



POLICY DOCUMENT

Safeguarding Policy (2024)

1. BACKGROUND

St Patrick's College is a Catholic School in the Edmund Rice tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community, Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

2. STATEMENT OF COMMITMENT TO CHILDREN AND YOUNG PEOPLE

EREA NSW Colleges Ltd is committed to embedding a culture where the safety, wellbeing, and participation of all children and young people under our care is paramount. Each school and every employee, volunteer and contractor, have legal and ethical obligations to respond swiftly when concerned about a student's safety and our commitment means we will ensure that we meet these obligations rigorously.

EREA NSW Colleges Ltd has zero tolerance for child abuse. As identified by the NSW Office of the Children's Guardian (OCG), we acknowledge that child abuse is an ongoing and prevalent issue for children and young people and hence we need to continually improve and strengthen how we protect students from harm through robust, accessible and clear policies and procedures.

3. PURPOSE

Our Safeguarding Policy demonstrates the strong commitment of the College to child safety and to creating and maintaining a child safe and child-friendly environment. It provides an outline of the policies and practices that we have developed to keep our students safe, including from abuse and other harm.

Our Safeguarding Policy outlines the key elements of our approach to implementing the NSW Child Safe Standards and EREA NSW Colleges Ltd safeguarding requirements, and to the College as a child safe organisation.

It informs the College community about everyone's obligations to act safely and appropriately towards students and guides the policies, processes and practices for the safety, wellbeing and protection of students across all areas of our work.

4. PRINCIPLES

- EREA NSW Colleges Ltd and St Patrick's College are committed to ensuring the safety, wellbeing, and participation of all children and young people under our care.
- The EREA NSW Colleges Ltd Board and St Patrick's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.
- As an organisation that provides services to children in NSW, the EREA NSW Colleges Ltd Board and St Patrick's College are committed to building and embedding a safe and supportive environment for all. As such the College is committed to the requirements of the NSW Child Safe Standards.
- As a Catholic entity, The EREA NSW Colleges Ltd Board and St Patrick's College are also guided by the National Catholic Safeguarding Standards, which are also in line with the NSW Child Safe Standards.

- Requiring compliance with these NSW Child Safe Standards is one of the strategies employed by The EREA NSW Colleges Ltd Board to embed a culture of child safety at St Patrick's College.
- St Patrick's College also endorses, implements, and complies with the Statement of Commitment to Child Safety.

5. SCOPE

The Safeguarding Policy applies to all “Staff, Volunteers and Contractors” of the College”, as well as to other people who are associated with the College, such as parents and carers when they are visiting the College or attending a College event.

This Policy and its Procedures apply in all College, including physical and online environments, on-site and off-site College grounds (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas travel), and environments provided by External Education Providers and other Contractors.

6. DEFINITIONS

“Child” / “Child or Young Person”

For the purpose of the policy the term “child” and the phrase “child or young person” refer to a person who is aged under 18. In NSW a “Child” is defined as any person aged under 16 years and a “Young Person” is defined as any person aged 16 years and over and under 18 years.

“Child Abuse and Other Harm”

The phrase “child abuse and other harm” is not defined in NSW law. However, various sources of legislation provide definitions, concepts and conduct (set out in “Child Safety Incident or Concern”, below) which, together, provide guidance as to what is child abuse and other harm in NSW.

For the purposes of this Policy, the phrase “child abuse and other harm” refers to incidents of or concerns about (including concerns about a risk of) physical, sexual, psychological and emotional harm, neglect, grooming and exposure to domestic violence, regardless of by whom or how this harm occurs.

“Child Safety Incident or Concern”

St Patrick's College uses the phrase, “child safety incident or concern”, which includes, but goes further than, the concept of “child abuse and other harm”.

Child safety incidents or concerns can take many forms. These include not only the abuse of a child or young person by their parents/carers, but also conduct by other people that can cause harm to a child or young person or to a student aged 18 or over.

We define “child safety incidents or concerns” as an incident of or concern about:

- a child or young person being “at risk of significant harm”, as defined in the Children and Young Persons (Care and Protection Act) 1998 (NSW) (Care and Protection Act), such as:
 - being, or at risk of being, physically or sexually abused or ill-treated
 - living in a household where there have been incidents of domestic violence and, as a consequence, being at risk of serious physical or psychological harm
 - their parents/carers failing to meet their physical, psychological, educational or medical needs
 - their parents/carers behaving in such a way towards them that they are suffering or at risk of suffering serious psychological harm

- a child or young person being, or at risk of being, the victim of a “child abuse offence” as defined in the Crimes Act 1900 (NSW) (Crimes Act), or a student aged 18 or over being, or at risk of being, the victim of a similar offence, such as:
 - a sexual offence (a sexual act, sexual intercourse, sexual touching, production of child abuse material, voyeurism or grooming offence) or an attempt to commit such an offence
 - assault and physical harm (wounding or causing grievous bodily harm, assault causing actual bodily harm, assault at a school, administering or causing the ingestion of an intoxicating substance, and female genital mutilation)
- “Reportable Conduct” by an employee, Volunteer or Contractor, as defined in the Children’s Guardian Act 2019 (NSW) (Children’s Guardian Act), such as:
 - a sexual offence against, with or in the presence of a child or young person
 - sexual misconduct with, towards or in the presence of a child or young person
 - ill-treatment of a child or young person
 - neglect of a child or young person
 - assault against a child or young person
 - behaviour that causes significant emotional or psychological harm to a child or young person
 - Any offence under Section 43B (failure to protect) or section 316A (failure to report) of the Crimes Act 1900.
 - All definitions of reportable conduct are clearly defined in the relevant legislation and in the OCG Reportable Conduct Fact Sheets 1 and 8.
- a breach of our Safeguarding Codes of Conduct, such as:
 - a teacher engaging in unauthorised after-hours meetings with a student
 - a Volunteer sports coach engaging in inappropriate online personal communications with a student
 - a Contractor music tutor publishing online photos, movies or recordings of a student without parental/carer consent.

“Child Safe Scheme”

The Child Safe Scheme in NSW means that child-related organisations must put into action the NSW Child Safe Standards recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. All child-related organisation in NSW must apply the NSW Child Safe Standards to better prevent and respond to child abuse.

“Department of Communities and Justice (DCJ)”

DCJ are the peak government agency for managing matters of children and young people at “Risk of Significant Harm.” DCJ are responsible for the legislative requirements pursuant to the Children and Young Persons (Care & Protection) Act 1998.

“EREA NSW Colleges Ltd”

Entity that operates EREA schools in NSW. It is the proprietor of the College

“External Education Providers”

An “External Education Provider” is any organisation that the College has arranged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the College.

The delivery of such a course may take place on College premises or elsewhere. They are considered Direct Contact Contractors.

“Mandatory Report/Reporters”

Mandatory Reporters and Reports are defined under the Children and Young Persons (Care & Protection) Act 1998.

Mandatory reporters are people who deliver the following services, wholly or partly, to children as part of their paid or professional work:

- Health care (e.g. registered medical practitioners, specialists, general practice nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices)
- Welfare (e.g. psychologists, social workers, caseworkers and youth workers)
- Education (e.g. teachers, counsellors, principals)
- Children’s services (e.g. childcare workers, family day carers and home-based carers)
- Residential services (e.g. refuge workers)
- Law enforcement (e.g. police)

A Mandatory Report is to be completed by a Mandatory Reporter when a Mandatory Reporter believes on reasonable grounds that a child or young person is at risk of significant harm.

“Risk of Significant Harm”

The Children and Young Persons (Care & protection) Act 1998 defines Risk of Significant Harm as

1. For the purposes of this Part and Part 3, a child or young person is **at risk of significant harm** if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:
 - a. the child’s or young person’s basic physical or psychological needs are not being met or are at risk of not being met,
 - b. the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,
 - i. in the case of a child or young person who is required to attend school in accordance with the [Education Act 1990](#)—the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act,
 - c. the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,
 - d. the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,
 - e. a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,
 - f. the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

“Special Care Relationship”

1. In NSW, it is an offence for any person to have sexual intercourse with a young person aged over 16 years but under 18 years if that person is in a “special care relationship” with the young person. S73 of the Crimes Act 1900 defines “special care relationship” as:

- a. the accused person is any of the following who is not a close family member of the complainant--
 - i. the parent or the parent of a parent of the complainant,
 - ii. the guardian or authorised carer of the complainant,
 - iii. the spouse or de facto partner of a person referred to in subparagraph (i) or (ii), or
- b. the accused person is a teacher at, or the principal or a deputy principal of, the school at which the complainant is a student, or
 - i. the accused person performs work at the school at which the complainant is a student, in which the accused person has students at the school, including the complainant, under the authority of the accused person, or
- c. the accused person has an established personal relationship with the complainant in connection with the provision of religious, sporting, musical or other instruction to the complainant, in which relationship the complainant is under the authority of the accused person, or
- d. the accused person is a custodial officer of an institution of which the complainant is an inmate, or
- e. the accused person is a health professional and the complainant is a patient of the health professional, or
- f. the accused person--
 - i. performs work for an organisation that provides residential care to young persons placed in out-of-home care (within the meaning of the Children and Young Persons (Care and Protection) Act 1998 and
 - ii. has an established personal relationship with the complainant in connection with the provision of that residential care to the complainant, in which relationship the complainant is under the authority of the accused person, or
- g. the accused person--
 - i. performs work for an organisation that provides refuge or crisis accommodation, and
 - ii. has an established personal relationship with the complainant in connection with the provision of that accommodation to the complainant, in which relationship the complainant is under the authority of the accused person.

“Staff”/ “Staff Member”/ “Employee”

The terms “Staff” and “staff member” include all teaching and non-teaching Staff, including the Principal/Headmaster/Headmistress. They include all those employed by the College on a permanent, temporary or casual basis as well as those employed by EREA NSW Colleges Ltd.

Although College Advisory Council members and members of the Council Committees are technically Volunteers, they are considered “Staff” for the purposes of this Policy and EREA NSW Colleges Ltd safeguarding requirements.

“Student”

A “student” is a person who is enrolled at or attends the College. They may be a child or young person, or they may be an adult aged 18 or over.

“Trustees of Edmund Rice Education Australia (TEREA)”

TEREA is the parent company of five governing authorities which operate schools and flexible learning centres governed and conducted in the Edmund Rice Tradition.

“Volunteers” and “Contractors”

A “Volunteer” is a someone who works without payment or financial reward for the College. Volunteers may be family members of students, or from the wider College or local community.

A “Contractor” is someone engaged by the College to perform specific tasks. Contractors are not employees of the College.

The College categorises Volunteers and Contractors as either:

- **Direct Contact Volunteers/Contractors:** Volunteers and Contractors who have direct physical or face-to-face contact with, or who directly communicate with, students (such as Volunteers and Contractors who are tutors, provide learning support, work in the Canteen, attend or provide excursions/incursions, assist in music/drama productions and coach sports teams). External Education Providers are considered Direct Contact Contractors.
- **Regular Volunteers/Contractors:** Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact), and who do this more than five times per year (such as volunteers working in the College’s administration office, contracted consultants, regular maintenance workers or cleaners, and caterers for staff events)
- **Casual Volunteers/Contractors:** Volunteers and Contractors who assist the College in ways that do not involve direct contact with students (although there could be indirect or incidental contact) or whose services are aimed at the general public, and who do this five times or less per year (such as Volunteers who work on a stall at a College fete or on a barbeque at a sporting event, and one-off emergency maintenance workers).

Clergy and religious personnel who visit, volunteer or otherwise provide services to the College may fall into any of these categories.

“Visitor”

The term “Visitor” refers to any adult who attends a College event or is in a College environment on a one-off or casual basis. Examples of Visitors include, but are not limited to:

- Casual Volunteers/Contractors
- parents, carers and other adult family members of students, when they are attending College events or in a College environment
- people invited by the College or a staff member to attend a College event or to be in a College environment
- people who attend a College environment for commercial purposes, such as for deliveries or sales purposes.

7. ROLES AND RESPONSIBILITIES

Safeguarding is everyone’s responsibility. All adults in the College community have a shared responsibility for contributing to the safety and protection of students.

Specific responsibilities include:

Role	Responsibilities
<p>Director and CEO of EREA NSW Colleges Ltd</p>	<p>The Director and CEO of EREA NSW Colleges Ltd implements the strategy and policy approved by The EREA NSW Colleges Ltd Board and appoints staff to fulfil the leadership, management and operational structures of EREA NSW Colleges Ltd.</p> <p>They ensure that EREA NSW Colleges Ltd governed schools apply sound governance and management practices, and that EREA NSW Colleges Ltd-governed schools meet their child safety and child protection obligations and legislative requirements. They also monitor and ensure appropriate and timely reporting to the EREA NSW Colleges Ltd Board in relation to child safety and child protection, to enable its members to discharge their responsibilities. They provide reports to EREA Ltd on safeguarding matters relevant to risk management.</p> <p>The Director and CEO is the “Head of Relevant Entity” for the purposes of the Reportable Conduct Scheme.</p>
<p>Director of Safeguarding</p>	<p>The Director of Safeguarding directs, supports and advises the Principals of all EREA NSW Colleges Ltd governed schools in relation to safeguarding incidents and investigations.</p> <p>They ensure that child safety incidents or concerns that occur at or involve EREA NSW Colleges Ltd governed schools, as well as other safeguarding issues, are promptly managed and reported to The EREA NSW Colleges Ltd Board through the Director and CEO.</p> <p>For the purposes of the Reportable Conduct Scheme, the Director and CEO has authorised the Director of Safeguarding to undertake responsibility for reporting and investigating allegations of Reportable Conduct involving all School/College Staff, Volunteers and Contractors.</p>
<p>EREA NSW Colleges Ltd Board</p>	<p>The EREA NSW Colleges Ltd Board is the College’s governing body.</p> <p>The EREA NSW Colleges Ltd Board has responsibility for EREA NSW Colleges Ltd’s strategic directions, operational policy and risk management. It ensures that:</p> <ul style="list-style-type: none"> • the College has appropriate processes for receiving and considering information regarding child safety; • the College’s safeguarding and child protection policies required for registration/re-registration as a non-government school are reviewed and approved; • the College has and implements processes to comply with its child safety legal and regulatory obligations; and • the College has ongoing monitoring processes to verify and evaluate the use of the resources allocated to manage safeguarding obligations within the School/College. <p>The EREA NSW Colleges Ltd Board delegates its functions relating to the operational management of the College and implementation of EREA NSW Colleges Ltd safeguarding requirements to the Principal with the collaboration of the Director Safeguarding.</p>

Role		Responsibilities
External Providers	Education	<p>All External Education Providers engaged by St Patrick's College are responsible for contributing to the safety and protection of children in the College environment.</p> <p>All External Education Providers engaged by St Patrick's College are required by the College to be familiar with our Safeguarding Policy and the EREA Code of Conduct.</p> <p>St Patrick's College will include this requirement in the written agreement between it and the External Education Provider.</p>
Principal		<p>The Principal is responsible, and will be accountable for, the operational management of the College, and the implementation of EREA NSW Colleges Ltd safeguarding requirements at their College.</p> <p>The Principal is responsible for taking all practical measures to ensure that this Safeguarding Policy and EREA NSW Colleges Ltd safeguarding requirements are implemented effectively and that a strong and sustainable child safe culture is maintained within the College.</p>
Safeguarding Committee		<p>EREA NSW Colleges Ltd Board is supported by the Safeguarding Committee. The role and operation of the Safeguarding Committee is detailed in its Terms of Reference. The Committee holds no delegated authority, it makes recommendations to the EREA NSW Board for their consideration and approval in relation to safeguarding policies and procedures, whilst monitoring organisational child safety and wellbeing risk within the scope of its Terms of Reference and with the support and input of Management and EREA NSW Board.</p>
Senior Officer	Safeguarding	<p>St Patrick's College has also appointed Senior SO Name as the College's Senior Safeguarding Officer</p> <p>They have additional safeguarding responsibilities, such as being a first point of contact for all child safety concerns or queries for the wider community and coordinating the College's response to child safety incidents in consultation with the Principal and/or the Leadership/Executive Team as well as the Director of Safeguarding.</p>
College Council	Advisory	<p>Under the EREA NSW Colleges Ltd governance structure, the College Advisory Council is responsible for supporting and advising the Principal to ensure consistency and faithfulness to the Charter for Catholic Schools in the Edmund Rice Tradition.</p> <p>Responsibility for the day-to-day management and implementation of the College's safeguarding policies and procedures rests with the Principal.</p> <p>The College Advisory Council advises and supports the Principal in maintaining the College's strategies for safeguarding children and young people.</p>
College's Safeguarding Officers (CSO)		<p>One or more senior staff members are nominated as the College's Safeguarding Officers. Our Safeguarding Officers receive additional specialised training with respect to child safety and protection issues.</p>

Role	Responsibilities															
	<p>They are a point of contact for raising child safety concerns within the College. They are also responsible for championing safeguarding within the College and assisting in coordinating responses to child safety incidents.</p> <p>They ensure that the College responds appropriately to students involved in child safety incidents and concerns and provide assistance and advice to other members of the College community who receive or make a disclosure of abuse or other harm of a child or young person.</p> <p>Our Safeguarding Officers are:</p> <table border="1" data-bbox="480 589 1441 893"> <thead> <tr> <th data-bbox="480 589 719 629">Name</th> <th data-bbox="719 589 967 629">Position</th> <th data-bbox="967 589 1441 629">Email Address</th> </tr> </thead> <tbody> <tr> <td data-bbox="480 629 719 705">Dr Vittoria Lavorato</td> <td data-bbox="719 629 967 705">Principal</td> <td data-bbox="967 629 1441 705">principal@spc.nsw.edu.au</td> </tr> <tr> <td data-bbox="480 705 719 748">Adrian Byrne</td> <td data-bbox="719 705 967 748">Deputy Principal</td> <td data-bbox="967 705 1441 748">adrian.byrne@spc.nsw.edu.au</td> </tr> <tr> <td data-bbox="480 748 719 824">Robert Simpson</td> <td data-bbox="719 748 967 824">Director of Senior School</td> <td data-bbox="967 748 1441 824">robert.simpson@spc.nsw.edu.au</td> </tr> <tr> <td data-bbox="480 824 719 893">Alexandros Sinadinos</td> <td data-bbox="719 824 967 893">Director of Middle School</td> <td data-bbox="967 824 1441 893">alexandros.sinadinos@spc.nsw.edu.au</td> </tr> </tbody> </table> <p>They may also be contacted by phoning the College on 02 9763 1000.</p>	Name	Position	Email Address	Dr Vittoria Lavorato	Principal	principal@spc.nsw.edu.au	Adrian Byrne	Deputy Principal	adrian.byrne@spc.nsw.edu.au	Robert Simpson	Director of Senior School	robert.simpson@spc.nsw.edu.au	Alexandros Sinadinos	Director of Middle School	alexandros.sinadinos@spc.nsw.edu.au
Name	Position	Email Address														
Dr Vittoria Lavorato	Principal	principal@spc.nsw.edu.au														
Adrian Byrne	Deputy Principal	adrian.byrne@spc.nsw.edu.au														
Robert Simpson	Director of Senior School	robert.simpson@spc.nsw.edu.au														
Alexandros Sinadinos	Director of Middle School	alexandros.sinadinos@spc.nsw.edu.au														
Staff Members	<p>All Staff must comply with this Safeguarding Policy and the EREA Code of Conduct, be familiar with our safeguarding policies and procedures and understand their legal obligations with respect to the reporting of child abuse and other harm, and Working with Children Checks.</p> <p>All Staff must be aware of key indicators of abuse and other harm, be observant, and raise all child safety incidents and concerns with a Safeguarding Officer (SO).</p> <p>All Staff are Mandatory Reporters and must report to the Department of Communities and Justice (DCJ) if they have reasonable grounds to suspect that a child (aged under 16), or a particular group of children, are at risk of significant harm, and their suspicion arose in the course of their work at or for the College. All Staff who are adults (aged 18 or over) also have a legal obligation to report to Police when they know or believe that a child abuse offence has been committed against another person, including a student.</p> <p>To meet these obligations, all Staff must:</p> <ul data-bbox="528 1720 1485 2103" style="list-style-type: none"> • participate in safeguarding induction and ongoing training provided by the College • always follow the College’s safeguarding policies and procedures • act in accordance with the EREA Code of Conduct • identify and raise all child safety incidents and concerns with a Safeguarding Officer or the Principal • identify and respond to concerns about students who are at risk of significant harm or who are or were the victim of a child abuse offence • ensure that students’ views are taken seriously, and their voices are heard when making decisions that affect them 															

Role	Responsibilities
	<ul style="list-style-type: none"> implement inclusive practices that respond to the diverse needs of students. comply with all relevant safeguarding-related human resources policies and procedures.
Volunteers and Contractors	<p>All Volunteers and all Contractors at the College are responsible for contributing to the safety and protection of students in the College environment.</p> <p>To meet these obligations:</p> <ul style="list-style-type: none"> All Volunteers and all Contractors must: <ul style="list-style-type: none"> comply with our Safeguarding Policy and the EREA Code of Conduct understand their legal obligations with respect to the reporting of child abuse and other harm raise all child safety concerns with a Safeguarding Officer or the Principal comply with all relevant safeguarding-related human resources policies and procedures. Direct Contact Volunteers/Contractors must also: <ul style="list-style-type: none"> participate in safeguarding induction and ongoing training provided by the College follow the safeguarding policies and procedures to identify and raise child safety incidents and concerns. Regular Volunteers/Contractors and Casual Volunteers/Contractors must either: <ul style="list-style-type: none"> participate in modified safeguarding induction training; or receive and acknowledge information about the Safeguarding Policy and the EREA Code of Conduct. <p>For Contractors, the College may include these requirements in the written agreement between it and the Contractor.</p>
Working with Children Check (WWCC) Responsibilities (Principal's delegate).	<p>The Director of Human Resources, Risk and Governance is responsible for:</p> <ul style="list-style-type: none"> verifying WWCC clearances for all Staff and for relevant Contractors and Volunteers when they first commence their role at the College, monitoring the WWCC status of ongoing Staff and relevant Volunteers and Contractors and all subsequent verifications and ensuring all people in child-related work have a current WWCC clearance. only employ or engage child-related workers or eligible volunteers who have a valid WWCC clearance It is the responsibility of EREA NSW to notify the WWCC Directorate of the OCG when EREA NSW substantiates allegations of reportable conduct – sexual misconduct, sexual offence, serious physical assault and/or a reportable conviction.

Role	Responsibilities
	<p>All Staff and relevant Contractors and Volunteers must hold and maintain a valid WWCC clearance and report to the Principal or Director and CEO if they are no longer eligible for a WWCC clearance.</p> <p>The EREA NSW Colleges Ltd Director of Safeguarding or their delegate monitors and verifies WWCC status of the Principal, Deputy Principal, Business Manager and senior leaders contracted by EREA NSW Colleges Ltd.</p> <p>The Director of Human Resources, Risk and Governance is responsible for maintaining the College’s WWCC records.</p>

8. SAFEGUARDING FRAMEWORK

8.1 Safeguarding Code of Conduct

The EREA Code of Conduct sets boundaries and expectations for appropriate behaviours between Staff, Contractors, Visitors and Volunteers of the College and students, including in physical and online environments. The EREA Code of Conduct includes a specific section on Safeguarding – section 3.0 Child Safe Code of Conduct.

We also have a Student Code of Conduct, which includes standards of behaviour for students relevant to safeguarding.

We also provide additional information to students and families about behaviours that are acceptable and unacceptable and how to report inappropriate behaviour and raise concerns.

8.1.1 Children and Young People’s Rights to Safety, Information and Participation

St Patrick's College is a child safe and child-centred organisation, and we work to create an inclusive and supportive environment that encourages students and families to contribute to our approach to child safety and wellbeing.

We ensure that our physical and online environment is friendly and welcoming to all children and young people by:

- Identifying and mitigating risks in the physical and online environment without compromising a child’s right to privacy, access to information, social connections and learning opportunities
- Ensuring that the online environment is used in accordance with the school’s Child Safe Codes of Conduct and relevant policies.
- Ensuring that risk management plans consider risks posed by organisational settings, activities and physical environments.
- Ensuring the safeguarding of children and young people is prioritised in the procurement process for contracting facilities and services from and to third parties.

We actively seek to include students in decisions that affect them. This includes decisions about organisational planning, delivery of services, management of facilities, and learning and assessment environments. This is achieved through:

- Providing children and young people multiple and age-appropriate platforms (for example through surveys, workshops, focus groups or student representatives) to regularly and proactively:

- o engage with children and young people
- o seek children and young people's views
- o consult children and young people about what makes them feel safe and how this can be recognised and implemented by the College.

We ensure that students know about their rights to safety, information, and participation by

- Providing age-appropriate programs to educate children and young people about their rights, including their rights to participation, information and to be safe from abuse and other harm. These programs also serve to advise children and young people who to contact if they have concerns about their safety or the safety of their peers.
- Designing simple, child-focused processes for children and young people to report child safety concerns that are accessible to all children and young people, including those from culturally and/or linguistically diverse backgrounds and those with disabilities.
- Conducting regular reviews of the information and processes for children and young people to report child safety concerns, to take into account children and young people's views of reporting processes.
- Ensuring that children and young people and their families have access to child abuse and harm prevention and e-safety education appropriate to the child's age, development, ability and level of understanding. Best practice is considered when providing or selecting providers of these materials.
- Openly displaying contact details for independent child advocacy and child helpline services.
- Including in our Safeguarding policies and procedures, the ability to offer and arrange referrals and support to children and young people and their families.

We recognise the importance of friendships and support from peers, hence we:

- Actively support children and young people to develop and sustain friendships and document how this support is provided (for example, through a 'buddy system').
- Have an anti-bullying policy and a student code of conduct that provides guidance for children and young people on expected and unacceptable behaviour.
- Provide children and young people with education and age-appropriate information about bullying, expected and unacceptable behaviour, and safe and respectful peer relationships including the use of social media.

We actively seek to understand what makes students feel safe in our College and regularly communicate with students about what they can do if they feel unsafe. Students receive training, information, and opportunities to provide feedback as a means to consolidate and develop initiatives focusing on their overall safety and wellbeing.

At St Patrick's College, students have the right to:

- reach your full learning potential in a safe and supportive environment
- be safe
- be treated with respect, courtesy and kindness
- be an active part of and contribute positively to the community
- be treated fairly and justly
- have your human rights, and other legal rights respected.

8.1.2 Student Wellbeing Concerns

Student wellbeing concerns are safety, welfare or wellbeing concerns for a child or young person that do not meet the mandatory reporting threshold, risk of significant harm. Circumstances where Staff, Contractors or Volunteers believe that a child is not subject to abuse, but they still hold significant concerns for their wellbeing, they must still act. In the first instance student wellbeing concerns are managed by the College/School with the support of EREA NSW. Management of student wellbeing concerns may include making a referral to or seeking advice from:

- 1800 RESPECT, Lifeline, BeyondBlue (Australia-wide) and Domestic Violence Line and Parent Line (NSW) (in circumstances where the family are open to receiving support)
- Catholic Schools New South Wales
- NSW Department of Communities and Justice
- NSW Police.

8.1.3 Students' Responsibilities

College students must:

- treat others justly and with respect, courtesy, understanding and kindness – not ridiculing, teasing or hurting the feelings of others
- report any incidents of bullying, harassment or discrimination or any other concerns impacting the safety and welfare of others
- uphold the College's values in the way they conduct themselves at school and in the community
- enable others to learn in a safe and supportive environment
- follow school policies, procedures and the directions of teachers, staff and coaches at all times
- cooperate with teachers and other students, making sure that lessons proceed
- represent the College with pride and commitment showing sportsmanship
- act in a courteous and respectful way that makes all members of the College community feel valued, included and supported
- care for the safety of others, respecting their human and legal rights
- respect an individual's privacy
- protect and respect the property of others and of the school
- use the College's computer, internet and Wi-Fi facilities in accordance with the Technology Use Agreement
- behave safely, respectfully and responsibly while travelling to and from the College on public transport
- discourage other students from using substances that could harm their health

College students must NOT:

- engage in any conduct that would be considered bullying, harassment or discrimination
- use profane, obscene or degrading language
- interfere with other students' right to learn
- post content on social media that may offend peers, teachers or damage the College's reputation
- steal, be violent or bring weapons, illegal drugs, alcohol, vapes, e-cigarettes or tobacco into our College
- deface or vandalise any part of the College, or other persons' property
- engage in rough and reckless activity in the playground or classrooms

These expectations for student behaviour apply at school, including outside normal school hours; while undertaking school activities including interaction with parents or other third parties and while away from the College (e.g. School trips or co-curricular activities); and at school-related events (e.g. College social functions).

8.1.4 Parents/Carers, Families and Community Involvement at the College

The College recognises that parents and carers have the primary responsibility for the upbringing and development of their children. We ensure that they have opportunities to participate in decisions affecting their children by.

- Including regular updates regarding child safe practices and the NSW Child Safe Standards in communications to Parents/Carers and Families.
- Up-to-date Safeguarding information on the College website.
- Seeking feedback from Parents/Carers and Families regarding the College's Safeguarding practices and procedures.

We ensure that families and relevant communities (the variety of communities that are relevant to the College, such as Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, and other communities that make up our Staff and student cohorts) know about the College's operations and policies, including the Safeguarding Policy and the Safeguarding Codes of Conduct, record keeping practices, risk management, and complaints and investigation processes.

We actively seek to include families and relevant communities in decisions about organisational planning, delivery of services, management of facilities, and learning and assessment environments. This is achieved through

- Providing multiple platforms (College Weekly Newsletter, SPC App, TASS Parent Portal) and avenues (for example through internal and externally facilitated surveys, workshops, parent focus groups or information evenings and parent interviews) for the College to regularly and proactively engage with and seek the views of families and relevant community members.
- Making available, clear and accessible information to families and relevant communities about the College's governance and operations including the roles, responsibilities and identity of the College Leadership Team and the roles and responsibilities of Staff, Volunteers and Contractors.
- The creation of opportunities for families and relevant communities to be involved in how the College operates (e.g. through P&F committees and College Advisory Council).

8.1.5 Cultural Safety and Valuing Diversity in the College Community

Our College values diversity and does not tolerate any discriminatory practices. To achieve this, we:

- identify, confront and do not tolerate racism, and address any instances of racism within the College environment with appropriate consequences.
- promote and support the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander students and their families.
- promote and support the cultural safety, participation and empowerment of students from culturally and linguistically diverse backgrounds and their families.
- promote the safety of all vulnerable children.
- support students with disability and their families and act to promote their participation.
- support students and families of diverse sexuality and act to promote their participation.
- seek to recruit a workforce that reflects a diversity of cultures, abilities and identities.
- ensure that all Staff, Direct Contact Volunteers and Direct Contact Contractors have training about Aboriginal and Torres Strait Islander cultures, disability, culturally and linguistically diverse backgrounds, and those with particular experiences or needs.
- have a physical environment that actively celebrates diverse cultures and recognises cultural difference.
- commit to ensuring that our facilities promote the inclusion of students of all abilities.

8.2 Reporting Child Safety Incidents or Concerns

St Patrick's College fosters a culture that encourages everyone in the College community to raise concerns and complaints about child safety. We have clear pathways for raising complaints and concerns set out in the Safeguarding Complaints Management Policy and Procedures.

We also have clear procedures that all Staff, Volunteers and Contractors must follow whenever they witness, suspect, or receive a complaint about a child safety incident or concern involving a student, a staff member, a Volunteer, a Contractor or the College.

The College will take appropriate, prompt action in response to all child safety incidents or concerns, including:

- allegations, complaints or disclosures of child abuse or other harm
- breaches of our Safeguarding Codes of Conduct
- inappropriate behaviour by Staff, Volunteers, Contractors, students, parents/carers, Visitors and other members of the College community
when these are reported to the College, whether by Staff, Volunteers, Contractors of the College, students, parents/carers or anyone else.

The safety and wellbeing of the student/s involved in the matter will be the paramount consideration when responding to child safety incidents and concerns. The College follows the National Office of Child Safety's [Complaints Handling Guide: Upholding the rights of children and young people](#) when investigating and responding to child safety incidents and concerns.

The College's response will include:

- reporting all matters that meet the required relevant thresholds externally to DCJ (Mandatory Reports), the Police (Mandatory Reporting of Child Abuse Offences), and/or advising EREA NSW, as the relevant entity for the purposes of the Reportable Conduct Scheme of all safeguarding allegations so that EREA NSW can assess the matter and advise the Office of the Children's Guardian (Reportable Conduct), depending on the issues raised.
- reporting internally to EREA NSW Colleges Ltd:
 - all matters that required reporting to an external agency
 - Problematic and harmful sexual behaviour by students that does not otherwise require external reporting
 - other matters as directed by EREA NSW Colleges Ltd.
- fully cooperating with any resulting investigation by an external agency and/or EREA NSW Colleges Ltd.
- protecting any student connected to the child safety incident or concern until it is resolved and providing ongoing support to those affected.
- taking particular measures in response to child safety incidents or concerns about an Aboriginal or Torres Strait Islander student, a student from a culturally and linguistically diverse background, a student with disability, and other vulnerable students (such as a student who is unable to live at home or a student who identifies as lesbian gay, bisexual, transgender or intersex).
- sharing information with, or requesting information from, external people or agencies as permitted or required under the law.
- securing and retaining records of the child safety incident or concern and the College's response to it.
- taking broader actions to improve child safety at the College (including systemic reviews and resulting improvements).

Parents, carer and community members are encouraged to report any conduct that is in their view inappropriate, reportable or criminal conduct to the Principal or their delegate. All such reports will be dealt with in accordance with the College complaint handling procedures.

Whenever there are concerns that a child or young person is in immediate danger, call the Police on 000.

Any person, including all Staff, Volunteers, Contractors, parents/carers and students, can at any time contact the Department of Communities and Justice (DCJ) if they have reasonable grounds to suspect that a child or young person (aged under 18), or a class of children or young persons, is at risk of significant harm.

Voluntary reports to DCJ can be made by calling the Child Protection Helpline on 132 111 or 1800 212 936 (24 hours a day, 7 days a week).

8.2.1 Staff Reporting Child Safety Incidents or Concerns

All Staff of the College must report all child safety incidents or concerns internally to a Safeguarding Officer or the Principal.

Where the incident or concern involves the Principal, internal reports should instead be made directly to Director of Safeguarding by calling (02) 8705 8611.

We recognise that some children and young people face additional vulnerabilities to abuse and other harm, as well as additional barriers to disclosing child safety incidents or concerns.

8.2.2 Students Reporting Child Safety Incidents or Concerns

If a student has concerns about their safety or the behaviour of others, it's important that they tell a trusted adult. This could be a parent or carer, a trusted teacher or a College Safeguarding Officer.

Our Staff are committed to ensuring that all students feel empowered to speak up and be heard and will take all concerns raised by students seriously and ensure that the student receives ongoing support.

The College provides students with information about, and encourages them to use, the multiple pathways available at the College to raise child safety concerns, including concerns about the behaviour of other students. These include informal and formal ways, an 'anonymous' way, and through external child advocacy or child safety organisations.

Students who have child safety concerns about themselves, or about any other child, young person or student aged 18 or over, can:

- disclose the incident or concern to a Safeguarding Officer, a staff member, Volunteer or Contractor. This might be done:
 - verbally
 - in writing
 - through electronic means (such as email)
 - indirectly (such as in written assignments, in artworks or in any other way)
- disclose the incident or concern anonymously by using the College's anonymous report, which is located on CANVAS
- contact various external child advocacy organisations such as:
 1. [ChildWise](#)
 2. [Bravehearts Australia](#)
 3. [Kids Helpline](#)
 4. [Headspace](#)
 5. [ReachOut Australia](#)

6. [Black Dog Institute](#)
7. [Beyond Blue](#)
8. [Head to Health](#)
9. [Children of Parents with a Mental Illness \(COPMI\)](#)

For more information, students can refer to the child-friendly version of our Safeguarding Complaints Management Policy and Procedures, available to them via CANVAS or their Year Coordinator.

8.2.3 Anyone, including Parents/carers, family members and other community members Reporting Child Safety Incidents or Concerns

Anyone can raise a concern or make a safeguarding-related complaint related to either a child or young person associated with the College that may be subject to abuse or other harm, or concerns regarding the College's leadership in relation to child safety, at any time, to:

- the Principal (by phoning the school or emailing principal@spc.nsw.edu.au),
- a Safeguarding Officer (the Principal, Dr Vittoria Lavorato, by phoning 02 8705 9202 or emailing principal@spc.nsw.edu.au), or
- a trusted staff member
in person, in writing or over the phone.

If the concern relates to the Principal, contact the Director of Safeguarding by calling (02) 8705 8611.

Non-safeguarding related complaints should be made to the Complaints Officer.

Communications will be treated confidentially on a 'need to know' basis.

8.2.4 Support for Students, Families and Staff Following a Child Safety Incident or Disclosure

The College will work closely with the student, parents and carers and our wellbeing team to provide all available support services. The College employs a range of measures to support students affected by a child safety incident or concern, depending on the particular circumstances of the matter and of the student and their family:

- a Safeguarding Officer may work with the student, and their family if appropriate, to develop a Student Support Plan.
- support strategies that could be considered for students and/or their families might include referrals to internal or external support, such as the College Counsellor, bi-cultural workers and/or translators, or an external support agency and/or child advocacy organisation which specialises in supporting children and young people impacted by abuse or other harm.

The following staff may be involved in providing support to students, families and staff following a child safety incident or disclosure:

- Principal
- Deputy Principal
- Director of Senior School
- Director of Middle School
- Director of Human Resources, Risk and Governance
- Head of Counselling Services
- Relevant Year Coordinator

The support offered in all circumstances will be determined on a case-by-case basis giving due consideration to the context and specific needs of the individuals involved.

The College also offers similar support to former students who disclose historical child safety incidents or concerns from their time at the College.

Witnessing a child safety incident or receiving a disclosure of abuse or other harm can be a distressing experience for the Staff, Volunteers and Contractors involved. The College assists impacted Staff, Volunteers and Contractors to access necessary support.

8.3 Safeguarding Human Resources Management

8.3.1 Recruitment and Screening

At St Patrick's College we are committed to ensuring that our recruitment practices create a safe and supportive environment for all students. To this end, in addition to our general Recruitment and Selection Procedures, we have established safeguarding policies and procedures for recruiting Staff, and relevant Volunteers and Contractors, and for assessing their suitability to work with children and young people. Our practices include:

- making our commitment to child safety and wellbeing clear in recruitment advertising and documentation.
- requiring all Staff and relevant Volunteers and Contractors to maintain a valid Working with Children Check clearance.
- using additional selection, background checking and screening processes that take into account safeguarding considerations.

8.3.2 Training On and Information About Safeguarding

As a part of St Patrick's College's induction process, all Staff, as well as relevant Volunteers and Contractors, must complete our safeguarding induction program, which includes information about our safeguarding policies, practices and procedures. All Staff, as well as relevant Volunteers and Contractors also receive refresher and ongoing safeguarding training at least annually with this typically being completed in January of each school year.

Our safeguarding induction and ongoing training program includes information about:

- this Safeguarding Policy
- the Safeguarding Code of Conduct
- their legal obligations for child protection and other relevant school expectations
- recognising child abuse and other harm and identifying key indicators, including harm caused by other children and young people
- our practices for responding to and reporting child safety incidents or concerns (such as mandatory reporting, reporting to police and reportable conduct obligations)
- our policies and practices to prevent, identify and report allegations of employee reportable conduct in compliance with the Children's Guardian Act
- our policies and procedures for information sharing and record keeping about child safety incidents and concerns
- Working with Children Check clearances, and other child safety and wellbeing human resources practices.

Staff who are mandatory reporters under the Care and Protection Act are informed of their obligations and the school's procedure for making reports for students who are at risk of significant harm.

The College provides all Visitors to the College, including Casual Volunteers and Casual Contractors, with information about the EREA Code of Conduct and how to report child safety incidents or concerns to the College and to relevant external authorities.

8.3.3 Ongoing Supervision, Management and Support

The College's Safeguarding Officers and Executive/Leadership Team provide supervision and support to all Staff, Direct Contact and Regular Volunteers, and Direct Contact and Regular Contractors to ensure that they are compliant with the College's approach to child safety.

Our safeguarding supervision and support program includes:

- probationary periods for new staff members, where these are permitted by law or under an enterprise agreement
- annual performance reviews for all staff members
- appointing a supervising staff member to Direct Contact Volunteers/Contractors and to those Regular Volunteers/Contractors who are engaged in "child-connected work"
- professional development programs for Staff that include safeguarding education.

The College swiftly manages any inappropriate behaviour towards students, in accordance with our policies and legal obligations. Child safety and wellbeing is the paramount consideration when managing inappropriate behaviour.

8.4 Safeguarding Risk Management

The EREA NSW Colleges Ltd Board and St Patrick's College recognise the importance of a risk management approach to safeguarding and to minimising the risk of harm to children and young people in all College environments, without compromising their rights to privacy, access to information, social connections and learning opportunities.

We identify, assess and manage child safety risks in all College environments, based on a range of factors including the nature of our College's activities, physical and online environments, and the characteristics of the student body, through our Risk Management Program.

The College conducts an annual self-assessment in regard to the NSW Child Safe Standards, which identifies gaps and areas of improvement. The self-assessment is conducted through the Office of the Children's Guardian (OCG) online portal. College implements the required actions and identified risks collated from the self-assessment.

The EREA NSW Colleges Ltd Board, the Principal and the Executive/Leadership Team monitor and evaluate the effectiveness of these actions at least annually.

8.4.1 Safeguarding Record Keeping and Privacy

The College is committed to best practice record keeping about child safety incidents and concerns.

We record all internal and external reports of child safety incidents and concerns, as well as any other responses by the College.

St Patrick's College collects, uses, and discloses information about children, young people and their families, including information in safeguarding records, in accordance with NSW and federal privacy laws, and other relevant laws. For information on how our College collects, uses and discloses information, refer to our Privacy Policy.

8.4.2 Communications

St Patrick's College is committed to communicating our child safety and protection strategies, policies and procedures to our College community through the measures set out in the **Implementation** section below. In addition, we provide information via the following mediums:

- College website

- SPC App
- Weekly Community Newsletter (Especean)
- Annual Report
- Parent-Teacher Meetings
- TASS Parent Portal
- Community Meetings and Forums

9. SAFEGUARDING POLICIES AND PRACTICES REVIEW AND IMPROVEMENT

St Patrick's College is committed to the continuous improvement of our safeguarding policies and procedures and of our child safety and protection practices. The EREA NSW Colleges Ltd Board reviews these policies and procedures every three years or earlier if required, for overall effectiveness and to ensure compliance with child protection legislation, regulations and standards.

When undertaking these reviews, The EREA NSW Colleges Ltd Board/EREA NSW Colleges Ltd:

- actively seeks, actions, and incorporates feedback from students, families, the wider College community, Staff, Volunteers and Contractors
- analyses any complaints, concerns and child safety incidents that may have occurred
- communicates any learnings, adjustments or amendments to policy and practice widely throughout the College community.

10. IMPLEMENTATION

The Safeguarding Policy is published on our College's public website.

It is provided to new Staff, to Direct Contact and Regular Volunteers and to Direct Contact and Regular Contractors at their induction. Training about the Safeguarding Policy is also included in annual refresher training for Staff and relevant Volunteers and Contractors.

All Visitors to the College, including Casual Volunteers and Casual Contractors, are provided with information about the Safeguarding Policy and the EREA Code of Conduct, and how to report child safety incidents or concerns to the College and to relevant external authorities, through both digital (soft copy) and printed (hard copy) formats.

Safeguarding related policies and procedures are also communicated to Staff, Volunteers, Contractors and other members of the College community through other mediums such as

1. Verbal – Workshops, seminars, presentations, panel discussions, focus groups, meetings, professional learning awareness training, school assemblies
2. Online - via the College's website, SharePoint Home Page, online learning, Staff Weekly Newsletter, video conferencing
3. Printed materials – Documented policies, procedures, processes, guidelines, posters, reports, manuals (e.g. employee handbook)

The College makes these documents accessible to students by providing all students with a child-friendly version of it and the Statement of Commitment to Child Safety, found electronically on CANVAS and is made available in hard copy forms accessible via the relevant Year Coordinator, and by communicating them through the Student Diary and CANVAS.

11. BREACH OF THIS POLICY

St Patrick's College enforces the Safeguarding Policy and the Safeguarding Codes of Conduct.

In the event of any non-compliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- the restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

The OCG monitors and enforces compliance with the NSW Child Safe Standards for all child safe organisations in NSW, including schools.

Where any Staff, Contractor or Volunteer refuse to comply with this policy or demonstrate behaviours that are not safe, they will be immediately suspended from their role while the matter is being investigated.

12. POLICY REVIEW

A review of this Safeguarding Policy is conducted every three years or earlier if required, such as due to changes in legislation or practices and/or where a critical incident occurs.

The EREA NSW Colleges Ltd Board is responsible for ensuring that this Policy and its Procedures are reviewed and updated as needed and for approving this Policy and its Procedures.

13. RELATED DOCUMENTS AND LEGISLATIVE INSTRUMENTS

- EREA Code of Conduct, including section 3.0 Child Safe Code of Conduct
- Safeguarding Complaints Management Policy and Procedures
- Safeguarding Recruitment Procedures
- WWCC Policy and Procedure
- [NSW Child Safe Standards](#)
- [National Catholic Safeguarding Standards](#)
- Department of Communities and Justice, [Reporting a Child at Risk](#)
- Department of Communities and Justice, [Mandatory Reporters](#)

14. POLICY ADMINISTRATION

Action	Detail
Responsible Director	EREA Director of Safeguarding
Approved by	EREA NSW Colleges Ltd Board
Approval date	13 June 2024
Effective date	13 June 2024
Review date	12 June 2027
Policy ID	2024-03

1. KEY DEFINITIONS

1.1 Definition of Child and Young Person

For the purposes of the NSW statutory child protection system (including mandatory reporting to the Department of Communities and Justice (DCJ)), the Children and Young Persons (Care and Protection) Act 1998 (NSW) (Care and Protection Act) defines:

- a “child” as a person who is under the age of 16 years
- a “young person” as a person aged 16 or 17.

For most of the child abuse offences in the Crimes Act 1900 (NSW) (Crimes Act) (particularly those relating to sexual offences), the Crimes Act also defines a “child” as a person under the age of 16.

However, for some child abuse offences, and in particular for the purposes of the Failure to Protect and Reporting to Police (Failure to Report) offences, the Crimes Act defines a “child” as a person under the age of 18.

For the purposes of Reportable Conduct and Working with Children Check obligations, a “child” is also defined as a person under the age of 18.

1.2 Definitions of Abuse and Other Harm

At St Patrick's College, we use the phrase “child abuse and other harm” to mean all of the definitions, concepts and conduct in various NSW laws which, together, provide guidance about what is considered child abuse and other harm in NSW.

At Risk of Significant Harm

NSW child protection legislation refers to children and young people “at risk of significant harm”, rather than child abuse.

Section 23 of the Care and Protection Act defines a child or a young person to be “at risk of significant harm” if current concerns exist for their safety, welfare or wellbeing because:

- the child’s or young person’s basic physical or psychological needs are not being met or are at risk of not being met
- the parents or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care
- the parents or carers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with the Education Act 1990 (NSW)
- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated
- the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm
- a parent or other carer has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm.

Domestic Violence as Harm to a Child or Young Person

Domestic (or ‘family’) violence is incorporated into the definition of “child abuse and other harm” because living in a household in which there is domestic violence (i.e. being exposed to domestic violence) as it is one of the reasons by which a child or young person might be at risk of significant harm under the Care and Protection Act.

The Crimes (Domestic and Personal Violence) Act 2007 (NSW) (Domestic Violence Act) sets out the various criminal offences and procedural matters relating to domestic violence in NSW and as such is useful when considering what is “domestic violence”.

The Domestic Violence Act defines a “domestic violence offence” as a “personal violence offence” committed by a person against another person with whom they have or had a domestic relationship. A personal violence offence includes multiple physical, sexual and intimidation offences under the Crimes Act as well as offences intended to coerce or control the victim or to cause that person to be intimidated or fearful.

Examples of domestic violence offences include, but are not limited to:

- physical violence or threats of violence
- verbal abuse including threats
- emotional or psychological abuse
- sexual abuse
- financial and social abuse.

Grooming as Harm to a Child or Young Person

Grooming of a child or young person is incorporated into the definition of ‘child abuse and other harm’ because it is:

- conduct which may place a child or young person at risk of significant harm, which must be reported under the Care and Protection Act
- in certain circumstances, an offence under sections 66EB and 66EC of the Crimes Act that must be reported to the NSW Police) and from which persons at the College, who have the authority to do so, must protect students
- a sexual offence or sexual misconduct which must be reported to the NSW Children’s Guardian under the Children’s Guardian Act 2019 (NSW)
- a breach of the Safeguarding Codes of Conduct.

2. OFFENCES UNDER THE CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) ACT 1998 (NSW)

Under section 228 of the Children and Young Persons (Care and Protection) Act 1998 (NSW), it is a criminal offence for any person, whether or not the parent of the child or young person, to – without reasonable excuse – neglect to provide adequate and proper food, nursing, clothing, medical aid or lodging for a child or young person in their care.

In the context of the College, this might include a teacher, nurse or Direct Contact Volunteer or Direct Contact Contractor failing to, for example, provide adequate medical attention to an injured student.

3. OFFENCES UNDER THE CRIMES ACT 1900 (NSW)

Child Abuse Offences

The definition of “child abuse offences” in the Crimes Act 1900 (NSW) (Crimes Act) may assist in understanding what is considered ‘child abuse and other harm’ in NSW. The phrase is also central to understanding Duty to Protect/Failure to Protect and Reporting to Police obligations.

Under sections 316A and 43B of the Crimes Act, a “child abuse offence” includes a sexual offence (and an attempt to commit such an offence) such as:

- a sexual act
- sexual intercourse
- sexual touching
- production of child abuse material
- voyeurism
- grooming.

It also includes assault and physical harm (and an attempt to commit such an offence), such as:

- wounding or causing grievous bodily harm
- assault causing actual bodily harm
- assault at a school (whether or not causing actual bodily harm)
- administering or causing the ingestion of an intoxicating substance
- female genital mutilation.

Many of these offences (particularly those that are sexual offences) are only a child abuse offence if the child is under the age of 16.

However, for the purposes of the Failure to Protect and Reporting to Police (Failure to Report) offences, these are a child abuse offence if the child is under the age of 18.

Particular Offences Relevant to the College’s Context

There are various offences in the Crimes Act which relate to the unique relationship between a student and persons who may be considered staff members for the purposes of the safeguarding policies and procedures.

These offences include:

- Section 66EC: Grooming a person for unlawful sexual activity with a child who is “under the authority of the person”.
- Sections 73 and Section 73A: Sexual intercourse with and sexual touching of a young person between 16 and 18 “under special care”.

Grooming of a person who has a child “under their authority”

Section 66EC of the Crimes Act makes it a crime to groom an adult by providing any financial or material benefit to the adult for the purposes of making it easier to procure a child (aged under 16), who is under the adult’s authority, for unlawful sexual activity.

A child is “under the authority of a person” if the child is under the person’s care, supervision or authority. In the context of the College, people who have a child under their authority include, but are not limited to:

- parents/carers
- Executive/Leadership Team members
- the Principal/Headmaster/Headmistress
- teachers

- non-teaching Staff who have students under their care or authority (such as counsellors, nurses, religious leaders or officials, sports coaches, music tutors, learning assistance Staff and youth workers)
- Direct Contact Volunteers
- Direct Contact Contractors.

This is a criminal offence for which an adult associated with the College could be either the victim or the perpetrator.

Sexual intercourse with or sexual touching of a young person between 16 and 18 “under special care”

The age of consent for sexual activity in NSW is 16. However, for persons who have a young person aged 16 or 17 under their “special care”, sexual activities that would normally not be a criminal offence, due to the young person being of or over the age of consent, can become a criminal offence.

Sections 73 and 73A of the Crimes Act make it a crime for adults to engage in the following conduct with a young person who is under their “special care”:

- Sexual intercourse with the young person. Sexual intercourse means sexual connection by the penetration, to any extent, of the genitalia or anus of the victim by any part of the body of another person or an object manipulated by the other person.
- Sexual touching involving the young person. Sexual touching means touching with any part of the body or with anything else (including through anything worn by the victim or the offender) in circumstances where a reasonable person would consider the touching to be sexual. The offence includes sexually touching the young person, inciting the young person to sexually touch the alleged offender, inciting a third person to sexually touch the young person and inciting the young person to sexually touch a third person.

Sections 73 and 73A set out who is considered to have a young person aged 16 or 17 under their “special care”. Relevant to the College, the list includes:

- the young person’s parent, grandparent, guardian or authorised carer, or the spouse or de facto partner of a parent, grandparent, guardian or authorised carer
- a teacher at, or the principal or, deputy principal of, a school that the young person attends
- any other (paid or volunteer) staff member at a school that the young person attends who has students, including the relevant young person, under their authority
- a person who has an established personal relationship with the young person in connection with the provision of religious, sporting, musical or other instruction, in which relationship the young person is under the authority of the worker
- a health professional who has the young person as a patient

Therefore, it is likely that the following people at the College would be considered to have a young person under their special care, such that sexual activities with the young person would be an offence:

- the Principal and Deputy Principal
- teaching Staff
- non-teaching Staff who have students under their care or authority (such as counsellors, nurses, religious leaders or officials, sports coaches, music tutors, learning assistance Staff and youth workers)
- Direct Contact Volunteers

- Direct Contact Contractors.

4. PHYSICAL ABUSE OR HARM

Physical abuse or harm is a non-accidental physical injury or pattern of physical injuries to a child or young person caused by a parent/carer or any other person. It includes, but is not limited to, injuries which are caused by:

- hitting
- shaking
- throwing
- burning
- biting
- poisoning
- giving children alcohol, illegal drugs or inappropriate medication
- female genital mutilation.

Injuries can include bruising, lacerations or welts, burns, fractures or dislocation of joints. Physical abuse does not always leave visible marks or injuries. It is not how bad the mark or injury is, but rather the act itself that can cause injury or trauma to the child or young person.

Possible Physical Indicators of Physical Abuse or Harm

- unexplained bruises
- bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms or inner thighs
- any bruises or welts in unusual configurations, or those that look like the object used to make the injury, for example, fingerprints, handprints, buckles, iron or teeth
- drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest a head injury
- burns that show the shape of the object used to make them, such as an iron, grill, cigarette, or burns from boiling water, oil or flames
- dislocations, sprains, twisting injuries
- fractures of the skull, jaw, nose or limbs, especially in younger children and especially when not consistent with the explanation offered
- cuts and grazes to the mouth, lips, gums, eye area, ears or external genitalia
- human bite marks
- bald patches where hair has been pulled out
- multiple injuries, old and new

Possible Behavioural Indicators of Physical Abuse or Harm

- inconsistent or unlikely explanation for an injury
- inability to remember the cause of an injury

- fear of specific people
- wearing clothes unsuitable for weather conditions (such as long-sleeved tops) to hide injuries
- wariness or fear of a parent/carer and reluctance to go home
- no reaction or little emotion displayed when hurt
- little or no fear when threatened
- habitual absences from the School/College without explanations (the parent/carer may be keeping the child or young person away until signs of injury have disappeared)
- overly compliant, shy, withdrawn, passive and uncommunicative
- fearfulness when other children cry or shout
- unusually nervous or hyperactive, aggressive, disruptive and destructive to self and/or others
- excessively friendly with strangers
- regressive behaviour, such as bed wetting or soiling
- poor sleeping patterns, fear of dark, nightmares
- sadness and frequent crying
- drug or alcohol misuse
- poor memory and concentration
- suicide threats or attempts
- academic problems

5. SEXUAL ABUSE

Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children and young people are bribed or threatened physically or psychologically to make them participate in the activity.

Sexual abuse includes sexual activity or behaviour that is imposed, or is likely to be imposed, on a child or young person by another person. The other person can be anyone, including a parent/carer, staff member, Volunteer, Contractor, another adult associated with the child or young person or even another child or young person.

Sexual abuse or exploitation can be physical or verbal and can include the following:

Contact Behaviours

- kissing, touching or holding a child or young person in a sexual manner
- penetration of the vagina or anus by digital, penile, or any other object
- oral sexual contact
- coercing the child or young person to perform a sexual act on him/herself or anyone else.

Non-Contact Behaviours

- talking in a sexually explicit manner to a child or young person

- making obscene remarks to a child or young person via any form of communication
- flashing/exposing to a child or young person
- having a child or young person pose or perform in a sexual manner
- voyeurism and invasion of privacy
- looking at child's or young person's genitals for sexual gratification
- exposure of the child or young person to sexually explicit material or acts (including pornographic material)
- communication of graphic sexual matters (including by social media or any other electronic means).

Sexual abuse also includes prostitution or exposure to circumstances where there is a risk that the child or young person may be sexually exploited.

Possible Physical Indicators of Sexual Abuse

- injury to the genital or rectal areas, such as bruising or bleeding
- vaginal or anal bleeding or discharge
- discomfort in urinating or defecating
- the presence of foreign bodies in vagina and/or rectum
- inflammation or infection of the genital area
- sexually transmitted diseases
- pregnancy, especially in very young adolescents
- bruising and other injury to breasts, buttocks or thighs
- anxiety related illnesses such as anorexia or bulimia
- frequent urinary tract infections

Possible Behavioural Indicators of Sexual Abuse

- the student discloses sexual abuse
- the student exhibits sexually harmful behaviour towards others
- persistent and age-inappropriate sexual behaviour, including excessive masturbation, masturbation with objects, rubbing genitals against adults, playing games that act out a sexually abusive event
- drawings or descriptions in stories that are sexually explicit and not age appropriate
- a fear of home, a specific place, a particular adult, or excessive fear of men or of women
- poor or deteriorating relationships with adults and peers
- poor self-care/personal hygiene
- regularly arriving early at the School/College and leaving late
- complaining of headaches, stomach pains or nausea without physiological basis
- frequent rocking, sucking or biting

- sleeping difficulties
- reluctance to participate in physical or recreational activities
- regressive behaviour, such as bed wetting or speech loss
- the sudden accumulation of money or gifts
- unplanned absences or running away from home
- delinquent or aggressive behaviour
- depression
- self-injurious behaviour, including drug/alcohol abuse, prostitution, self-mutilation, or attempted suicide
- the sudden decline in academic performance, poor memory and concentration
- wearing of provocative clothing, or layers of clothes to hide injuries
- promiscuity

6. GROOMING

Grooming refers to behaviours that manipulate and control a child or young person, their family and other support networks, or institutions, with the intent of gaining access to the child or young person for the purposes of engaging in sexually harmful behaviour, obtaining the child or young person's compliance, maintaining the child or young person's silence, and avoiding discovery of the sexual abuse. Grooming behaviour can therefore refer to grooming of an adult with authority for a child or young person, to make it easier to procure the child or young person for sexual abuse or to ensure that, if the child or young person does disclose, that the adult does not believe the child or young person.

Grooming is defined as the use of a variety of manipulative and controlling techniques:

- with a vulnerable subject
- in a range of inter-personal and social settings
- in order to establish trust or normalise sexually harmful behaviour
- with the overall aim of facilitating exploitation and/or prohibiting disclosure of the harmful behaviour.

Grooming behaviour towards children and young people often involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviour. Grooming usually involves a perpetrator establishing a trusting relationship with a child or young person and those associated with the child or young person's care and wellbeing, to create an environment in which sexual abuse can occur.

Grooming behaviours by any person, regardless of who that person may be, towards a child aged under 16 or towards an adult who has the child under their authority place the child at risk of significant harm (because this behaviour means that the child has been, or is at risk of being, sexually abused) and must be reported to DCJ.

Grooming behaviours by Staff, Volunteers and Contractors towards a child aged under 16, towards an adult who has the child under their authority, or towards a young person aged 16 or 17 are also Reportable Conduct (because this behaviour amounts to a sexual offences or sexual misconduct) and must be reported to the Office of the Children's Guardian.

The Criminal Offences of Grooming and Online Grooming

When committed by an adult, some grooming behaviours are an offence under sections 66EB and 66EC of the Crimes Act 1900 (NSW) (Crimes Act) and an offence under sections 474.26 and 474.27 of the Criminal Code Act 1995 (Cth) (Criminal Code).

In addition to most Staff, Volunteers and Contractors, students aged 18 and over at the School/College are adults for the purposes of these criminal offences, and therefore the School/College should ensure that those students are made aware of what behaviours amounts to grooming offences under NSW and Commonwealth law.

For the purposes of the NSW offences, grooming is defined as an adult:

- engaging in any conduct that exposes a child to indecent material
- providing a child with an intoxicating substance or a financial or material benefit
- providing any financial or other material benefit to another adult with authority for the child,

with the intention of procuring the child or a child under the authority of the adult for unlawful sexual activity.

This behaviour is only an offence if the child is under the age of 16.

Under section 66EB of the Crimes Act, an adult can engage in “conduct that exposes a child to indecent material” by:

- communicating in person or by telephone, the internet or other means
- providing any computer image, video or publication.

It is not necessary that the communication or image, video or publication itself be explicitly sexual.

If an adult has groomed a child online, it is a separate offence in NSW for the adult to then:

- intentionally meet the child, or travel with the intention of meeting the child, whom the adult has groomed for sexual purposes
- do so with the intention of procuring the child for unlawful sexual activity with that adult person or any other person.

The NSW grooming offences are “child abuse offences” under the Crimes Act for the purposes of the criminal offences of Failure to Protect and Failure to Report.

Under the Criminal Code, “Using a carriage service to procure persons under 16 years of age”, and “Using a carriage service to groom persons under 16 years of age” are additional criminal offences.

- Carriage services include services for carrying communications, such as telephone services, internet access services and ‘voice over internet’ services.
- For both of these offences, it is a crime for an adult (the sender) to use a carriage service to transmit communications to a person aged (or who the sender believes to be aged) under 16 (the recipient) with the intention of procuring the recipient to engage in sexual activity with or in the presence of either the sender or another person (the participant).

While grooming behaviours by an adult towards a young person aged 16-17 are not a crime under either NSW or Commonwealth law and are not subject to Mandatory Reporting to DCJ or Mandatory Reporting to Police (the Failure to Report offence), these must still be reported internally.

Identifying Grooming

Grooming can be very difficult to identify. Grooming behaviours include a range of techniques, many of which are not explicitly sexual or directly abusive in themselves. Most techniques do not appear unusual or remarkable in isolation, but instead involve many discrete acts that, on their own, are not necessarily criminal or abusive.

Possible Grooming Behaviour by Adults associated with the School/College

- persuading a student or group of students that they have a special relationship
- asking a student to keep the relationship to themselves
- inappropriately allowing a student to overstep the rules
- testing boundaries, for example by undressing in front of a student
- manoeuvring to get or insisting on uninterrupted time alone with a student
- buying a student gifts
- insisting on physical affection such as hugging, wrestling or tickling even when the student clearly does not want it
- being overly interested in the sexual development of a student
- taking or having a lot of photos of an unrelated child or young person
- engaging in inappropriate or excessive physical contact with a student
- sharing alcohol or drugs with a student
- making inappropriate comments about a student's appearance or excessive flattery
- using inappropriate pet names for a student
- making jokes or innuendo of a sexual nature with a student
- making obscene gestures or using obscene language with a student
- sending correspondence of a personal nature to a student via any medium
- inviting, allowing, or encouraging students to attend the staff member's home without parental/carer permission
- entering change rooms or toilets occupied by students when supervision is not required or appropriate
- communicating with a student's parent/stepparent/carer, teacher, religious official or spiritual leader with the intention of facilitating the student's involvement in sexual conduct
- inappropriately extending a relationship with a student outside of work
- photographing, audio recording, or filming students via any medium without authorisation or having parental consent to do so

Indicators That a Child or Young Person May Be Subject to Grooming

- developing an unusually close relationship with an adult
- displaying significant mood changes, including hyperactive, sensitive, hostile, aggressive, impatient, resentful, anxious, withdrawn or depressed behaviour
- using 'street' or different language that they learned from a new or older 'friend'
- having new jewellery, clothing, expensive items or large amounts of money that were gifts from a new or older 'friend'
- using a new mobile phone excessively to make calls, videos or send text messages to a new or older 'friend'
- being excessively secretive about their use of social media or online communications
- frequently staying out late or overnight with a new or older 'friend'

- being dishonest about where they have been or who they were with
- drug and alcohol use
- being picked up in a car by a new or older 'friend' from home or school or 'down the street'

Indicators That a Child of Young Person May Be Subject to Online Grooming

- discovery of pornography on their computer or device
- receiving or making calls to unrecognised numbers
- increasing or excessive amount of time spent online
- increased secrecy in what they are doing online and efforts to try and hide what they are doing online
- evidence of people on their 'friends' list that are unknown and they have never met them offline

What is Not Grooming?

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

Similarly, not all physical contact between a student and a School/College staff member, Volunteer or Contractor, will be inappropriate and/or an indicator of possible grooming behaviour.

The following physical contact with students is not grooming behaviour:

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

7. SERIOUS EMOTIONAL OR PSYCHOLOGICAL HARM

The infliction of emotional or psychological harm is one of the most common forms of child abuse and other harm. It can occur where the behaviour of an adult associated with the child or young person damages the confidence and self-esteem of the child or young person, resulting in serious emotional deprivation or trauma.

Although it is possible for 'one-off' incidents to cause serious emotional or psychological harm, in general it is the frequency, persistence and duration of the adult's behaviour that is instrumental in defining the consequences for the child or young person.

A range of behaviours can cause serious emotional or psychological harm to a child or young person. These may include:

- making excessive or degrading demands of a child or young person
- a pattern of hostile or degrading comments towards the child or young person
- excessive criticism
- withholding affection
- exposure to domestic violence
- intimidation or threatening behaviour.

The behaviours may convey to a child or young person that they are worthless, unloved, inadequate or rejected, or cause a child or young person to frequently feel frightened or in danger.

Where the adult who undertakes this behaviour is a parent or carer of the child or young person, it is a ground for suspecting that the child or young person is at risk of significant harm, and – in the case of a child – must be reported to DCJ.

Other adults associated with a child or young person can also subject the child or young person to behaviours that may cause serious emotional or psychological harm. At the School/College, this can include teachers, sporting coaches, musical tutors and Direct Contact Volunteers or Direct Contact Contractors. This behaviour is Reportable Conduct (because it is ill-treatment or may cause significant emotional or psychological harm to a child or young person) and must be reported to the Office of the Children's Guardian.

Possible Physical Indicators of Serious Emotional or Psychological Harm

- speech disorders
- delays in emotional, mental or even physical development
- physical signs of self-harming

Possible Behavioural Indicators of Serious Emotional or Psychological Harm

- constant feelings of worthlessness about life and themselves
- unable to value others
- lack of trust in people
- lack of people skills necessary for daily functioning
- extreme attention-seeking behaviour
- obsessively eager to please or obey adults
- takes extreme risks, is markedly disruptive, bullying or aggressive
- highly self-critical, depressed or anxious
- suicide threats or attempts, or self-harming
- persistent running away from home
- anti-social, destructive behaviour
- low tolerance or frustration
- unexplained mood swings
- behaviours that are not age-appropriate, for example, overly adult (parenting of other children), or overly infantile (thumb sucking, rocking, wetting or soiling)
- fear of failure, overly high standards and excessive neatness
- violent drawings or writing
- isolation from other students

8. NEGLECT

Neglect is the continued failure to provide a child or young person with the basic things needed for their growth and development, such as food, clothing, shelter, medical and dental care, education and adequate supervision. It includes a failure to meet a child or young person's physical and/or psychological needs.

Where the person who fails to provide these basic necessities is a parent or carer of the child or young person, it is a ground for suspecting that the child or young person is at risk of significant harm, and – in the case of a child – must be reported to DCJ as a Mandatory Report.

Other adults associated with a child or young person can also neglect the child or young person.

Under section 228 of the Children and Young Persons (Care and Protection) Act 1998 (NSW), it is a criminal offence for any person, including a staff member, Direct Contact Volunteer or Direct Contact Contractors to – without reasonable excuse – neglect to provide adequate and proper food, nursing, clothing, medical aid or lodging for a child or young person in their care.

Neglect by Staff, Direct Contact Volunteers and Direct Contact Contractors may also be Reportable Conduct. Neglect as Reportable Conduct is defined as “a significant failure” by an employee (if the child is in the employer's care) to provide “adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child, that causes or is likely to cause harm to the child”.

Neglect in this context by School/College Staff, Direct Contact Volunteers and Direct Contact Contractors must be reported to the Office of the Children's Guardian.

Possible Physical Indicators of Neglect

- consistently dirty and unwashed
- consistently inappropriately dressed for weather conditions
- consistently without adequate supervision and at risk of injury or harm
- consistently hungry, tired and listless, falling asleep in class, or malnourished
- unattended health problems and lack of routine medical care
- inadequate shelter and unsafe or unsanitary conditions
- abandonment by parents/carers
- poor hygiene

Possible Behavioural Indicators of Neglect

- scavenging, begging or stealing food
- gorging when food is available
- inability to eat when extremely hungry
- alienated from peers, withdrawn, listless, pale, and thin
- aggressive behaviour
- delinquent acts, for example, vandalism, drug or alcohol abuse
- little positive interaction with parent/carers
- appearing miserable or irritable
- poor socialising habits
- poor evidence of bonding, or little stranger anxiety

- indiscriminate with affection
- poor, irregular or non-attendance at school
- staying at school for long hours
- self-destructive
- dropping out of school
- taking on an adult role of caring for a parent/carer
- misusing alcohol or drugs
- academic issues

9. DOMESTIC VIOLENCE

In NSW "domestic violence" is a crime and is defined term in the Crimes (Domestic and Personal Violence) Act 2007 (NSW).

Domestic violence (sometimes called 'family violence') is defined as a personal violence offence committed by a person towards against another person with whom they have or had a domestic relationship. Personal violence offences may include:

- physical violence or threats of violence
- verbal abuse, including threats
- emotional or psychological abuse
- sexual abuse.

When a child or young person is living in a household when there is domestic violence (i.e. is exposed to domestic violence) and, as a consequence, the child or young person is at risk of serious physical or psychological harm, this is a ground for considering that the child or young person is at risk of significant harm under the Children and Young Persons (Care and Protection) Act 1988 (NSW) and must, in the case of child, be reported to DCJ.

Examples of situations in which a child or young person is exposed to domestic violence include the child or young person:

- overhearing threats of death or personal injury by a member of the child or young person's family towards another member of the child or young person's family
- seeing, hearing or being exposed to the effect of an assault of a member of the child or young person's family by another member of the child or young person's family.

As domestic violence can result in one or more forms of child abuse and other harm (for example, neglect, physical or sexual abuse, or emotional or psychological harm) physical and behavioural indicators of these other types of abuse and harm may also be indicative of a domestic violence situation.

Possible Behavioural Indicators for Older Children and Young People

- moving away or running away from the family home
- entering a relationship early to escape the family home
- experiencing violence in their own dating relationship
- involvement in criminal activity
- alcohol and substance abuse.

10. ADDITIONAL VULNERABILITIES

All children and young people are vulnerable to abuse and other harm. They are vulnerable because of their dependence on adults, because they are physically weaker than adults and because they lack social and legal power.

Some children and young people are more vulnerable to abuse and other harm.

Aboriginal and Torres Strait Islander children and young people, children and young people with disability and children and young people from culturally and linguistically diverse backgrounds face particular challenges, not because they are inherently more vulnerable but because they more often encounter circumstances that:

- place them in institutions with higher risk
- make it less likely they will be able to disclose abuse or other harm
- make it more likely they will receive an inadequate response to abuse or other harm
- than other children and young people.

A variety of related factors may influence the vulnerability of a child or young person to abuse and other harm, including:

- the gender of the child or young person
- the age and developmental stage of the child or young person
- whether the child or young person has experienced maltreatment previously
- whether the child or young person has disability, and the nature of that disability
- the family characteristics and circumstances of the child or young person
- the nature of the child or young person's involvement with the institution
- other factors, including the child or young person's physical characteristics, social isolation, high achievement, lack of understanding of sexual behaviour (including sexual abuse) and personal safety, and sexual orientation.

Being vulnerable does not mean that a child or young person will be abused, although it does increase that risk. It is also important to remember that all children and young people can be vulnerable to all types of abuse and other harm.

Gender

Gender influences the type of maltreatment children and young people are likely to experience. Girls may be more likely to be a victim of child sexual abuse than boys, and boys may be more likely to be physically abused than girls.

Gender also influences children and young people's vulnerability to intra-familial or extra-familial abuse. Boys may be more likely than girls to be sexually victimised by extra-familial abusers and to have multiple male abusers, while girls may be at greater risk than boys from intra-familial child sexual abuse.

While there are gender patterns in the types of abuse children and young people experience, this does not mean that boys are not vulnerable to sexual abuse or that girls do not experience physical abuse.

Age and Developmental Stage

A child or young person's age and developmental stage and differing degrees of dependency on others for survival and wellbeing are factors that can influence their risk of abuse and other harm.

During primary school years, children come into contact with a wide range of adults because they are involved with less home-based activities such as school, sport, leisure interests and social activities and their related organisations, and are therefore more vulnerable to abuse perpetrated by a non-family member than younger children.

Around the transition to secondary school, peer relationships may become more influential and children and young people may exercise greater autonomy and independence. Children and young people become more entrusted with responsibility for some aspects of their own safety, free of direct parental supervision. Puberty can lead to emotional and physical changes, which may lead to an increased interest in romantic relationships. As children develop into teenagers, they may explore their sexuality and sexual identity. This may put them at increased risk of sexual abuse.

Previous Maltreatment

Children and young people who have experienced maltreatment in the past (for example, children and young people already in the child protection system) have an increased vulnerability to further abuse. In addition, most children and young people who have been maltreated experience multiple types of abuse and neglect. Children and young people previously maltreated by a family member are vulnerable to further maltreatment by an extra-familial perpetrator, including in institutions.

There are a number of possible reasons why children and young people who have already experienced maltreatment have a higher risk of being maltreated again, including:

- the impact on the child or young person's psychological development from the previous maltreatment
- ongoing inadequate supervision and attention, leaving the child or young person vulnerable to predatory perpetrators of child sexual abuse.

Disability

Children and young people with disability are particularly vulnerable to abuse and other harm across all settings. Some studies suggest that children and young people with disability have a heightened risk of sexual abuse by professionals compared to other children and young people.

The risk of abuse varies with the level and type of impairment. Children and young people with intellectual disability, communication disorders or behavioural disorders are at particularly higher risk of all forms of abuse and harm.

Family Characteristics and Circumstances

Certain factors related to a child or young person's family characteristics and circumstances can increase the likelihood they will be subjected to abuse or other harm in all settings. These include:

- family conflict, violence or breakdown
- a poor relationship with a primary carer
- a lack of parental supervision or availability
- family devotion or loyalty to an institution.

The Nature of the Child or Young Person's Involvement with Various Institutions

Children and young people who spend more time in institutional settings may be at greater risk of abuse than other children and young people. While children and young people's involvement in institutions tends to increase as they get older, there are specific groups of children and young people who are involved in institutions at higher rates throughout their childhood and who therefore may be more at risk of abuse or other harm at those institutions. For example:

- many children and young people with disability spend large amounts of time involved with institutions
- Aboriginal and Torres Strait Islander children and young people are over-represented in out-of-home care and youth detention
- other groups of children and young people who can spend significant periods of time in institutional contexts include children and young people with illness, children and young people who are high achievers (for example, in sport, music or dance), and children and young people in immigration detention facilities.

Other Factors

Physical Characteristics

In a study of children and young people's views of safety done by the Royal Commission into Institutional Responses to Child Sexual Abuse, some children and young people described how they felt vulnerable when they were physically powerless compared to adults or peers. Others said they felt that they were vulnerable to bullying and intimidation by others, especially older children, because of their relative physical weakness or other physical characteristics.

Social Isolation

Several studies have identified social isolation as a risk factor for child sexual abuse across all settings. Social isolation may mean that a child or young person is vulnerable because they are less likely to disclose the abuse, or that others may be less likely to believe them if they do disclose.

High Achievement

High-achieving children and young people can have increased levels of involvement with institutions. This may make them be more visible and accessible to potential perpetrators.

High-achieving children and young people may be more vulnerable because they may not disclose abuse or other harm, to avoid the consequences of being excluded or removed from the institution that is supporting their achievements or losing out on opportunities. This may especially be the case for children and young people who are elite athletes or performers who do not want to jeopardise their career. This may also apply to any situation where a child or young person excels and is dependent on a particular coach or tutor.

Parents of high-achieving children and young people can also be highly invested in an institution, and as a consequence may not be alert to the signs of abuse or other harm or may feel that they cannot raise concerns because their child may lose out on opportunities or a promising career.

Lack of Understanding about Sexual Behaviour, Including Sexual Abuse, and Personal Safety

An inadequate understanding about sexual abuse may be more prevalent among some groups of children and young people because of a lack of education on sexual behaviour and personal safety. Research also suggests that some perpetrators of child sexual abuse may target children and young people who have a lack of knowledge about sex and sexuality.

Sexual Orientation

Research indicates that lesbian, gay and bisexual people are significantly more likely to be bullied, discriminated against, physically and sexually assaulted, verbally and emotionally abused, and threatened than those who are not.

Due to prevalent negative views of homosexuality in Australia over many decades, children and young people, and their families, may consider a child or young person's emerging sexual orientation to be a shameful secret to be kept from families and friends. Some same-sex attracted or gender-questioning children and young people have found the family home to be unsupportive. Perpetrators of child sexual abuse in particular may exploit this disconnection from family, particularly among those who conceal their sexuality due to fear or shame.

Gender Identity

There is some evidence from international research that gender identity is an important indicator of children and young people at increased risk of physical, sexual and psychological abuse. One study found that gender-questioning young people were at greater risk of homelessness and physical abuse.