MAZSAFE

## 1. SCOPE

This policy applies to the following members of the Mazenod College school community, including past and current:

- Students
- Parents / Carers
- a relative or dependant of an individual referred to above

**MAZSAFE** applies to the College 'Speak Up' approach to Child Safety:

Mazenod College - Child Safety and Wellbeing Policy
Mazenod College - Child Safety Code of Conduct
Mazenod College - Engaging Families in Child Safety Policy

Employee, volunteer and officer members of the Mazenod College school community should use the College Complaints Handling Policy in line with the statutory requirements under Whistleblower legislation:

Mazenod College - Complaints Handling Policy

## 2. DEFINITIONS

- Child Safe Standards - Implementing the Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises (Ministerial Order No. 1359)
- Act means Corporations Act 2001 (Commonwealth) where relevant

## 3. POLICY

Mazenod College is committed to maintaining and ensuring a safe environment for our Mazenod student community and families supported by a culture of ethical behavioural standards, respectful relationships, compliance, and good corporate governance.

The College recognises that any genuine commitment to a truly safe environment requires a commitment for open and frank conversations enabling a safe environment to ***'speak up'*** and ***'call out'*** unacceptable conduct or misconduct. The College also recognises that this must include an appropriate mechanism whereby current and past students, and families and members of the wider school community (collectively referred to as "members of the school community") can report their concerns:

- freely,
- without fear of repercussion,
- with confidence that they will be listened to and that an appropriate response and follow-up action will be taken.

Melbourne Archdiocese of Catholic Schools, the Mazenod College Principal and Leadership are committed to the **MAZSAFE** program which promotes a 'speak up' culture within the school community by:

- Encouraging the reporting of such conduct.

- Providing protection to the member of the school community making a report, allowing the person to come forward confidentially and anonymously, to the extent possible under existing laws, and ensuring that they are not victimised or subjected to any form of detrimental action.
- Acting as a preventative measure to actively discourage misconduct.

**This policy should be read in conjunction with the policies outlined in section 12 *Related Policies*.**

## 4. WHO MAY MAKE A DISCLOSURE?

Any person defined in paragraph 1 above may make a disclosure under this policy.

## 5. REPORTABLE CONDUCT

If you have seen or have reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances, concerning Mazenod College, you should report it. ('Disclosure')

Misconduct includes but is not limited to:

- Unacceptable behaviour that breaches respectful relationships
- Dishonest, misogynistic, 'hate speech' (eg: racist, religious intolerance, homophobia) or illegal activities
- Unethical conduct
- Acts of bullying, discrimination, harassment, or intimidation
- Child abuse
- Breaches of the College internal policies and procedures and external relevant laws, regulations and by-laws
- Concealment of misconduct

(Collectively referred to as '**Misconduct**').

Members of the school community who become aware of known, suspected or potential cases of misconduct are expected to make a report as soon as possible.

Misconduct under Section 1317AA (5) of the Act should also be disclosed - refer to Appendix A for further details. Under Child Safe Standards refer to Appendix C.

## 6. PERSONAL SCHOOL-RELATED GRIEVANCES

### May I make a disclosure about a personal school-related grievance?

Yes - the College recognises that any genuine commitment to a truly safe environment requires a commitment for open and frank conversations including the ability to safely speak up and raise a concern or issue. The College has Child Safe obligations to ensure a safe environment for students, we see this obligation extending to the development and lived experience of respectful relationships in all forms.

## 7. REPORTING PROCEDURES

A disclosure may be made:

- internally through the College via Classroom / Pastoral Teaching Staff / Year Level Leader / Dean of School / Dean of Staff
- internally through the College via **MAZSAFE**

- to external authorities and entities

**Internally through the College / MAZSAFE**

Any eligible respondent may raise an issue. We support openness and teamwork. This policy is not intended to replace our first obligation to resolve issues quickly and internally where appropriate through Classroom / Homeroom Teachers / Dean of School. All reasonable attempts to resolve an issue should first be tried.

A person considering raising an issue should first consider whether the issue may be more appropriately addressed through the College's existing internal reporting procedures (refer to *Related Policies* outlined in section 12). These include raising the issue with your Classroom / Homeroom Teacher, Dean of School, Counsellors, Dean of Staff or Principal.

If you do not feel safe or able to raise misconduct with the persons mentioned above in the first instance, you may make a disclosure via the **MAZSAFE** portal or directly to any of the following Mazenod College **MAZSAFE** Disclosure Officers - contact details are set out below:

| Name | Position | Contact details |
|---|---|---|
| Dr Paul Shannon | Principal | 9560 0911<br>Principal@mazenod.vic.edu.au |
| Tim Ford | Vice Principal | 8561 1104<br>tford@mazenod.vic.edu.au |
| Tony Rolfe | Director Operations, Compliance & Risk | 8561 1120<br>arolfe@mazenod.vic.edu.au |
| Gabriella Warfe | Deputy Principal Students | 8561 1183<br>gwarfe@mazenod.vic.edu.au |
| Rob Bonnici | Deputy Principal Staff | 8561 1116<br>rbonnici@mazenod.vic.edu.au |
| Edwina Tribe | Deputy Principal Learning and Teaching | 8561 1142<br>etribe@mazenod.vic.edu.au |
| Nadia Willer | Dean of Senior School | 8561 1195<br>nwiller@mazenod.vic.edu.au |
| Jamie Davin | Dean of Junior School | 8561 1152<br>jdavin@mazenod.vic.edu.au |
| Cameron Moroney | Director Business Operations | 8561 1136<br>cmoroney@mazenod.vic.edu.au |

You may upload any relevant documentation and/or material that you wish to provide via **MAZSAFE** portal.

For further details, please refer to the **MAZSAFE** section on the College website or MazCOM for current students or the Contact section on the College website (for other members of the school community).

**Supporting Documentation**

Mazenod College does not expect a report to include absolute proof or evidence of misconduct. Despite this, a report should show reasonable grounds for concerns and include all relevant details (dates, times, location, names of person(s)) and supporting documents available or known. Steps already taken by a member of the school community to report the matter internally, if relevant, should also be included.

Including all relevant details assists the College to operate a thorough review, and if reasonable basis, a sufficient investigation, and action.

There are no penalties for making a disclosure with reasonable grounds that an investigation determines unverified.

**Do I have to disclose my identity?**

There is no requirement to identify yourself to make a disclosure under this policy.

Members of the school community can choose to remain anonymous when making a report to a Mazenod College Disclosure Officer or through **MAZSAFE**. Mazenod College will respect the member of the school community's right to not provide their identity. It should be noted, if a member of the school community chooses to make a report anonymously, this may hinder the College's ability to fully review and investigate the matter.

**Will my identity be treated confidentially?**

Your identity will not be disclosed by Mazenod College unless:

- you consent to disclosing your identity
- the disclosure is required by law
- it is necessary to prevent a serious threat to a person's health or safety

An unauthorised disclosure of the following will be regarded as a disciplinary matter and will be dealt with in accordance with Mazenod College's disciplinary procedures for current students and employees:

- the identity of a respondent
- information that is likely to lead to the identification of the respondent where the information was obtained because of the disclosure

**Protection against victimisation**

We will do everything reasonably possible to support and protect anyone from victimisation who:

- intends to make, or actually makes, a disclosure
- is mentioned in the disclosure
- acts as a witness
- otherwise assists with the investigation and resolution of the disclosure

Assistance is available to students through Dean of School / Counsellors and for staff, College HR Manager / Deputy Principal of Staff to employees mentioned or involved in a disclosure.

We will thoroughly investigate reports of victimisation. If proven, those who have victimised another will be subject to appropriate disciplinary action up to suspension, expulsion (student) and dismissal (employee).

Nothing in this policy is intended to change or take away any other protections which may be available at law.

**What protections are available to a discloser?**

Making a disclosure takes courage. As stated earlier, the College recognises that any genuine commitment to a truly safe environment requires a commitment for open and frank conversations enabling a safe environment to ***'speak up'*** and ***'call out'*** unacceptable conduct or misconduct and must include an appropriate mechanism whereby current and past students and families and members of the wider school community (collectively referred to as "members of the school community") can report their concerns freely and without fear of repercussion and with confidence that they will be listened to and that an appropriate response and follow-up action will be taken.

For respondents considering making a disclosure, the College, through **MAZSAFE**, commits to undertaking confidential follow up through fair and impartial investigation. Where agreed with the respondent, the College will provide access to an appointed **MAZSAFE** Protection Officer, counselling, and support as appropriate.

**Where can I get information and advice?**

If you need information and advice about making a disclosure or the support and protection available you may discuss the matter in confidence with your immediate Classroom / Homeroom Teacher, Dean of School or Deputy Principal Students, or for employees, the Deputy Principal of Staff. their immediate supervisor, manager, or HR Manager.

Note: In the event you do not formally make a disclosure we may nevertheless be compelled to act on the information provided during the discussion if the information reasonably suggests misconduct has occurred or may occur.

## 9. WHAT HAPPENS AFTER I MAKE A DISCLOSURE TO MAZSAFE?

**MAZSAFE** will enable Mazenod College to:

- receive the disclosure you make to **MAZSAFE**
- make a record of the information you provide
- ensure your identity is kept confidential if you wish
- **MAZSAFE** will refer the disclosure, including the information and documents provided by you, to the College's **MAZSAFE** Disclosure Officers within two business day

**What will Mazenod College do with the disclosure?**

The **MAZSAFE** Disclosure Officers have been appointed by Mazenod College to receive the disclosure directly from you.

The **MAZSAFE** Disclosure Officers will:

- carefully assess the information provided to decide the best action to take, including whether an investigation is required, to determine whether the misconduct is proven or not proven
- keep the information provided in a confidential and secure system
- coordinate and oversee the investigation where an investigator has been appointed
- appoint a **MAZSAFE** Protection Officer to support and protect the respondent, if necessary, from victimisation
- advise the respondent of the progress of the matter to the extent it is legally permissible and appropriate to do so
- take all reasonable steps to ensure the identity of the respondent and the person/s who is the subject of the disclosure are kept confidential

**MAZSAFE Protection Officers**

If necessary, Mazenod College will appoint a **MAZSAFE** Protection Officer to provide or coordinate support and protection for anyone who has or is in the process of making a disclosure. The support may include a support person and/or other support services as may be appropriate based on the circumstances.

The **MAZSAFE** Protection Officer is appointed by Mazenod College to:

- assess the immediate welfare and protection needs of a respondent / discloser
- safeguard the interests of a respondent / discloser in accordance with this policy and the law
- address any issues or concerns of victimisation/detrimental treatment

Mazenod College may appoint a person from within the College or a third party to be the **MAZSAFE** Protection Officer.

As a first step, students can contact Dean of Junior / Senior School or Councillors and employees can contact the Employee Assistance Program.

**Reporting with Reasonable Grounds**

Anyone who makes a disclosure knowing it to be false or misleading may be subject to disciplinary / further action.

Similarly, any action taken in retribution against a person who has made a disclosure may give rise to disciplinary / further action.

The disciplinary action will depend on the severity, nature and circumstances of the false disclosure.

**Protection**

Disclosures made under this policy will be managed confidentially and kept confidential to the extent possible to meet legal and regulatory requirements.

No person who makes a disclosure under this policy will be subject to any detrimental action including (but not limited to) adverse discrimination or disadvantage in their enrolment, employment, or connection, with Mazenod College in response to making a disclosure.

Mazenod College will not tolerate any detrimental action against anyone who has made a disclosure in accordance with this policy. If you believe detrimental action has been, or is being, taken against you or

someone else involved in, or as a result of, the disclosure, you should tell the College **MAZSAFE** Protection Officers.

If you have been threatened with detrimental action, this is also cause to notify the College **MAZSAFE** Protection Officer.

**Support**

The College **MAZSAFE** Protection Officers can initiate or coordinate support for anyone who has made a disclosure under this policy. The appropriate support person and/or other support services will be chosen based on the circumstances of each case and nature of the request.

**10. INVESTIGATION OF THE DISCLOSURE**

The **MAZSAFE** Disclosure Officers will carefully assess and use the information provided in the disclosure to decide the best action to take, including whether an investigation is required and, if so, determine the appropriate investigation process, including:

- the nature and scope of the investigation
- who will conduct the investigation and whether that person should be external to the College
- the nature of any specialist review / advice that may be required
- a timeframe for the investigation (having regard to the level of risk)

**How will the investigation be conducted?**

The investigation must be conducted in a constructive, impartial, and lawful way according to the principles of natural justice and procedural fairness.

The investigator will:

- gather information, material and documentation concerning the disclosure as quickly as possible. (This may involve taking steps to protect or preserve documents, materials and equipment.)
- take a statement or record of interview and/or tape formal interviews with witnesses as required (Where the respondent wishes to remain anonymous and does not wish to make a statement they will not be asked to do so.)
- keep information gathered in the investigation securely
- take all reasonable steps to protect the identity of the respondent. (Where disclosure of the identity of the respondent cannot be avoided due to the nature of the allegations, the investigator will warn the respondent of this probability)
- complete the investigation and provide a report of their findings as soon as is reasonably practical

**Investigator's Report**

At the conclusion of the investigation, the investigator will provide a written report to the College's **MAZSAFE** Disclosure Officers including:

- a finding of all relevant facts

- whether the disclosure is proven, not proven or otherwise
- recommendation/s, when requested to do so, as to any action that may be taken in respect of the findings

Mazenod College will use the report to determine the action (if any) to be taken including disciplinary action.

The findings will be communicated to the relevant parties involved to the extent that it is legally permissible and appropriate to do so.

**What happens if the misconduct is proven?**
If the misconduct is proven the College will decide what action to take including disciplinary action up to expulsion (student) or dismissal (employee).

The disciplinary action will depend on the severity, nature and circumstance of the misconduct.

**Reporting the matter to external authorities**
Mazenod College will refer:

- the information in the disclosure
- the findings of an investigation

which revealed conduct that may constitute a legal or criminal offence or when required to so by law to the relevant external agency, such as Victoria Police.

**Will the respondent be kept informed?**
Subject to privacy and confidentiality requirements the respondent will be kept informed of:

- relevant progress of the disclosure
- the outcome of the disclosure
  to the extent that it is legally permissible and appropriate to do so.

## 11. VEXATIOUS REPORTS

Individuals should be aware that reports that are made that are deliberately malicious or vexatious in nature will be viewed as a serious breach of college behaviour. Students who log incorrect information that is harmful to the reputation of other student/s, or staff member/s may place their position at the College at risk. A parent, carer or guardian who deliberately logs information that is defamatory or malicious in nature may have their family members enrolment terminated. Any staff member who uses **MAZSAFE** in a less than professional manner may have their employment terminated. The College reserves the right to present harmful information to outside parties.

## 12. MONITORING AND TRAINING

The College, through the Principal, will regularly monitor and review this policy and disclosure reporting trends and follow up actions (in a privacy-protected way) to assess its effectiveness in encouraging the reporting of misconduct, protection of persons making reports, and the investigation of reports.

Education and training about the procedures involved under this policy will be provided to those involved in managing or investigating disclosures. The Mazenod College school community will also be educated and kept informed in relation to the policy and the protections and procedures contained in it.

**How will this policy be made available to members of the Mazenod College school community?**

This policy is available to students, families, employees, and officers of our organisation on MazCOM and all other members of the school community on the Mazenod College website.

## 13. RELATED POLICIES

As provided on the Mazenod College website:

Mazenod College Policies

## 14. LEGISLATION

a. Child Safe Standards - Implementing the Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises (Ministerial Order No. 1359)
b. Public Interest Disclosure Act 2013
c. Corporations Act 2001
d. Equal Opportunity Act 2010 (Vic)
e. Fair Work Act 2009 (Commonwealth)
f. Occupational Health and Safety Act (2004)

## 15. OTHER RELATED RESOURCES

Refer to the *Policies on the Mazenod College website*, or the Contact section on the College website, which includes further information.

# Appendix A

For employees related to a disclosure:

Misconduct under Section 1317AA (5) of the Act should also be disclosed. It includes conduct that constitutes an offence against, or a contravention of, a provision of any of the following:

1. the Act;
2. the ASIC Act;
3. the Banking Act 1959;
4. the Financial Sector (Collection of Data) Act 2001;
5. the Insurance Act 1973;
6. the Life Insurance Act 1995;
7. the National Consumer Credit Protection Act 2009;
8. the Superannuation Industry (Supervision) Act 1993;
9. an instrument made under an Act referred to in any of subparagraphs 1. to 8.; or
   - constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
   - represents a danger to the public or the financial system; or
   - is prescribed by the regulations for the purposes of this paragraph.

# Appendix B

Misconduct can also be disclosed to various external authorities and entities.

**Concerning misconduct under the Act:**
If the misconduct relates to the Corporations Act 2001 Section 1317AA (1) you may make a disclosure to:

- ASIC
- APRA
- a Commonwealth authority prescribed for the purposes of Section 1317AA (1)

If the misconduct is of a criminal nature, you may make a disclosure to Victoria Police.

# Appendix C

**The Victorian Child Safe Standards**

- Commission for Children and Young People, Child Safe Standards
- Minister for Education, Child Safe Standards - Managing the Risk of Child Abuse in Schools and School Boarding Premises (Ministerial Order 1359)

**Mandatory Reporting**

- Department of Education and Training, Your Reporting and Legal Obligations, 2018
- Department of Families, Fairness and Housing, Reporting child abuse, 2018

**Responding to Child Protection Incidents**

- Department of Education and Training and Department of Health and Human Services, Child Protection, Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools, 2018
- Department of Education and Training and Department of Health and Human Services, Child Protection, Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse, 2018
- Department of Education and Training and Department of Health and Human Services, Child Protection, Responding to Suspected Child Abuse: A Template for all Victorian Schools, 2018
- Department of Education and Training and Department of Health and Human Services, Child Protection, Responding to Student Sexual Offending.
- Department of Education and Training and Department of Health and Human Services, Child Protection, Responding to Suspected Student Sexual Offending: Template for all Victorian Schools.

**Working with Children Checks**

- Department of Justice and Regulation, Working with Children Check website

**Reportable Conduct Scheme**

- Commission for Children and Young People, Reportable Conduct Scheme, 2018

**General Obligation to Report**

- Department of Justice and Regulation, Failure to Disclose Offence Fact Sheet, 2018

**Duty to Protect Students from Abuse**

- Department of Justice and Regulation, Failure to protect: a new criminal offence to protect children from sexual abuse, 2018

**Child Related HR Practices**

- Commission for Children and Young People, Standard 6: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice

## Policy information

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|---|---|
| **Responsible director** | Principal |
| **Policy owner** | Mazenod College |
| **Approving authority** | Mazenod College School Advisory Board |
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