information as confidential. I ask you not to distribute this letter or post it on social media or any other internet site.

A relief teacher has been appointed and classes will proceed as normal.

If you have any information that may assist the police investigation, please contact SA Police on 131 444.

If you have concerns about the safety and welfare of your child, please feel free to contact me directly at the school. Alternatively, you may seek advice from one of the services below:

- Kids Helpline on 1800 55 1800 or at [www.kidshelpline.com.au](http://www.kidshelpline.com.au)
- *any other relevant public support service.*

If you have any questions or concerns, please do not hesitate to contact me.

Yours faithfully  
Principal

# APPENDIX 6: Support and safety plan for child/young person

## Support and safety plan

*Note: The following is a guide to the actions and considerations that should be made in supporting a victim. It should be adapted to the age and needs of the victim.*

Support categories	Support strategies	Responsible person/s
Internal support	<p>Who has discussed, as appropriate for age, all features of this plan with the child/young person?</p> <p>Has the child/young person been given full opportunity to share their view and has this view been respected to the fullest degree possible?</p> <p>What changes to the child/young person's routine are in place to support them?</p> <p>For example:</p> <ul style="list-style-type: none"> <li>- yard duty arrangements</li> <li>- before/after school</li> <li>- timetable</li> <li>- work expectations (special provisions if year 11/12)</li> <li>- attendance arrangements</li> <li>- site-based counselling support.</li> </ul> <p>What is the child/young person advised to do if they feel unsafe at any time at the site?</p> <p>For example:</p> <ul style="list-style-type: none"> <li>- advise yard duty teacher</li> <li>- move to front office</li> <li>- report directly to director/principal</li> <li>- go to counsellor's office</li> <li>- access nominated friend</li> <li>- contact parent/caregiver.</li> </ul> <p>Which adult at the site will be available for the child/young person to talk with and act as the 'support person'?</p> <p>How does the child/young person access the support person?</p> <p>What signs of stress in the child/young person will be reported immediately by staff to parents/caregivers?</p> <p>How will this communication be made and by whom?</p> <p>What is the agreed verbal response the child/young person will make to questions from others (eg staff, students, parents, friends)?</p> <p>What information is to be given to other relevant staff who must support the child/young person but for whom it isn't necessary or appropriate that they know the details of the underlying event?</p> <p>For example:</p> <ul style="list-style-type: none"> <li>- other class teachers</li> <li>- relief staff</li> <li>- yard duty staff</li> <li>- front office staff.</li> </ul> <p>Who is responsible for informing other relevant staff?</p> <p>Who will keep the child/young person's support person informed of upcoming events, such as court hearings?</p>	

Support categories	Support strategies	Responsible person/s
	<p>How will the child/young person's support person and the parent/caregiver contact person (see below) liaise with each other, if the one staff member does not undertake both roles?</p> <p>Has the child/young person consented to external professionals sharing information with the support person at the site, where relevant to the child/young person's safety and wellbeing?</p>	
<p>Parent/caregiver support and liaison</p>	<p>Who has provided parents/caregivers with counselling support services, verbally and in writing?</p> <p>Which staff member is the contact person for parents/caregivers on all matters associated with the support for the child/young person?</p> <p>How can parents/caregivers contact/access this staff member?</p> <p>What actions are being taken at home to help restore the child/young person's sense of safety and wellbeing?</p> <p>Are the actions at the site complementary to the parents/caregivers' actions?</p> <p>What signs of stress in the child/young person will parents/caregivers immediately report to the nominated parent/caregiver contact?</p> <p>Have parents/caregivers given permission for external professionals to share information with the support person at the site, where relevant to their child/young person's safety and wellbeing?</p>	
<p>Teaching and learning support</p>	<p>Are there any curriculum issues that need to be addressed?</p> <p>For example:</p> <ul style="list-style-type: none"> <li>- a proposed teaching plan that must be modified to avoid distress to the child/young person</li> <li>- the introduction of a teaching program in order to reinforce particular behaviour.</li> </ul> <p>Have these plans been discussed with other professionals supporting the child/young person?</p>	
<p>External support</p>	<p>Which other agencies or professionals are involved with the child/young person or his/her family?</p> <p>What is the nature and length of their support?</p> <p>For example:</p> <ul style="list-style-type: none"> <li>- How do they liaise with the site?</li> <li>- Have they contributed to the development of this plan/been given a copy?</li> <li>- Have they agreed to liaise with the site?</li> <li>- How is this liaison to occur and through which staff member?</li> </ul>	
<p>Plan review</p>	<p>When will the plan be reviewed?</p> <p>Who is responsible for setting a review date?</p> <p>How can the site, child/young person or parents/caregivers initiate a meeting outside of the scheduled review?</p> <p>Have parents/caregivers and child/young person been informed of whom they can raise concerns with if they are not happy with the actions of the site in providing support?</p> <p>Do they have the contact details?</p>	

Support categories	Support strategies	Responsible person/s
Others with a duty of care	<p>Who else needs to know about the plan? For example:</p> <ul style="list-style-type: none"><li>- OSHC/vacation staff</li><li>- Family Day Care provider</li><li>- boarding/residential staff.</li></ul> <p>What do the child/young person and parents/caregivers agree will be the information given to these individuals? What is necessary or relevant for them to know in order to follow the plan?</p>	
Signatures	<p>The plan is signed by key stakeholders, in particular:</p> <ul style="list-style-type: none"><li>- child/young person</li><li>- parent/caregiver</li><li>- site leader.</li></ul>	

# APPENDIX 7: Course of a criminal prosecution

*Note: This is a brief overview only of the steps involved in prosecuting a person accused of a criminal offence.*

## Common to any criminal offences

### 1. Police investigation

SA Police will investigate alleged crimes that have been reported to them. In the ordinary course of an investigation, police will take statements from the victim/s involved and other witnesses and will interview the accused. Police need sufficient evidence before the accused can be prosecuted.

### 2. The accused is charged

When the police have reached the stage that they have reasonable cause to suspect that the crime has been committed, they will either arrest and charge the accused or summons them to appear in the Magistrates Court on a date stated in the summons.

When the accused has been arrested and charged, they will either be remanded in custody or bailed to a date to appear in the Magistrates Court.

### 3. Classification of the charge

Criminal offences can be classified as summary offences, minor indictable offences, and major indictable offences. Generally, summary and minor indictable offences are tried in the Magistrates Court, unless joined with a major indictable offence. Major indictable offences are the most serious of all offences and are tried in the District Court and in the Supreme Court.

## Summary and minor indictable offences

### 4. Magistrates Court

The accused may either plead guilty or not guilty. If the accused pleads guilty, the magistrate will then determine the appropriate penalty.

If the accused pleads not guilty, the matter will be adjourned for a pre-trial conference. At the pre-trial conference, the magistrate will endeavour to clarify and limit the matters in dispute between the prosecution and the accused and, if the matter cannot be resolved, list the matter for trial on another date. The court may grant such adjournments as are necessary prior to the trial.

A magistrate will conduct the trial and decide whether the accused is guilty or not guilty. If the magistrate finds the accused guilty, the magistrate will then determine the appropriate penalty.

The prosecution has a right to appeal against acquittal where the magistrate has made an error of law or fact. An accused has a right to appeal against his or her conviction, sentence or both. Appeals against a decision made by a magistrate will be heard by a judge of the Supreme Court.

## Major indictable offences

### 5. First appearance in Magistrates Court

Although trials for major indictable offences are heard in either the District Court or the Supreme Court, the first step in the prosecution of a person charged with a major indictable offence is the pre-committal process (conducted in the Magistrates Court). At this stage, the police prosecutor will advise the court how much time the police will need to prepare the preliminary brief (the evidence gained from the police investigation).

## 6. Charge determination

A solicitor from the Office of the Director of Public Prosecutions (ODPP) will consider the evidence in the preliminary brief and determine if there is enough evidence to support the charges, or to support alternative major indictable charges. If so, a charge determination will occur, the charges will be confirmed, and the matter will proceed. If not, the preliminary brief will be returned to the police for further investigation or withdrawal of the charges.

## 7. Committal

The committal stage commences once the ODPP has made a charge determination and involves two main hearings: a committal hearing and an answer charge hearing. If the accused pleads guilty at the committal hearing or at the answer charge hearing, the magistrate will transfer the matter to the District or Supreme Court for sentencing. In some circumstances, sentencing can take place in the Magistrates Court\*. If the accused pleads not guilty at the answer charge hearing, the magistrate will transfer the matter to the District or Supreme Court for trial.

## 8. Arraignment

The first hearing in the District Court or the Supreme Court is called an arraignment hearing before a judge. If the accused has already pleaded guilty, the judge will either listen to sentencing submissions or adjourn the matter to a later date for submissions to be made. If the accused has pleaded not guilty, the judge will schedule a trial date, usually several months ahead. There can be further hearings between the arraignment and the trial date to make sure that prosecution and defence are ready for the trial.

## 9. Trial

The trial will typically be heard by a judge and a jury, or, if requested by the accused, only a judge.

The prosecutor must present sufficient admissible evidence to prove the accused committed the offences beyond reasonable doubt.

Once all the evidence has been heard, the jury (or judge, in a 'judge alone' trial) decides whether the accused is guilty or not guilty of the charges.

If the accused is found not guilty, the accused is free to go. This is called an acquittal and means the prosecution cannot appeal the verdict.

If the accused is found guilty, the judge will usually adjourn the matter to another day to hear sentencing submissions.

When the jury is not able to agree on a verdict ('hung jury'), there will be a re-trial.

Occasionally, a trial may result in a mistrial because some prejudicial event has occurred during the trial. The trial will then start again with a new jury.

## 10. Sentencing

Sentencing usually occurs in two stages: a hearing for sentencing submissions, and a hearing for the court to deliver the sentence. At the sentencing submissions hearing, the prosecutor and defence solicitor make submissions and victim impact statements are provided or read out to the court. The judge will consider submissions and deliver the sentence, usually at a sentencing hearing on a later date.

*\*The relevant parts of the Statute Amendment (Courts Efficiency Reforms) Act 2012, which makes provision for the defendant to be sentenced by a magistrate in certain circumstances, commenced on 1 July 2013.*

## 11. Appeals

The rights of appeal against a conviction or sentence are a little complicated. Broadly speaking, a defendant has to apply for permission to appeal against the conviction and the sentence. The appeal is heard by the Court of Criminal Appeal (CCA), which comprises three judges of the Supreme Court.

The ODPP has no right to appeal against a jury verdict of acquittal. The ODPP may, in certain circumstances, apply for permission to appeal against the decision of a judge acquitting a defendant. The ODPP may apply for permission to appeal against a sentence that is manifestly inadequate.

Where the CCA allows an appeal against conviction, the conviction will be quashed and the court will either order an acquittal or that the defendant be tried again.

In exceptional circumstances, the High Court of Australia will grant permission to appeal against a decision of the CAA.

## APPENDIX 8: Relevant legislation

*Note: All relevant legislation can be found at <<http://www.legislation.sa.gov.au>>.*

Children and Young People (Safety) Act 2017 (SA)

[https://www.legislation.sa.gov.au/\\_legislation/lz/c/a/children%20and%20young%20people%20\(safety\)%20act%202017/current/2017.25.auth.pdf](https://www.legislation.sa.gov.au/_legislation/lz/c/a/children%20and%20young%20people%20(safety)%20act%202017/current/2017.25.auth.pdf)

Criminal Law Consolidation Act 1935

[https://www.legislation.sa.gov.au/\\_legislation/lz/c/a/criminal%20law%20consolidation%20act%201935/current/1935.2252.auth.pdf](https://www.legislation.sa.gov.au/_legislation/lz/c/a/criminal%20law%20consolidation%20act%201935/current/1935.2252.auth.pdf)

Education and Children's Services Act 2019

[https://www.legislation.sa.gov.au/\\_legislation/lz/c/a/education%20and%20childrens%20services%20act%202019/current/2019.19.auth.pdf](https://www.legislation.sa.gov.au/_legislation/lz/c/a/education%20and%20childrens%20services%20act%202019/current/2019.19.auth.pdf)

Child Safety (Prohibited Persons) Act 2016

[https://www.legislation.sa.gov.au/\\_legislation/lz/c/a/child%20safety%20\(prohibited%20persons\)%20act%202016/current/2016.49.auth.pdf](https://www.legislation.sa.gov.au/_legislation/lz/c/a/child%20safety%20(prohibited%20persons)%20act%202016/current/2016.49.auth.pdf)

Evidence Act 1929

[https://www.legislation.sa.gov.au/\\_legislation/lz/c/a/evidence%20act%201929/current/1929.1907.auth.pdf](https://www.legislation.sa.gov.au/_legislation/lz/c/a/evidence%20act%201929/current/1929.1907.auth.pdf)


Summary Offences Act 1953

[https://www.legislation.sa.gov.au/\\_legislation/lz/c/a/summary%20offences%20act%201953/current/1953.55.auth.pdf](https://www.legislation.sa.gov.au/_legislation/lz/c/a/summary%20offences%20act%201953/current/1953.55.auth.pdf)

Criminal Procedure Act 1921

[https://www.legislation.sa.gov.au/\\_legislation/lz/c/a/criminal%20procedure%20act%201921/current/1921.1479.auth.pdf](https://www.legislation.sa.gov.au/_legislation/lz/c/a/criminal%20procedure%20act%201921/current/1921.1479.auth.pdf)





This guideline provides advice for leaders in education and care settings when responding to allegations of sexual misconduct by adults against children and young people. It outlines the actions to be taken and matters to be considered at different stages of the response. The guideline is designed to provide a transparent process to help support the people impacted by sexual misconduct incidents.

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Responsible Executive Director: Chief Operating Officer

Approved by: Director, Incident Management Directorate

Approved date: 16 January 2024

Next review date: 16 January 2027

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Approved date: 16 January 2024

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Amendment(s): December 2023 version of guideline jointly developed by Department for Education, Catholic Education South Australia and Association of Independent Schools of South Australia. Key updates to reflect changes in legislation and policy, new court processes, relevant publications, and to update wording to align with contemporary standards.

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Approved by: Director, Incident Management Directorate

Approved date: 16 May 2023

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Amendment(s): No policy amendments required currently, policy can continue to be used. Contact details changed.

Version: 2.0

Approved by: Director, Incident Management Directorate

Approved date: 16 June 2020

Review date: 16 June 2023

Amendment(s): Reference to Section 26 of Education Act 1972 in section 3.3.7 replaced by Section 114 of the Education and Children's Services Act 2019 as of 1 July 2020. The Education Regulations 2012 or Children's Services Regulations 2008 become the Education and Children's Services Regulations 2020 as of 1 July 2020.

Version: 1.0

Approved by: Director, Incident Management Directorate

Approved date: 11 April 2019

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Amendment(s): Change of department name and Chief Executives.

## Contact

Incident Management Directorate

Email: [education.IMDIntake@sa.gov.au](mailto:education.IMDIntake@sa.gov.au)

Phone: 8226 1604

# School Policies

*incorporating Mercy Education Privacy Policy  
and Standard Collection Notice*



St Aloysius   
A Ministry of Mercy Education Ltd

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### Mercy Education Policy - Privacy

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# Vision Statement

These beliefs are the hallmarks of St Aloysius College and form the foundations of our vision as a Mercy school and a local Church:

We believe in God.

We believe in the sign of God's merciful justice - Jesus Christ.

We believe in the Spirit, enabling us to be a sign of God's mercy in the community.

We believe in the sacredness of life.

We believe in our responsibility to all people.

We believe in our responsibility for continuing the work of creation.

# Mission Statement

With faith and courage, we nurture in our students an enduring zest for all aspects of life and learning, inspiring them to be confident individuals who make a difference in the world.

# School Policies

*Please note that our School Policies are regularly reviewed but are correct at the time of printing.*

## 1. INTRODUCTION TO SCHOOL POLICIES

St Aloysius College is a Mercy School based on the theological values of Mercy, affirmed and practiced by Catherine McAuley, the founder of the Sisters of Mercy, who lived by the ideal that "the proof of love is deed".

Our school policies reflect the foundation that the spirit of Mercy lives on as "...a spirit of loving kindness, an awareness of the worth and needs of others".

At St Aloysius we encourage our students to be compassionate and hospitable; to respect the worth and diversity of others, and to reach out in a spirit of loving kindness.

The model that supports us to put these values into action is the restorative practices approach.

## 2. PERSONAL RESPONSIBILITY POLICY AND PROCEDURE

St Aloysius College aims to develop a harmonious environment with positive relationships between all members of the College community and to promote high standards of behaviour and personal responsibility.

St Aloysius affirms that all members of the College community have the right to be treated with respect and dignity and to learn and work in a safe and supportive environment, enhanced by mutual respect and clearly stated expectations of behaviour for students.

### 2.1 General Conduct

Behaviour expectations include the following:

- Self-discipline, honesty, punctuality
- Self-respect
- Respect for others
- Cooperative/positive relationships with teachers and other students
- Pride in the College and respect for its facilities

## 2.2 Respectful Behaviour

St Aloysius College requires all students to treat each other in a respectful manner, both at school and elsewhere, including online. When travelling to, from or at the College or elsewhere for a school activity, a student's behaviour must reflect the standards of the College.

## 2.3 Classroom Expectations

Behaviour in class should ensure that effective learning can take place for all students. For effective learning to take place, the following guidelines apply to all students:

- Listen while others are speaking
- Be prepared and organised for the lesson
- Respect personal property
- Remain on task and allow others to do so
- Keep classrooms neat and tidy

## 2.4 Consequences for Behaviour That Does Not Meet College Expectations

Consequences will include:

- A restatement of behaviour expectations
- Relevant consequences (according to SAC behaviour guidelines)

Serious and/or repeated misbehaviours will require a meeting with the Year Level Coordinator and/or a Deputy Principal and may result in a temporary withdrawal from class and a review of student enrolment.

# 3. ATTENDANCE POLICY AND PROCEDURE

At St Aloysius College, we will endeavour to be collaborative in our efforts to monitor, communicate and support students to attend school and engage in our community. To this effect, we expect full-time attendance from our students and will monitor and support students who are repeatedly late or absent from school.

## 3.1 School Hours

### Secondary Students:

- All students must be in their Home Class room ready to start at 8:45am each morning.
- Students are dismissed at 2:35pm on Mondays and at 3:20pm each Tuesday to Friday.

### Primary Students:

- All students must be in their Home Class room ready to start at 8:45am each morning.
- Students are dismissed at 2:30pm on Mondays and at 3:15pm each Tuesday to Friday.

## 3.2 Student Absence

Parents/Caregivers should contact the College via SMS **0438 433 333**, by telephone **8217 3200** or email **absentees@sac.sa.edu.au** before 9:00am on the first day of absence so that teachers can be notified of the possible length of absence. Parents/Caregivers will be contacted if a student fails to arrive at school without notice of absence.

### Appointments/Leaving Early:

Parents/Caregivers need to contact the College via email **absentees@sac.sa.edu.au**, SMS **0438 433 333** or call the SAC Office **8217 3200** if their daughter needs to leave school early on a particular day.

## 3.3 Process for Exemptions

If a parent/caregiver wishes to take their child out of school temporarily or permanently, they must apply for an exemption from school attendance. Applications for an exemption must be submitted in writing to the Principal of St Aloysius College and should be accompanied by supporting documentation (eg - medical, psychological reasons). Students must attend school regularly until the exemption has been approved. Common reasons for exemption include family travel or holidays, medical or other health reasons.

### 3.4 Late Arrivals

Students who arrive after 8:45am must sign in at the SAC Office. Parents/Caregivers must notify the College of student lateness by telephone, SMS or email.

Students who are repeatedly late without prior communication from a parent/caregiver will be required to meet with the Year Level Coordinator who will contact parents/caregivers to seek resolution and arrange a meeting, if necessary.

### 3.5 Truancy

Students who miss lessons without a reason or leave the school property during the school day without permission from the school are deemed to have truanted. The Year Level Coordinator will contact the parent/caregiver of the student to discuss this concern. If truancy is repeated, a meeting with a Deputy Principal will be required.

## 4. RESTORATIVE PRACTICES

St Aloysius College draws on Restorative Practices to build and nurture respectful relationships. Restorative Practices are a series of processes premised on the innate dignity of each person and create opportunities for those involved in a conflict to understand, clarify and resolve the situation and work together towards repairing the harm caused.

Restorative Practices aim to build a community that values diversity and respect for self and others. A community grounded in a restorative philosophy requires the commitment of all members of the community.

## 5. ANTI-HARASSMENT POLICY AND PROCEDURE

St Aloysius College is committed to providing a safe environment where students can learn, free from bullying or harassment of any kind.

Bullying and harassment are interchangeable terms for the purpose of this policy. Harassment/Bullying can be:

- physical
- verbal
- emotional
- sexual
- racial
- cyber (email, SMS, internet)

### 5.1 Definition of Harassment

Harassment is any type of conduct or behaviour towards another person which is offensive, humiliating, demeaning, derogatory or intimidating.

It may also be considered harassment when someone continues to treat an individual in such a way as to cause the person to feel embarrassed, uncomfortable, upset or unsafe after requests to stop.

### 5.2 Definition of Bullying

“Bullying is an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behaviours that intends to cause physical, social and/or psychological harm.

It can involve an individual or a group misusing their power, or perceived power, over one or more persons who feel unable to stop it from happening.

Bullying can happen in person or online, via various digital platforms and devices and it can be obvious (overt) or hidden (covert). Bullying behaviour is repeated, or has the potential to be repeated, over time (for example, through sharing of digital records).

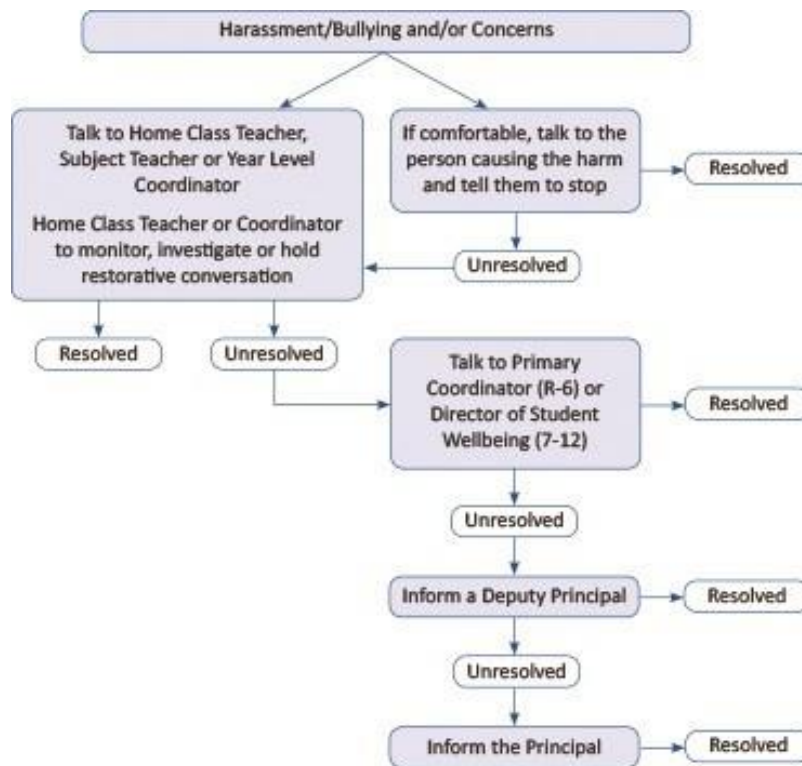
Bullying of any form or for any reason can have immediate, medium and long-term effects on those involved, including bystanders. Single incidents and conflict or fights between equals, whether in person or online, are not defined as bullying.”

*National definition of bullying Education Council (2018)*

### 5.3 What Can You Do If You Feel You Are Being Harassed/Bullied?

Every student has the right to seek assistance as soon as she feels unsafe. Parents/Caregivers are encouraged to support their daughter to follow up concerns. Please refer to the flow chart below.

### 5.4 Harassment/Bullying and/or Concerns Flow Chart



If a student has any concerns, then it is important that she talks to someone who can help her. The flowchart is a guide for students to follow if they need help.

## 6. GRIEVANCE PROCEDURE

St Aloysius College supports the right of any member of the school community who believes our school policies are not being supported or enforced appropriately to have their grievance addressed.

The usual procedure to be followed in addressing a grievance is, in the first instance, to approach the person with whom you have the grievance. However, if you feel you are unable to do this, you are encouraged to make contact with members of the College staff who are most closely connected with your daughter and/or with the specific grievance. In most instances, this will be one or more of the following people:

- Your daughter's Home Class teacher
- Your daughter's subject teacher
- The Primary Coordinator (Reception-Year 6) / Year Level Coordinator (Years 7-12)
- A Deputy Principal
- The Principal

If there is any uncertainty about the most appropriate person to address a concern or grievance, you are encouraged to contact the College on its direct line. SAC Office staff will refer you to the appropriate person.

If you are a parent/caregiver and you have a concern or grievance against the College and it remains unresolved, or if you are dissatisfied with the outcomes, the complainant has the right to seek other avenues of appeal through governing authority, Mercy Education Ltd ([www.mercy.edu.au](http://www.mercy.edu.au)). Complaints made to Catholic Education South Australia are directed back to the College or the Board Chair as appropriate.

Neither the Minister for Education nor the Department of Education has any power to intervene in any complaints relating to the operations of a non-government school.

## 7. COUNSELLORS AT ST ALOYSIUS COLLEGE

St Aloysius College has a team of school counsellors able to assist students with personal concerns relating to social and emotional wellbeing.

Primary students should talk with their teacher who will assist them to make an appointment in consultation with her parent/caregiver.

Secondary students can request an appointment by emailing [counsellors@sac.sa.edu.au](mailto:counsellors@sac.sa.edu.au) or speaking with a trusted teacher. Parents/Caregivers are welcome to contact school counsellors for general advice or referrals by phoning the SAC Office.

A member of the counselling team will respond as soon as they can, but this may not be immediate due to weekends, illness of staff or school holidays.

For advice and support after hours you can contact Kids Helpline ([www.kidshelpline.com.au](http://www.kidshelpline.com.au)) or 1800 551 800. This is a free, private and confidential telephone and online counselling service specifically for young people aged between 5-25 years old. If you have safety concerns and need urgent help after hours, please call 000 for emergency services.

## 8. DUTY OF CARE POLICY

It is a duty of care owed to students for us to take reasonable care to minimise and/or avoid harm being suffered.

What constitutes reasonable care will vary according to the circumstances. The following factors, however, although not necessarily exhaustive, must be taken into consideration in assessing the 'reasonableness' of the level of care required for a particular student:

- the student's age, experience and capabilities
- physical and intellectual difficulties or disability
- medical condition
- behavioural characteristics
- the nature of the environment in which a school activity is to be undertaken
- normal practices within the school and Catholic school policies and procedures.

Non-teaching staff, volunteers and external providers (and indeed, all members of the College community) must take reasonable care to avoid causing injury to others.

### 8.1 Student Supervision

As a school, we have what the law defines as a 'duty of care' towards the students enrolled. While the courts recognise that accidents cannot be totally prevented, schools are charged with the responsibility of ensuring the type of supervision which a normal parent/caregiver would provide, considering the age of the student and the activity in which she is engaged.

St Aloysius College assumes a duty of care for all students from the time they arrive on campus each day. Once on campus, students are not permitted to leave unless attending a supervised activity or excursion.

In regard to the school's duty of care:

- Students will be supervised within the College grounds from 8:20am each school day.
- Students are not permitted to leave the College grounds during the day without written permission from their Home Class Teacher or Year Level Coordinator.
- Students are supervised at recess and lunchtime.
- For safety, students are not permitted to use the playground equipment unless supervised by a teacher. This rule applies at all times, including before and after school.
- When dismissed at the end of the school day, students are expected to leave the College grounds immediately and proceed directly home. Students staying for activities organised by the College, such as sport, music or drama practice, will be supervised.

- Reception-Year 6 students who are still within the College grounds or surrounds and unaccompanied when teachers finish afternoon yard duty (2:45pm Mondays and 3:35pm Tuesdays-Fridays) will be taken to the Out of School Hours Care (OSHC) service. Normal OSHC charges will apply. These areas include, but are not limited to, the footpaths around the College, the school library, school courtyards, the playground and SAC foyer.
- Years 7-12 students who have not been collected when teachers finish afternoon yard duty have permission to work in the library within its normal opening hours.

Students are required to arrive promptly to school and be present for home class morning admin at 8:45am.

When a student is absent from school, parents/caregivers are requested to contact the College by 9:00am on that day to advise the likely length of absence. Parents/Caregivers will be contacted if the College has not been advised.

These measures ensure that both parents/caregivers and staff are able to exercise their legal responsibilities regarding students in a way that ensures a responsible degree of safety.

## 8.2 Safety in the School Grounds

**Hot Liquids:** Students are not permitted to bring any hot drinks (eg - coffee, tea, soup, noodles) into any classroom. This applies to all students, including Year 12 students. All hot liquid containers taken to a student area or carried through the school yard must have a fitted lid. This rule is not only for the protection of the student carrying the hot liquid but also others.

**Bicycles:** Bicycles are not permitted to be ridden within College grounds. Riders must dismount their bicycle and walk them once inside College grounds.

# 9. UNIFORM POLICY

The school uniform is an important part of the College's identity and students should wear it with pride and distinction. Students must familiarise themselves with the Uniform Policy of St Aloysius College.

A student who infringes upon this policy will be spoken to by her Home Class teacher. If a student continues to breach the uniform policy, parents/caregivers will be contacted and a meeting will be required between the student, parents/caregivers and/or a Year Level Coordinator, a Deputy Principal or the Principal.

**Agreement to adhere to the College's Uniform Policy is a condition of enrolment.**

## 9.1 Summer Uniform (Terms 1 and 4)

- SAC school dress (regulation style, mid-knee in length) incorporating the embroidered College logo  
- *available only at the SAC Uniform Shop*
- Summer shirt and brown SAC shorts (optional) – *available only at the SAC Uniform Shop*
- Summer school hat (grey)
- **Either**  
Long white regulation school socks with brown flat, regulation lace-up shoes (no high heels) or brown T-bar shoes  
**or**  
Roman sandals with no socks  
*(By law, students are required to wear covered shoes in laboratories)*
- On cold days in Terms 1 and 4 students may wear their SAC blazer and/or the SAC jumper or vest over the top of the dress/shirt and shorts.

## 9.2 Winter Uniform (Terms 2 and 3)

- Chocolate brown SAC blazer with mauve and purple trim with school monogram (compulsory, to and from school in Terms 2 and 3)
- Chocolate brown SAC jumper and/or vest
- Chocolate brown SAC tunic with mauve and purple pinstripe (mid-knee in length)
- Chocolate brown trousers (optional)
- Purple and white striped shirt (regulation style)

- Chocolate brown tights or long chocolate brown regulation school socks with purple and mauve trim with brown flat, regulation lace-up shoes or brown T-bar shoes
- On very cold days in Terms 2 and 3 a regulation SAC chocolate brown scarf and chocolate brown gloves may be worn.

### 9.3 Physical Education Uniform

*Available only at the SAC Uniform Shop (except sports shoes)*

Students are required to wear the following uniform:

- Embroidered SAC polo top
- Black sport shorts with gold and purple piping and SAC logo
- Black tracksuit pants with gold and purple piping and SAC logo
- SAC purple rugby top
- SAC PE jacket (optional)
- White sport socks with purple SAC branding
- Sports shoes
- SAC black bucket hat for Reception to Year 10 students (compulsory Terms 1 and 4)
- SAC purple baseball-style cap for Years 5 to 12 (optional)

#### **Swimming Requirements:**

- One-piece bathers
- Goggles

### 9.4 PE Uniform on PE Days

Students are permitted to wear their PE uniform to and from school on the days they have Physical Education lessons, school sport and training days provided the full and correct PE uniform is worn.

### 9.5 School Bag

All students must have the regulation St Aloysius College brown backpack.

### 9.6 House Colours

All students are assigned to one of four Houses. The Houses and their colours are:

- St Anne – *purple*
- St Clare – *white*
- St Margaret – *yellow*
- St Teresa – *green*

### 9.7 Wet Weather Days

- SAC umbrellas are available for purchase from the SAC Uniform Shop.
- The SAC Uniform Shop sells SAC spray jackets. This may be worn to and from school with the PE uniform.
- Puffer jackets are not part of the SAC uniform.

### 9.8 Additional Uniform Policies

#### **Hair**

- Hair is longer than shoulder length must be tied back while at school. This includes when students arrive at school, during all lessons, during recess and lunchtime and when they leave the school grounds at the end of the day.
- Hair is to be of a natural colour, including hair extensions.
- Hairstyles should be simple and neat.
- SAC ribbons (available from the SAC Uniform Shop), clips, hair slides, a head band or a scrunchie (in the permitted colours of brown, beige, yellow, white, black, purple, silver or gold) can be used to tie hair back.

#### **Headscarves**

Headscarves worn for religious and cultural reasons should be plain grey, brown, black or white in colour.

**Jewellery**

- Earrings – small studs or sleepers only and one in each ear only
- One watch
- One plain ring
- One fine gold or silver necklace chain or bracelet may be worn if it has religious or cultural significance
- Nose rings and other piercings are not permitted
- Any other jewellery or embellishments are not permitted

**Nails and Makeup**

- Only clear nail polish may be worn at school
- Nails must be kept short for safety and hygiene reasons
- Makeup is not permitted
- Eyelash extensions and false eyelashes are not permitted

## 10. COMMUNICATIONS TECHNOLOGY POLICY

All students, staff and volunteers are to use the College's information and communications technology only in a way that enhances student and staff learning and contributes to the betterment and wellbeing of the community. The technology is to be used in harmony with the Catholic ethos of the College.

The College's information and communications technology includes the utilisation of any equipment, property or resource at any time, both at school and outside school hours, and includes use from home or elsewhere. The College's computer network is an educational facility provided by the school to be used primarily for educational purposes. Anyone using it has a responsibility to use these resources in an appropriate, ethical, professional and lawful manner.

All email, telephone and message systems, including internet-based, will be treated as education or business-related messages. Accordingly, one should not expect that any information or document transmitted or stored on the College's computer network is private.

Workplace participants are permitted to use the internet and email facilities to send and receive personal messages, provided that such use is kept to a minimum and does not interfere with participants' responsibilities and duties within the College or with the College's functions. However, any use of the internet or email for personal purposes is subject to the same terms and conditions as described in this policy.

Individuals and/or the College may be liable for what is written or said in a message, including email. Messages are neither private nor secret. They may be easily copied, forwarded, saved, intercepted, archived and may be subject to discovery in litigation. The audience of an inappropriate comment in a message may be unexpected and extremely widespread.

The internet, email or any other messaging or telephone device should never be used to:

- abuse, vilify, defame, harass, degrade or discriminate (by virtue of gender, race, disability, religion, national origin or other)
- send, receive or store obscene, offensive or pornographic material
- discuss or comment on the physical appearance of another person (whether this person receives the message or not)
- harass any person whether through language, frequency or size of messages
- injure the reputation of the College and/or in a manner that may cause embarrassment to the College
- offend the ethos and values of Catholic teachings
- spam, mass mail or to send or deliberately receive chain mail
- infringe the copyright or other intellectual property rights of another person
- perform any other unlawful or inappropriate act
- upload any videos or photographs of any student or staff where they can be identified as a member of St Aloysius College by their uniform or other means.

Any inappropriate material received by email should not be deleted and must not be forwarded to anyone else. It should be reported immediately. Investigations will then occur and then the content will be cleared. It is

particularly important to respond to inappropriate emails with advice to the sender that such emails should not be sent in the future to, or within, the College's domain.

From time to time when accessing the internet users may be redirected to, or accidentally access, inappropriate material. These sites should be brought to the attention of a Deputy Principal in order for them to be blocked by the College's filtering software and to ensure that it is noted that the material was not accessed purposely.

The contents and usage of email and internet access may be subject to regular random monitoring by the College or by a third party on the College's behalf. This will include electronic communication sent or received internally or externally. Where inappropriate use is suspected through this means, or by other incidents, the Principal may authorise personnel to examine the web access logs and or email accounts.

The Privacy Act requires individuals and the College to take reasonable steps to protect the personal information held from misuse and unauthorised access. When logged on, each person is responsible for the security of the computer and should not allow it to be used by anyone else.

#### **Additional Student Rules:**

- Students do not have permission to use their device to take photos or videos of staff or students.
- Students do not have permission to post images or videos of themselves or other students in their SAC uniform on any social media platform.
- Students do not have permission to post images or videos of staff on any social media platform.
- Students must protect the use of their password.
- Students must only use approved devices on the College network.
- Any student file is subject to inspection by school staff, whether it is stored on school equipment or on any other device connected (physically or otherwise) to the College network and its content must be in keeping with this policy.
- Possession and/or use of hacking tools is expressly forbidden.
- The conduct of chat sessions on any form of chat-line is expressly forbidden at school or at a school activity, except with permission from the teacher during class time - eg Microsoft Teams.
- Students must not divulge their address, phone number or any other personal information through emails or any other internet-related communication.

### **10.1 Mobile Phones and Other Communication Devices**

In this section, the term 'mobile phone' includes all devices capable of making a voice call, a video call or connecting to the internet.

Mobile phones, when used appropriately, offer students and their parents/caregivers many advantages in terms of ease of communication and a sense of personal safety. Mobile phones also have the capacity to have a negative impact on the learning environment and the safety and wellbeing of students.

**During lesson times mobile phones, laptops and other communication devices must only be used with the explicit permission of the teacher.** Until permission is given, the mobile phone must be placed in the student's locker or be in their pocket and must not be brought out until the teacher has given permission. Permission to use a mobile phone during a lesson is only authorised while that teacher is supervising the student.

At all times during the school day the mobile phone must be on silent for calls, messages and all other notifications. Parents/Caregivers should contact the College Office in cases of emergency.

Reception-Year 9 students are not permitted to use mobile phones, laptops or other communication devices at recess or lunchtime.

Years 10-12 students may use their own mobile phone, laptop or communication device before school, after school, recess and lunchtime if used appropriately. Recess and lunchtime are valuable times for socialising with other students, so time on the mobile phone should not be excessive.

Mobile phones must not be used to bully, intimidate or otherwise harass other people through any text message, photographic, video or other data transfer system.

Students must not lend their mobile phones to other students.

St Aloysius College does not take responsibility for the theft and/or damage of student mobile phones and electronic devices.

Permission to bring a mobile phone to school and/or use it during the school day may be revoked by the Principal or a Deputy Principal. Parents/Caregivers will be informed of any such action.

The procedures applying to the inappropriate use and security of mobile phones apply equally to the inappropriate use of tablets, laptops, portable computer games, iPods and similar devices.

Parents/Caregivers need to be aware of the following with regard to mobile phones:

- Students can access non-filtered websites via their mobile phones.
- Mobile phones and other communication devices can be used for cyber bullying.
- Students are encouraged to protect their mobile phone or device by using a PIN.
- If a student is using data from their device's data plan, rather than the wifi connection or a school device, parents/caregivers run the risk of unexpected costs if the data plan usage limit is exceeded.
- Mobile phones and other communication devices can interfere with sleep. It is strongly recommended that parents/caregivers do not permit their children to have a mobile phone, laptop or tablet in their bedroom. Text messages, phone calls and social networking communication can be highly disruptive to sleep and children cannot be easily monitored for disturbing or upsetting reactions to communications they may receive.

## **10.2 Communication Between Students and Parents/Caregivers**

The mobile phone is not a means of bypassing school procedures. As a general rule, staff will not speak with parents/caregivers on a student initiated phone call, including where a student has a dispute or to authorise pickup arrangements. If a student needs to leave school early or be out of school for part of the day, the parent/caregiver needs to phone the SAC Office.

Students should refrain from phoning their parents/caregivers during the day. Students need to work out friendship and relationship issues with others and develop their social skills as part of growing up. If there is a problem with a student's interaction with someone, staff will follow school procedures. Staff will investigate any concerns and involve parents/caregivers when it is appropriate.

## **10.3 Headphones and Air Pods**

Headphones and air pods may only be worn during lesson time if the teacher has given permission. If a student has permission to wear headphones or air pods at a particular time, social manners require the student to remove them from their ears when talking with someone, even if the headphones/air pods have a pass-through feature.

Senior students may be required to use wired headphones as part of their SACE examinations. Please note that wireless headphones are not permitted in SACE examinations.

## **10.4 Cameras**

A camera (still or video), whether a stand-alone camera or a camera incorporated in a mobile phone or any other device, must not be used:

- in private areas such as change rooms or toilets or in any other banned area to film people, including students, staff or visitors, without their explicit knowledge and permission
- to disrupt the learning environment or interfere with the operation of the College
- when instructed not to by a staff member
- to record (by audio or image) any conversation or incident, such as an altercation
- to record (by audio or image) any lesson unless the teacher has given explicit permission
- during tests or examinations. During a test or examination, the teacher may require students to hand up their mobile phone or place it in their locker.

## 11. DEADLINES AND PLAGIARISM POLICY

### 11.1 Deadlines

Students are responsible for completing and submitting their work on or before the due dates. In situations where deadlines are unable to be met, a request for an extension should be made in the student diary or via email to the teacher before the due date. Examples of situations where an extension may be required include:

- illness
- compassionate grounds
- circumstances beyond the student's control
- family events.

If a student is absent on the day of a test or examination, the teacher should be notified. When possible, the teacher will negotiate an alternative date for the test or examination.

If students repeatedly miss deadlines, parents/caregivers will be notified and the subject teacher, Year Level Coordinator and/or Deputy Principal will address the issue with the student.

### 11.2 Plagiarism

Plagiarism is a serious matter. Examples of plagiarism include:

- work which has been copied, without acknowledgment, from another person's work or source
- quoting large sections of work from sources with little interpretation or comment
- closely paraphrasing sentences or paragraphs from sources without appropriate acknowledgment
- submitting work which has been completed by someone else.

Parents/Caregivers will be informed if a student plagiarises work. The subject teacher, Year Level Coordinator and/or Deputy Principal will address the issue with the student. The subject teacher will also communicate with the family.

## 12. POLICY ON USE OF PROHIBITED SUBSTANCES (DRUG POLICY)

St Aloysius College does not allow students while within the College grounds or on College property, on school excursions, during activities or functions, travelling to or from school or while in school uniform to:

- smoke tobacco
- consume alcohol
- possess non-prescribed drug related equipment
- possess, use or supply non-prescribed substances or drugs
- possess or use e-cigarettes, vapes or similar products.

A student who chooses to ignore the College regulations will need to meet with a Deputy Principal and/or the Principal. Following this conversation, she will face suspension and may have her enrolment terminated.

The following points should be noted:

- A thorough investigation will be undertaken by a Deputy Principal and/or the Principal.
- Parents/Caregivers will be asked to attend an interview to discuss the situation with a Deputy Principal and/or the Principal.
- The College will contact police in instances relating to possession, use or supply of illegal drugs.

## 13. STUDENTS AND DRIVING POLICY

Students are discouraged from driving a motor vehicle to school or any school event. There is no on-site car parking available for students, however the College is very well served by public transport.

When a student has permission from a parent/caregiver to drive to school or a school event, the student must not transport any other person in the vehicle other than her parents/caregivers or siblings.

Students must not use the vehicle during the school day unless the Principal or a Deputy Principal and the student's parent/caregiver have given permission.

## 14. HEALTH CARE AND MEDICATION POLICY AND PROCEDURE

All members of the school community have a responsibility to ensure the health and wellbeing of all students.

St Aloysius College has an enrolled nurse who works from 8:45am to 3:15pm each school day and has delegated responsibility for the First Aid Room and all first aid kits and supplies, as well as record keeping for the First Aid Room. All teachers and all Education Support Officers at the College hold a current First Aid Certificate.

The College maintains confidential health information on students who have identified medical conditions, including their individual photos and the details of their condition and the response required in an emergency. In the interests of student wellbeing, all staff have access to this information. Special arrangements may be required for these students while on excursions or camps.

Parents/Caregivers have a responsibility to work in partnership with the College to ensure open communication in all matters of health management and care. They must provide relevant and updated information including supplying a medical action plan; ensuring medication is authorised by a prescribing practitioner; ensuring medication is provided to the College which is clearly labelled in relation to frequency, dosage and its expiry date and supplying medication as required in a timely manner. A Medication Authority Form may be required.

Parents/Caregivers have a responsibility to provide medical certificates to the College when their daughters are unwell for more than two consecutive days.

The SA Health Commission lists the exclusion period from school, pre-school and childcare for a number of diseases or condition including chicken pox, conjunctivitis, diarrhoea, hand, foot and mouth disease, head lice, hepatitis, measles, meningitis, mumps, rubella, scabies or whooping cough. Information can be viewed at:

<http://www.sahealth.sa.gov.au/wps/wcm/connect/Public+Content/SA+Health+Internet/Healthy+living/Protecting+your+health/preventing+disease+and+infection/Youve+got+what>

The College reserves the right to temporarily exclude students from attending school if an illness or a medical condition places the student or other people in the school population at risk (eg - COVID-19, swine flu).

Students must inform their Home Class teacher of any concerns or issues arising in relation to any health concerns impacting on learning and wellbeing.

### 14.1 First Aid Room

Students must have a note from their Home Class teacher or subject teacher in their student diary (which shows the date, time and is signed) before going to the First Aid Room. Except in cases of emergency, students must present this note in order to receive medical treatment. A student who is bleeding or has an open wound cannot attend class and must go immediately to the First Aid Room for treatment.

The College does not dispense paracetamol to students unless a parent/caregiver has given consent either verbally or via a signed Medication Authority Form.

### 14.2 Asthma Aware School

College staff undertake appropriate training in first aid, including asthma management. In consideration of students, staff and visitors who may suffer from asthma or other breathing issues, use of aerosol sprays at school, including deodorants and body sprays, is discouraged. If used at all, aerosol sprays must only be for

personal use in a toilet, away from other people and only a minimal amount is to be used as heavier use may also trigger smoke detectors.

### 14.3 Allergy Aware School

Some students within the College have allergies to particular food. Classes are asked to refrain from bringing a particular food to school for the safety of some students. The College requests that nuts and nut products are not brought to school by any student.

### 14.4 Birthdays and Food

While birthdays are important occasions, due to the large number of students with food allergies and intolerances, please do not bring a birthday cake or other food to school to share with others. This policy is consistent with the policy at many childcare centres and the Chancery Lane Montessori Pre-school.

## 15. LOCKERS

Students who are provided with a locker should use it to store their personal possessions. Food or drink must not be stored overnight in lockers.

If students are assigned a locker that can be locked, they should use a combination lock purchased from the College.

## 16. SPORT INCLEMENT WEATHER POLICY AND PROCEDURE

St Aloysius College affirms its commitment to child safety and duty of care to students, staff and other community members. We encourage SunSmart behaviours and therefore hats and sunscreen should be worn for outdoor activities in Terms 1 and 4.

Inclement weather includes hot, wet, harsh, severe or stormy weather.

### 16.1 Hot Weather Policy

When the predicted maximum temperature is **35 degrees and above (Primary) or 38 degrees and above (Secondary)**:

- all training is cancelled, whether held outdoors or in the St Aloysius College gym
- all sport is cancelled except indoor swimming and indoor pool activities (eg - water polo).

It is important that students, staff, parents/caregivers, coaches and managers are conscious of the health of players and that adequate fluid intake occurs for players before and during training and matches.

### 16.2 Wet Weather, Storms and Other Inclement Weather

Whenever weather conditions pose a risk of players being unsafe, staff and coaches will err on the side of caution and halt training or matches.

### 16.3 Primary – Procedure When Sport or Training is Cancelled

- Sport and training, except indoor swimming and indoor pool activities, are automatically cancelled if the forecast maximum temperature is 35 degrees and above.
- If training or matches are cancelled due to other reasons, including inclement weather, parents/caregivers will be sent an email to advise of this. The Primary Sport Coordinator will also endeavour to notify all Primary students via a message to their home classes.
- Participants should not assume that training or matches are cancelled (eg - due to rain) without being notified, unless automatically cancelled under the Hot Weather Policy.

### 16.4 Secondary – Procedure When Sport or Training is Cancelled

- Weekday and Saturday sports, except indoor swimming and indoor pool activities, are automatically cancelled if the Friday 8:00am forecast maximum temperature for Saturday is 38 degrees or above.
- If training or matches are cancelled due to other reasons, including inclement weather, students will be

sent an email to their SAC email address. The Secondary Sport Coordinator will also endeavour to notify parents/caregivers via SMS.

- Participants should not assume that training or matches are cancelled (eg - due to rain) without being notified, unless automatically cancelled under the Hot Weather Policy.

## 17. EXTREME WEATHER POLICY AND PROCEDURE

This policy should be read in conjunction with our Sun Protection Policy (see below). The use of sunscreen, hats, sunglasses and shade are integral factors of our hot weather strategy.

Extreme weather procedures are to be followed if students may be exposed to heavy rain, extreme cold, storm, strong winds or hot weather.

All classrooms are air-conditioned so students are not dismissed early on hot days. Students are always permitted to have bottled water with them, including in classrooms.

As an inner-city school, the threat of a bushfire is extremely remote. If a student's home is under threat from a bushfire while they are attending a school day, the student is able to stay at the College until a family member or approved family friend is able to collect them that day.

In extreme weather, excursions, camps and physical activities, including Physical Education lessons and sport, are modified or cancelled to protect students from exposure to the elements, undue physical stress or hazards.

During extreme weather, an announcement will be made over the PA system and supervised classrooms will be made available at recess and lunchtime for students' safety and wellbeing. Some areas of the yard may be closed for use at recess and lunchtime.

## 18. SUN PROTECTION POLICY AND PROCEDURE

Skin cancer is the most common form of cancer in Australia, affecting all age groups from young people upwards. The principal cause is ultraviolet radiation, which is particularly intense in our summer sunshine.

Skin damage, including skin cancer, is the result of cumulative exposure to the sun. Much of the damage occurs during childhood and adolescence. Research suggests that severe sunburn is a contributor to skin cancer and other forms of skin damage such as wrinkles, sunspots, blemishes and premature ageing. Most skin damage and skin cancer is, therefore, preventable.

The Cancer Council South Australia recommends people protect their skin at times when the ultraviolet radiation (UVR) level is 3 and above 3 (3-5 is the moderate range), which is when the UV level is strong enough to cause damage to the skin. With this in mind, the guidelines for South Australia are that a skin protection policy be in place from 1 August to 30 April and whenever UVR levels reach 3 and above at other times.

The aims of the St Aloysius College Sun Protection Policy and Procedure are to promote among students, staff and parents/caregivers:

- positive attitudes toward skin protection
- lifestyle practices which can help reduce the incidence of skin cancer and the number of related deaths
- personal responsibility for and decision-making about skin protection
- awareness of the need for environmental changes in the school to reduce the level of exposure to the sun.

The following precautions should be adopted when outdoors:

- Take particular care if in direct sunlight from 1 August to 30 April and when the ultraviolet radiation level is 3 (moderate) and above, outside of these dates and times.
- Wear a broad brimmed hat to protect your face and skin.
- Wear SPF 30+ broad spectrum, water resistant sunscreen on all parts of the body exposed to the sun.
- Wear a rash vest or t-shirt when swimming in an outdoor pool that does not have shade.
- Utilise one of the many shaded or covered areas of the College whenever possible.

**Implementation:**

Students are encouraged to bring their own supplies of SPF 30+ (or higher) broad spectrum, water resistant sunscreen to school. Sunscreen should be applied 15 to 20 minutes before going outdoors and should be reapplied every two hours if outdoors for prolonged periods of time (eg - sports days, excursions, camps) or more frequently if involved in water activities or involved in intensive activities involving increased perspiration.

All Primary students are required to wear the school summer hat or PE hat at recess and lunchtime each day during Terms 1 and 4. The teachers of Primary classes in the lesson before recess and lunch will remind their students to apply sunscreen 15 to 20 minutes before the break and will remind students to wear a hat when they leave the classroom.

Secondary students who are not wearing a hat at recess or lunchtime are strongly advised to stay under verandahs or in shaded areas during recess and lunchtime.

In Terms 1 and 4 all Reception to Year 12 students are required to wear a hat during Physical Education lessons conducted outdoors and any other subject where the lesson is conducted outdoors.

Students using the SAC swimming pool must apply sunscreen.

For further information, please access the Cancer Council link: [www.cancer.org.au](http://www.cancer.org.au)

## 19. ANIMALS ON COLLEGE PREMISES POLICY

The intent of this policy is to ensure that our College grounds remain clean and safe. Dogs and other animals are not permitted on College grounds unless prior written approval is granted by the Principal or a Deputy Principal. For specific educational purposes only, this policy does allow animals to visit classrooms. Furthermore, this policy only allows animals in classrooms with the prior written approval of the Principal or a Deputy Principal.

The College recognises its obligation to take all reasonable precautions to protect the safety of its students, staff, visitors and contractors. A number of students have severe allergies to animal fur, feathers and/or saliva. There is also a risk of a person being bitten, scratched or attacked, as well as the risk of the spread of disease. Other considerations include health, cultural, religious or safety considerations; whether the animal would unreasonably interfere with the day-to-day operation of the College or whether it contravenes any statutory provision.

Accredited assistance animals (eg - accredited guide dogs or hearing dogs) are generally allowed access to College grounds unless there is a safety or health concern for a student, staff member, contractor or regular visitor. Where a student or parent/caregiver intends to bring an accredited assistance animal onto College grounds, prior written approval is required from the Principal or a Deputy Principal.

Any animals brought onto College grounds (approved by the College as above) must be appropriately restrained at all times either by a lead or in an enclosed compartment. Additionally, dogs must be controlled by a person at least 16 years of age and who is capable of restraining the dog. The animal must have a temperament suited to being around children and crowds. Difficult, fearful, timid or dominant dogs should not be brought onto the College grounds.

Hygiene with respect to dogs and other animals is maintained through:

- appropriate cleaning of any toileting behaviour (carry plastic bags to do this) and removal of the waste from College grounds for disposal
- keeping dogs and animals out of play areas
- keeping dogs and animals from licking or other means of transferring infection.

In such circumstances referred to above, the College reserves the right to restrict or prohibit the presence of animals on College premises.

# Mercy Education Policy

# Privacy

## INTRODUCTION

Mercy Education Limited (Mercy Education) requires privacy principles to respect the rights of all those with whom it interacts and promote justice in its dealings with them. Mercy Education is bound by the Australian Privacy Principles (APPs) contained in the Commonwealth Privacy Act 1998. In relation to health records Mercy Education is also bound by legislation under the Health Records Act 2001 (Vic) relevant only to those schools operating in the State of Victoria.

## PURPOSE

To provide guidance on how Mercy Education and its schools manage personal information provided by or collected from its school communities and other individuals.

## DEFINITIONS

- **Parent** includes all other forms of legal guardianship.
- **Mercy Education** refers to Mercy Education Limited – an Australian company limited by guarantee which operates thirteen schools across Australia.

## POLICY COVERAGE

This Privacy Policy applies to schools governed by Mercy Education and describes how Mercy Education, through its Board of Directors, Principals and Staff manage personal information provided to, or collected by each school.

Mercy Education Limited is a legal entity under the Commonwealth *Corporations Act* (2001) and bound by the *Australian Privacy Principles* (APPs) contained in the Commonwealth *Privacy Act* 1988. Mercy Education is also bound by the *Health Records Act* 2001 (Vic) and the Health Privacy Principles in that Act. Mercy Education is responsible for the governance of thirteen Mercy ministry schools, namely:

- Mercedes College, Perth WA
- Academy of Mary Immaculate, Fitzroy VIC
- Sacred Heart College, Geelong VIC
- Emmanuel College, Warrnambool VIC
- Catherine McAuley College, Bendigo VIC
- St Aloysius College, Adelaide SA
- St Aloysius College, North Melbourne VIC
- Sacred Heart College, Kyneton VIC
- Mount Lilydale Mercy College, Lilydale VIC
- St Joseph's College, Mildura VIC
- Our Lady of Mercy College, Heidelberg VIC
- St Brigid's College, Lesmurdie WA
- Santa Maria College, Attadale WA

## POLICY STATEMENT

1. Mercy Education may, from time to time, review and update this Privacy Policy to take account of new laws and technology, changes to schools' operations and practices and to make sure it remains appropriate to the changing school environment.

### 2. **What Kinds of Personal Information Does a School Collect and How Does a School Collect It?**

Schools collect and hold personal information, including health and other sensitive information, about:

- students before, during and after the course of a student's enrolment at the school including:
  - name, contact details (including next of kin), date of birth, gender, language background, previous school and religion
  - medical and welfare information (eg - details of disability and/or allergies and details of any assistance the student receives in relation to those disabilities, medical reports, cognitive assessments, details of medical professionals)
  - conduct or complaint records, other behaviour notes or observations, school attendance and school reports
  - information about referrals to government welfare agencies
  - parents' education, occupation and language background
  - medical information (eg - details of disability and/or allergies and details of any assistance the student receives in relation to those disabilities, medical reports, names of doctors)
  - information obtained during counselling sessions
  - Private health fund and Medicare details
  - any court orders
  - photos and videos of school events.
- parents of students, including:
  - name, address and contact details
  - education, occupation and language background
  - Private health fund and Medicare details
  - any court orders
  - volunteer information (including Working With Children Check).
- job applicants, staff members, volunteers and contractors, including:
  - name, contact details (including next of kin), date of birth and religion
  - information requested from job applicants
  - information provided by a former employer or referee
  - professional development history
  - salary and payment information, including superannuation details
  - medical information (eg - details of disability and/or allergies and medical certificates)
  - complaint records and investigation reports
  - employee records
  - photos and videos at school events
  - workplace surveillance information
  - all emails, (both work and private) (when using work email address) and internet browsing history.
- other people who come into contact with the school, including name and contact details and other information necessary for the particular contact with the school.

#### ***Exception in Relation to Employee Records***

Under the Commonwealth Privacy Act 1998, the Australian Privacy Principles (APPS) do not apply to an employee record. As a result, this Privacy Policy does not apply to Mercy Education's treatment of an employee record where the treatment is directly related to a current or former employment relationship between the school and employee.

Mercy Education handles all staff health records in accordance with the Health Privacy Principles in the Health Records Act 2001 (Vic).

## ***How Will the School Collect and Hold Personal Information?***

### ***Personal Information You Provide***

A school will generally, but not exclusively, collect personal information held about an individual by way of:

- forms completed by parents or students
- meetings and interviews
- emails and telephone calls
- through the school's online portal, SEQTA.

On occasions people other than parents and students (such as job applicants and contractors) provide personal information to the school.

### ***Personal Information Provided by Other People***

In some circumstances a school may be provided with personal information about an individual from a third party, for example a report provided by a medical professional or a reference from another school. The type of information a school may collect from another school may include:

- academic records and/or achievement levels
- information that may be relevant to assist the new school to meet the needs of the student which may include adjustments.

### ***Anonymity***

The school needs to be able to identify individuals with whom it interacts and to collect identifiable information to facilitate the delivery of schooling to its students, and its educational and support services, conduct and complete any employment process and fulfil other obligations and processes. However, in some limited circumstances, some activities, and interactions with the school may be done anonymously. For example, this may include making an inquiry, complaint or providing feedback.

### ***Holding Your Personal Information***

The school's approach to holding personal information is to ensure that it is stored securely, and that access is provided only to persons who need such information. Depending on the nature of the personal information, it may be stored in lockable rooms or cabinets (in the case of paper records), or on digital devices with appropriate password protection.

## **3. How Will a School Use the Personal Information You Provide?**

A school will use personal information it collects from you for the primary purpose of collection, and for such other secondary purposes that are related to the primary purpose of collection and reasonably expected, or to which you have consented.

### ***Students and Parents***

In relation to personal information of students and parents, a school's primary purpose of collection is to enable the school to provide schooling to students enrolled at the school (including educational and support services for the student), exercise its duty of care and perform necessary associated administrative activities which will enable students to take part in the activities offered at school. This includes satisfying the needs of parents, the student, Mercy Education and the school throughout the period the student is enrolled at the school.

In particular, the purposes for which Mercy Education and/or a school uses personal information of students and parents include:

- to keep parents informed about matters related to their child's education, through correspondence, newsletters and magazines
- day-to-day administration of a school
- caring for students' educational, social, spiritual and medical wellbeing
- fundraising and marketing by the school
- to satisfy a school's legal obligations to discharge its duty of care
- to satisfy the legal obligations of Mercy Education, relevant diocesan authorities, Catholic Education Commissions and Catholic Education Offices.

Where a school requests personal information about a student or parent that is not provided, the school may not be able to enrol or continue to enrol the student or permit the student to take part in particular activities.

### ***Job Applicants and Contractors***

A school's primary purpose of collection of personal information for job applicants and contractors is to assess and (if successful) to engage the applicant or contractor, as the case may be.

The purpose for which a school may use the personal information of job applicants and contractors includes:

- administering the employment process or contract, as applicable
- for the purpose of insurance
- fundraising or marketing of the school
- satisfying all legal obligations of the school and Mercy Education (eg - child protection).

### ***Volunteers***

A school also obtains personal information from volunteers who assist the school in its functions or associated activities, such as College Council members, committee representatives, alumni associations, etc.

The purpose for which a school may use the personal information of volunteers includes:

- to manage the engagement and induction of volunteers
- for the purpose of insurance
- to satisfy the school's legal obligations (eg - child protection)
- to confirm their suitability and to manage their visits.

### ***Counsellors***

The school may contract with external providers to provide counselling/psychology services for students. The Principal may require the Counsellor/Psychologist to share relevant information believed necessary for the school to know to ensure the wellbeing or development of the student who is being counselled or to other students at the school.

### ***Parish***

The school will not disclose limited personal information to the school parish to facilitate religious and sacramental programs, and other activities such as fundraising, without consent.

### ***Marketing and Fundraising***

Schools treat marketing, fundraising and donations as an essential element of the future growth and development of a school. Personal information may be disclosed to an organisation that assists in the fundraising or marketing activities - for example, the school's Foundation or Alumni organisation or, on occasions, external fundraising organisations.

Parents, staff, contractors and other members of the wider school community may from time to time receive fundraising information. Social media, websites, newsletters and magazines may include personal information and images and used for marketing purposes.

### ***Exception in Relation to Related Schools***

The Privacy Act 1988 allows each school, being legally related to other schools governed by Mercy Education, to share personal (but not sensitive) information with those schools. Those schools may only use this personal information for the purpose for which it was originally collected by Mercy Education.

## **4. To Whom Might a School Disclose Personal Information?**

A school may disclose personal information, including sensitive information, held about an individual for educational, administrative and support service purposes. This may include:

- school service providers offering educational, support and health services to a school, either on or off campus
- persons providing educational support such as sports coaches, volunteers, counsellors and providers of learning and assessment tools
- third party service providers that provide educational support services, document and data management services, training and support services, hosting services, and software-as-a-service applications to schools and school systems. For example - Integrated Catholic Online Network (ICON - VIC), AOS (WA) and Google's G Suite
- authorised agencies and organisations to enable the school to discharge its responsibilities, for example, under the Australian Education Regulation 2013 (Regulation) and the Australian Education Act 2013 (Cth) (AE Act) relating to students with a disability, including Nationally Consistent Collection of Data (NCCD) quality assurance processes, participation in the Australian Early Development Census (AEDC), government audits etc

- authorised organisations and persons who support the school by providing consultative services or undertaking assessments for the purpose of educational programs or providers of health services such as counsellors, psychologists, school nurse services, dental van etc. Specific consent is obtained to collect and disclose this type of sensitive and health information as part of a service request which may include release of relevant medical or allied health reports, educational planning and evaluation documents such as personalised learning/behaviour/medical management plans
- other third parties which a school may use to support or enhance the educational or pastoral care services for its students or to facilitate communication with parents
- support the training of selected staff in the use of the school database such as ICON/ROSAE
- another school to facilitate the transfer of a student
- State and Federal government departments and/or agencies
- health service providers
- recipients of school publications, such as newsletters and magazines
- subscribers to school social media platforms
- students or parents and their emergency contacts
- assessment and educational authorities including the Australian Curriculum, Assessment and Reporting Authority (ACARA)
- anyone to whom you authorise the school to disclose information
- those we are legally authorised to disclose the information to including, but not limited to child protection agencies and other relevant bodies.

#### ***Nationally Consistent Collection of Data (NCCD) on School Students with Disability***

The school is required by the Australian Education Regulation (2013) and Australian Education Act 2013 (Cth) (AE Act) to collect and disclose certain information to inform the Students with a Disability (SwD) loading via the NCCD. The school provides the required information at an individual student level to the Catholic Education Offices and the CECs, as an approved authority. Approved authorities must comply with reporting, record keeping and data quality assurance obligations under the NCCD. Student information provided to the federal government for the purpose of the NCCD does not explicitly identify a student.

#### ***Sending and Storing Information Overseas:***

A school may disclose personal information about an individual to overseas recipients, for instance, to facilitate a school exchange or a student overseas tour. However, a school will not send personal information about an individual outside Australia without:

- obtaining the consent of the individual  
or
- otherwise complying with the Australian Privacy Principles or other applicable privacy legislation.

A school may from time to time use the services of third party online service providers (including for the delivery of services and third party online applications, or Apps relating to email, instant messaging and education and assessment, such as Office 365, Google's G Suite, including Gmail which may be accessible by you. Some personal information, including sensitive information, may be collected and processed or stored by these providers in connection with these services. These online service providers may be located in or outside of Australia.

School personnel and a school's service providers, Catholic Education Commissions and their service providers, may have the ability to access, monitor, use or disclose emails, communications (eg - instant messaging), documents and associated administrative data for the purposes of administering the system and services ensuring their proper use.

Mercy Education schools make reasonable efforts to be satisfied about the security of any personal information that may be collected, processed and stored outside Australia, in connection with any cloud and third party services and will endeavour to ensure the cloud are located in countries with similar protections as specified in the APPs.

The countries in which the servers of cloud service providers and other third party service providers are located may include USA, UK, Singapore and Australia.

In Victoria, where personal and sensitive information is retained by a cloud service provider on behalf of CECV to facilitate HR and staff administrative support, this information may be stored on servers located in or outside Australia. Otherwise, it is not practicable to specify in this Policy the countries in which overseas recipients of personal information are likely to be located.

## 5. How Does a School Treat Sensitive Information?

'Sensitive information' includes information relating to a person's racial or ethnic origin, political opinions, religion, trade union or other professional or trade association membership, philosophical beliefs, sexual orientation or practice or criminal record. Sensitive information forms part of the personal information, health information and biometric information about an individual.

Sensitive information will only be used and disclosed for the purpose for which it was provided or as allowed by law unless you agree otherwise.

## 6. Management and Security of Personal Information

Mercy Education and school staff are required to respect the confidentiality of students' and parents' personal information and the privacy of individuals connected to the school community.

Each school has nominated procedures in place to protect the personal information the school collects from misuse, interference and loss, unauthorised access, modification or disclosure. Various methods including lockable storage of paper records and password protected access to digital records. This includes responding to any breach affecting the security of the personal information held. If an individual school or Mercy Education assess that such a breach is likely to cause serious harm, the Office of the Australian Information Commissioner (OAIC) and the affected individuals will be notified of the breach.

## 7. Access and Correction of Personal Information

Under the *Privacy Act 1988 (Cth)*, *Health Records Act 2002 (Vic)*, and the *Health Services Act 2016 (WA)*, an individual has the right to access the personal information which a school or Mercy Education holds. The individual has the right to advise Mercy Education or the school of any perceived inaccuracy. Students will be able to access and update their personal information through their parents, but older students may seek access and correct the information held directly.

There are some exceptions to the rights of access as contained in the applicable legislation. To make a request to access or update any personal information Mercy Education or a school holds about you or your child, in the first instance, please contact the school's Principal by telephone or in writing.

The school may require you to verify your identity and specify what information you require. The school may charge a fee to cover the cost of verifying your application and locating, retrieving, reviewing and copying any material requested. If the information sought is extensive, the school will advise the estimated cost in advance. If Mercy Education or the school cannot provide you with access to the information requested, written advice with reasons for refusal will be provided.

## 8. Consent and Rights of Access to the Personal Information of Students

Mercy Education respects every parent's right to make decisions concerning their child's education.

Generally, a school will refer all requests for consent and notices in relation to the personal information of a student, to the parents. A school will treat consent given by parents as consent given on behalf of the student and notice to parents will act as notice given to the student.

Individuals may seek access to personal information held by Mercy Education or the school concerned about them or their child by contacting the school Principal. However, there may be occasions when access is denied. Such occasions may include where release of the information would have an unreasonable impact on the privacy of others, or where the release may result in a breach of the school's duty of care to the student.

A school may, at its discretion, on the request of a student, grant access to information held by the school about the student or allow a student to give or withhold consent to the use of their personal information, independent of their parents. Consideration will be given to the maturity of the student and their personal circumstances.

## 9. Enquiries and Complaints

If you would like further information about the management of personal information by Mercy Education or its schools or wish to lodge a complaint regarding the treatment or security of your personal information, please contact the school's Principal in the first instance.

The school will investigate your complaint and will notify you of the making of a decision in relation to your complaint as soon as practicable after it has been made.

*St Aloysius College Principal's contact details:*

Ms Paddy McEvoy  
St Aloysius College  
53 Wakefield Street  
Adelaide SA 5000  
Telephone: (08) 82173200  
Email: principal@sac.sa.edu.au

Mercy Education or the school will acknowledge and investigate any complaint and will notify you of the outcome as soon as is practicable. If you are not satisfied with the outcome, you may refer your complaint to the Office of the Australian Information Commissioner (OAIC).

*OAIC contact details:*

GPO Box 5218  
Sydney NSW 2001  
Telephone: 1300 363 992  
www.oaic.gov.au

Further information about the way Mercy Education manages the personal information it holds, please contact:

Mercy Education Limited  
720 Heidelberg Road  
Alphington VIC 3078  
Telephone: (03) 9490 6600  
Facsimile: (03) 9499 3897  
Correspondence: PO Box 5067, Alphington VIC 3078  
Email: contact@mercy.edu.au

***Related Documents/Links***

Catholic Education Commission of Victoria

- Privacy Compliance Manual Updated November 2017 via CEVN portal  
<http://cevn.cecv.catholic.edu.au/FinLegal/legal/privacvact.htm>

Catholic Education South Australia (CESA)

<http://www.cesa.catholic.edu.au/>

Catholic Education Western Australia (CEWA)

- Catholic Education Western Australia Privacy Policy and Privacy Manual  
<http://internet.ceo.wa.edu.au/AboutUs/Governance/Policies/Pages/Community.aspx>  
<http://internet.ceo.wa.edu.au/AboutUs/Governance/Privacy/Documents/Privacy%20Compliance%20Manual.pdf>

Legislation, Statutory and Regulatory compliances

- Privacy Act 1988 (Cth)  
<https://www.legislation.gov.au/Series/C2004A03712>
- Australian Privacy Principles  
<https://www.oaic.gov.au/privacy-law/privacy-act/australian-privacy-principles>

Mercy Education Limited (MEL)

- Mercy Education templates for schools:
  - Standard Collection Notice
  - Alumni Collection Notice
  - Employment Collection Notice
  - Contractor/Volunteer Collection Notice
- 1.06 Policy: Complaints
- 6.09 Policy: Child Protection

## Mercy Education Policy

# Standard Collection Notice

### COLLECTION OF PERSONAL INFORMATION

1. St Aloysius College collects personal information, including sensitive information about students and parents or guardians before and during the course of a student's enrolment at the school. This may be in writing, through technology systems or during conversations and may be direct from the individual or from another source. The primary purpose of collecting this information is to enable the school, Catholic Education Offices and Catholic Education Commissions (CEC) to meet educational, administrative and duty of care responsibilities to the student to enable them to take part in all the activities of the school.
2. Some of the information we collect is to satisfy the school's legal obligations, in particular, to discharge the school's duty of care and satisfy the legal obligations of the school's governing bodies and other diocesan authorities.
3. Laws governing or relating to the operation of a school require certain information to be collected and disclosed. These include but are not limited to, relevant Education Acts, Public Health, Child Protection and immigration laws.
4. Health information about students (which includes information about any disability defined by the *Disability Discrimination Act 1992* (Cth) is sensitive information defined by the terms of the Australian Privacy Principles (APPs) under the *Privacy Act 1988* (Cth). The school may require medical reports about students from time to time and may collect other sensitive information about students and their families.

### CONSEQUENCES IF INFORMATION IS NOT COLLECTED

5. If personal information requested by the school is not provided, the consequences for the student may include an inability to complete enrolment, respond to enquiries, provide the student with educational and support services, or allow a person to attend or visit the school.

### USE AND DISCLOSURE OF PERSONAL INFORMATION

6. The school may disclose personal or sensitive information for administrative, educational and student support purposes (or may permit the information to be directly collected by third parties). Other entities, bodies, or persons to which the school usually discloses personal information of the kind collected by the school includes:
  - i. school service providers such as the CEC, Catholic Education Offices, school governing bodies and other diocesan authorities
  - ii. third party service providers that provide online educational and assessment support services, document, and data management services, training, and support services, hosting services, and software-as-a services applications (for example, Integrated Catholic Online Network (ICON - VIC), AOS (WA), Victorian Curriculum and Assessment Authority (VCAA) and Google's 'G Suite')
  - iii. CECs and Catholic Education Offices to discharge their responsibilities under the *Australian Education Regulation 2013* (Regulation) and the *Australian Education Act 2013* (Cth) (AE Act) relating to visa sub-class, students with a disability, including audit requirements and NCCD quality assurance processes
  - iv. CECs, Catholic Education Offices, school governing bodies and other diocesan authorities that support the school by undertaking assessments of students for the purpose of educational programs or external providers of health services such as counsellors, psychologists, school nurse service, dental van, etc. Specific consent is obtained to collect and disclose sensitive or health information which may include the release of relevant

- medical or allied health reports, education plans and evaluation documents including personalised learning/behaviour/medical management plans
- v. CECs to support the training of selected staff in the use of schools' systems, such as ICON/ROSAE (VIC) and AOS (WA)
  - vi. another school to facilitate the transfer of a student
  - vii. Federal and State government departments and agencies acting on behalf of the government (eg - for compliance or audit purposes) or data collections (eg - February and August census processes and census audits), NAPLAN, Australian Early Development Census
  - viii. persons and third party providers providing education services such as sports coaches, external training providers, guest speakers, volunteers, counsellors and providers of learning and teaching consultancy support and student assessment services
  - ix. assessment and educational authorities including the Australian Curriculum, Assessment and Reporting Authority (ACARA)
  - x. persons providing administrative and financial services to the school
  - xi. anyone you authorise the school to disclose information to; and xiii. anyone to whom the school is required or authorised to disclose the information to by law, including the Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS) child protection and mandatory reporting laws.
7. The school is required by the operation of the *Australian Education Regulation 2013* (Cth) and *Australian Education Act 2013* (Cth) (AE Act) to collect and disclose information to assess the Students with Disability (SwD) loading per the Nationally Consistent Collection of Data (NCCD). The school provides the required information at an individual student level to the Catholic Education Offices and the CEC, as the approved authority. Approved authorities must comply with reporting, record keeping, data quality assurance and audit obligations under the Act. Student information provided to the federal government for the purpose of the NCCD does not explicitly identify a student.
  8. Personal information collected from students is regularly disclosed to their parents or guardians.
  9. If an enrolment application is made to another school, personal information including health information provided during the application stage may be collected from, or shared with, the other school.
  10. The school may disclose limited personal information to the school parish to facilitate religious and sacramental programs.
  11. The school may engage in fundraising activities. Information received from you may be used to make an appeal to you. (It may also be disclosed to organisations that assist in the school's fundraising activities but solely for that purpose.) We will not disclose your personal information to third parties for their own marketing purposes without your consent.
  12. On occasions, information such as academic and sporting achievements, student activities and similar news is published in school newsletters and magazines, on the school website or portal. This may include photographs and videos of student activities such as sporting events, school camps and school excursions. The school will obtain permissions from the student's parent or guardian (and from the student if appropriate) prior to publication. The school may obtain permission annually, or as part of the enrolment process. Permission obtained at enrolment may apply for the duration of the student's enrolment unless the school is notified otherwise.

The school will remind parents and guardians to notify the school if they wish to vary the permission previously provided. The school may use online or 'cloud' service providers to store personal information and to provide services to the school that involves the use of that personal information. This may include the use of email, social media platforms, and other education and assessment applications. Limited personal information may be provided to these service providers to enable authentication of users accessing the service.

## ACCESS TO YOUR PERSONAL INFORMATION

13. The school's Privacy Policy, accessible on the school's website, contains information about how parents or students may access the personal information that is held by the school and seek the correction of such information.

## DISCLOSURE TO OVERSEAS RECIPIENTS

14. The school may disclose personal information about an individual to overseas recipients, for example, to facilitate a school exchange or a student overseas tour.
15. Where personal information is held by a cloud computing service provider on behalf of the school for educational and administrative purposes, it may be stored on servers located within or outside Australia.
16. The servers of cloud service and other third party service providers may be located in the following countries USA, UK, Singapore and Australia.
17. It is not practicable to specify in this Notice the countries in which overseas recipients of personal information are likely to be located.

## COMPLAINTS

18. The school's Privacy Policy contains information about how parents and students may lodge a complaint involving an alleged breach of the Australian Privacy Principles (APPs) and how the school will respond to such a complaint.

*Mercy Education Policy 1.07 Privacy – Standard Collection Notice  
Revised by the Board – 6 August 2021  
Version 7.0*