



STUDENT SAFETY DEFINITIONS

Last Review: May 2022 (minor review June 2024 and November 2024)	Constructed / Reviewed by: Mentone Grammar on advice from Russell Kennedy Lawyers
Next Review: August 2024 (at least every two years thereafter or more frequently after a significant student safety incident)	Approval Required: Board Motion
Policy Number: 17a	Board Sign Off Date: 12 October 2022 Implementation Date: 13 October 2022

1 Statement of Context and Purpose

- 1.1 Mentone Grammar (the **School**) is committed to protecting its students from all aspects of harm, and has established strategies, practices, policies and procedures to uphold this commitment.
- 1.2 The School takes a zero tolerance approach to any behaviours that jeopardise student safety and wellbeing (including child abuse and reportable conduct). The School regards its student safety and wellbeing responsibilities with the utmost importance and strives to deliver an educational curriculum that promotes the School's vision, mission and values of *Caring, Respect, Integrity, Endeavour, Service, Discipline and Resilience*.
- 1.3 The School's aim is to create an environment where students can learn in a calm and focused environment characterised by ethical behaviour and defined professional boundaries, and where they feel safe and supported by the School.
- 1.4 This document sets out the key definitions used in the School's student safety and wellbeing policies.

2 Application

- 2.1 This document applies to all Board members, employees, volunteers, contractors, secondees and other authorised personnel required to perform functions on the School's premises, or at School-organised activities and events.

3 Related Policies

- 3.1 Student Safety & Protection Policy
- 3.2 Student Safety Staff Code of Conduct
- 3.3 Student Safety Responsibilities
- 3.4 Responding to Student Safety Concerns Policy
- 3.5 Student Safety Recruitment and Selection Policy

4 Definitions

- 4.1 **Behaviour** that causes **emotional or psychological harm to a child** includes sexual offences, sexual misconduct, physical violence and significant neglect. However, other types of behaviours can also cause emotional or psychological harm including, for example, severe or sustained instances of verbal abuse; coercive or manipulative behaviour; hostility towards, or rejection of, a child; and humiliation, belittling or scapegoating.
- 4.2 **CCYP** means Commission for Children and Young People.
- 4.3 **Child** means a child under the age of 18 years, except in the case of certain mandatory reporting obligations which may define a child to be under a different age.
- 4.4 **Child abuse** means all forms of child abuse defined in the ETR Act and CWS Act, and includes:
- (a) Any act committed against a child involving a sexual offence or grooming.
 - (b) The infliction on a child, of physical violence or serious emotional or psychological harm.
 - (c) Serious neglect of a child.
- 4.5 **Student-connected work** means work authorised by the School and performed by an adult in a school environment while children or young people are present or reasonably expected to be present.
- 4.6 **CWS Act** means the *Child Wellbeing and Safety Act 2005 (Vic)*, as amended from time to time.
- 4.7 **CYF Act** means the *Children, Youth and Families Act 2005 (Vic)*, as amended from time to time.
- 4.8 **DFFH** means the Department of Families, Fairness and Housing.
- 4.9 **ETR Act** means the *Education and Training Reform Act 2006 (Vic)*, as amended from time to time.
- 4.10 **Executive Team** refers to the Principal, Deputy Principal, Director of Learning and Teaching, Head of School Operations, Heads of Campus (Eblana, Riviera, Bayview, Greenways and Frogmore), Risk and Compliance Manager, Director of Advancement and the Director of Business.
- 4.11 **Grooming** is defined in the *Crimes Act 1958 (Vic)* and refers to communication, by words or conduct, between an adult and a child with the intention of facilitating the commission of a sexual offence involving the child. Grooming may be identified by attempts being made at establishing an intimate relationship with, befriending or influencing a child (or, in some circumstances, members of the child's family). In this respect, grooming involves psychological manipulation that is usually very subtle, drawn out, calculated, controlling and premeditated (Victorian Parliamentary Inquiry 2013).
- 4.12 **Mandatory reporter** has the meaning given to it by section 182 of the CYF Act. It includes but is not limited to registered teachers (including early childhood teachers), staff with post-secondary qualifications employed in the care, education or minding of children, school

principals, registered nurses, students in training to become teachers (who have been granted permission to teach under relevant legislation), registered psychologists, out of home care workers, early childhood workers and any other person referred to in section 182 of the CYF Act.

4.13 **Neglect** refers to an individual's failure to meet their obligations and responsibilities to keep a child safe and well, and can include:

- (a) Supervisory neglect, which is the absence or inattention of a staff member which places the child at risk of physical harm or injury, sexual abuse or allows other criminal behaviour to occur.
- (b) Physical neglect, which is the failure to provide basic physical necessities for a child, such as adequate food, clothing, housing or medical attention.

4.14 **Parent** includes a guardian or carer, and 'parents' has a corresponding meaning.

4.15 **Physical violence** includes an act that causes physical injury or pain. Examples of physical violence can include:

- (a) Hitting, kicking and punching.
- (b) Pushing, shoving, grabbing, throwing and shaking.
- (c) Using an object to hit or strike.
- (d) Using inappropriate restraint/excessive force.

Physical violence does not include lawful behaviour. For example:

- (a) Reasonable steps taken to protect a child from immediate harm, such as taking their arm to stop them from going into oncoming traffic.
- (b) Medical treatment given in good faith by an appropriately qualified staff member, such as a senior first aid officer administering first aid.

Threats of physical violence that do not cause physical injury or pain may still amount to behaviour that causes emotional or psychological harm.

4.16 **Reasonable belief** means a belief that would lead a reasonable person in the same position as you, and with the same information as you to form a belief that child abuse (including sexual abuse) or reportable conduct is occurring or may occur. There must be some objective basis for the belief. However, it is not necessary to have proof to form a reasonable belief, nor do you need to make a judgement about the truth of an allegation. However, a reasonable belief is more than suspicion, mere rumour or speculation.

For example, a 'reasonable belief' about a sexual offence might be formed when:

- (a) A student states that they have been sexually abused.
- (b) A student states that they know someone who has been sexually abused (because sometimes the student may be talking about themselves).

- (c) Someone who knows a student states that the student has been sexually abused.
- (d) Professional observations of the student's behaviour or development leads a professional to form a belief that the student has been sexually abused.
- (e) Signs of sexual abuse lead to a belief that the student has been sexually abused.

It is permissible to ask a person raising a concern with you, sufficient questions to establish a reasonable belief. However, care should be taken not to ask the person any suggestive or leading questions.

Staff who are not sure whether they have a reasonable belief must consult with a SSO or a member of the Executive Team.

- 4.17 **Reportable allegation** means any information that leads a person to form a reasonable belief that an employee has committed reportable conduct, or misconduct that may involve reportable conduct, whether or not the conduct or misconduct that is alleged to have occurred was within the course of the person's employment or engagement with the School.

In the above definition, 'employee' has the meaning given in the CWS Act.

- 4.18 **Reportable conduct** means:

- (a) A sexual offence committed against, with or in the presence of, a child.
- (b) Sexual misconduct, committed against, with or in the presence, of a child.
- (c) Physical violence committed against, with or in the presence of, a child.
- (d) Any behaviour that causes significant emotional or psychological harm to a child.
- (e) Significant neglect of a child.

In the above definition, 'child' has the meaning given in the CWS Act.

- 4.19 **School** means Mentone Grammar.

- 4.20 **School community** means all those who are directly and indirectly involved with the School, including students, parents, carers and alumni, as well as businesses, charitable organisations and locals that are affiliated with the School.

- 4.21 **Sexual misconduct** includes behaviour, physical contact or speech or other communication of a sexual nature (including inappropriate touching, grooming behaviour and voyeurism).

Other examples of sexual misconduct include:

- (a) Developing an intimate relationship with a student, for example, through regular contact with the student without the knowledge or approval of the school;
- (b) Inappropriately discussing sex and sexuality with a student; or
- (c) Other overtly sexual acts that could lead to the School taking disciplinary or other action.

- 4.22 **Sexual offence** means a sexual offence set out in clause 1 of Schedule 1 to the *Sentencing Act 1991* (Vic), and includes sexual assault (including rape and attempted rape), indecent acts, possession of child abuse material, exposure to pornography, and grooming.

Any sexual activity between a child and an adult can be a sexual offence. In certain circumstances, sexual activity between children can also be a sexual offence, and also between two adults (particularly when one is a student).

- 4.23 **Significant**, in relation to harm or neglect, means that the harm is more than trivial or insignificant, but need not be as high as serious and need not have a lasting permanent effect.
- 4.24 **SOCIT** means the Victoria Police Sexual Offences and Child Abuse Investigation Team.
- 4.25 **SSO** means a Student Safety Officer.
- 4.26 **Staff** and **staff members** include Board members, the Principal, employees, volunteers, contractors, secondees and other authorised personnel required to perform functions on the School's premises, or at School-organised activities and events.
- 4.27 **Student** means a child under 18 years of age, and any student at the School over 18 years of age, and **'students'** has a corresponding meaning.
- 4.28 **Student-connected work** means work authorised by the School and performed by an adult in a school environment while children or young people are present or reasonably expected to be present.
- 4.29 **Victimisation** means treating a person unfairly or unreasonably because they, or someone associated with them, has made, or intends to raise a concern about student safety or student wellbeing, or who is otherwise involved or participates in the School's, or an external body's investigation of the concern.
- 4.30 **VIT** means the Victorian Institute of Teaching.
- 4.31 **VRQA** means the Victorian Registration & Qualifications Authority.
- 4.32 **WSA Act** means *Worker Screening Act 2020* (Vic), as amended from time to time.
- 4.33 **WWCC** means Working with Children Check.

5 **Communication and Implementation**

- 5.1 This document is made publicly available on the School's website.
- 5.2 This document is available to staff as part of the School's and the Board's internal policies and procedures. Aspects of (and updates to) the School's student safety and wellbeing framework, including this document will be addressed in the School's professional development updates, training programs, bulletins and newsletters.
- 5.3 To properly implement this document:

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