

A PRACTICAL GUIDE TO COMPLYING WITH VICTORIAN CHILD SAFETY STANDARD 6:

CHILD SAFETY RISK
MANAGEMENT STRATEGIES

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
BACKGROUND	4
REQUIREMENT 1: DEVELOP AND IMPLEMENT CHILD PROTECTION RISK MANAGEMENT STRATEGIES	5
What do schools need to do to develop and implement a risk management strategy?	5
Where can schools get practical guidance as to how to implement a formal and structured risk management system?.....	6
How does a school establish its risk rating criteria?	6
What is meant by an “Acceptable Level” of risk?	7
REQUIREMENT 2: IDENTIFY AND MITIGATE RISKS HAVING REGARD TO ALL SCHOOL ENVIRONMENTS AND ACTIVITIES	10
Macro level risks	11
Legal & regulatory risks	11
School environment risks.....	12
How can a school identify the risks in its own environment?	13
REQUIREMENT 3 – RECORD KEEPING WITH RESPECT TO EACH IDENTIFIED RISK AND ACTIONS TO CONTROL RISKS	17
Recording of risks	17
Documentation of actions.....	17
REQUIREMENT 4 - MONITOR AND EVALUATE THE EFFECTIVENESS OF EACH OF THE SCHOOL’S RISK CONTROLS	18
REQUIREMENT 5 - PROVIDE ANNUAL CHILD PROTECTION RISK MANAGEMENT TRAINING TO ALL GOVERNORS AND STAFF	19
HOW COMPLISPACE CAN HELP.....	20
APPENDIX 1	21
APPENDIX 2	24

EXECUTIVE SUMMARY

- The trend of child protection legislative reform across Australia has seen the concept of risk management become a significant element of a school’s response to the increasing array of child protection obligations that impact upon all aspects of the school.
- The Victorian Child Safe Standards (Child Safe Standards or Standards) and Ministerial Order 870 include a requirement that all Victorian schools develop risk management strategies to ensure child safety in school environments (**Standard 6**).
- The Victorian Registration & Qualifications Authority (VRQA) has published a detailed information sheet providing guidance as to what it expects a school to do in satisfying the five requirements set out in Standard 6 being:
 - Develop and implement child protection risk management strategies;
 - Identify and mitigate child abuse risks, having regard to all school environments and activities;
 - Implement detailed record keeping with respect to each identified risk and its associated risk controls;
 - Monitor and evaluate the effectiveness of each of the school’s risk controls; and
 - Provide annual child protection risk management training to all governors and staff.
- Taken together these five requirements now require Victorian schools to have a much higher level of sophistication in their risk management practices than has previously been the case.
- Notwithstanding VRQA’s guidance many schools continue to raise questions such as:
 - Where can we get practical guidance as to how to implement a risk management program?
 - What do we need to do to establish a risk rating criteria?
 - What risk assessment methodology should we use?
 - What is meant by an “acceptable level” of risk?
 - What is the difference between a “risk control” and a “risk treatment”?
 - How much detail should we go to in identifying risks of child abuse?
 - What processes should we adopt to identify risks in our school environment?
 - What records do we need to keep?
 - How can we monitor the effectiveness of our risk controls?
 - Do we need to provide different levels of training based on a person’s role?

This paper is designed to provide practical answers to each of these questions.

- Ultimately, schools must take a proactive role in identifying and controlling risks to child safety as each school’s environment and culture is unique. To ensure the safety of children in their care schools must understand the environment in which they exist, the legal and regulatory obligations that apply to them and how to take practical steps to reduce the likelihood of a child abuse incident occurring “on their watch”.

BACKGROUND

From 1 August 2016, compliance with the Child Safe Standards is a registration requirement for all non-government schools in Victoria. There are seven (7) Standards and three (3) Principles that make up the Child Safe Standards.

To provide guidance as to what the Victorian Government expects organisations (including schools) to do in order to comply with the Standards, it has published a 31-page document titled *“An overview of the Victorian child safe standards”* (Overview Document).

To provide a higher level of guidance for schools, the Minister of Education has published Ministerial Order 870 (Ministerial Order) under the Education and Training Reform Act 2006 (Vic) which contains requirements that all registered schools must meet to comply with each of the Child Safe Standards. In addition, in March 2016 the VRQA revised its school registration standards to include a new standard requiring compliance with the Ministerial Order. Refer to our Briefing Paper [VRQA Registration Guidelines Update 2016](#) for more information.

CompliSpace’s Briefing Paper [The New Victorian Child Safe Standards: A radical shift in your school’s child protection obligations](#) provides some background information on the Child Safe Standards, as well as a high level summary of what your school must do to comply with both the Standards and the Ministerial Order.

The Victorian Government Department of Justice and the VRQA have also produced multiple resources to assist schools to understand each of the Child Safe Standards and the steps they must take to ensure compliance with the Child Safe Standards. The VRQA’s various resources are available on its website. If you are reading an electronic version of this paper, click [here](#) to access.

Victorian Child Safe Standard Six (6) and Clause 12 of the Ministerial Order require all Victorian schools to develop, implement, monitor and evaluate [risk management strategies](#) to ensure child safety in school environments. The VRQA has published an information sheet entitled [Child Safety Risk Management Strategies](#) (VRQA Guidance) to provide guidance as to what a school is required to do to comply with Standard 6 and Clause 12.

The VRQA Guidance addresses each of the five requirements, as set out in Clause 12 of the Ministerial Order. In summary these five requirements are:

1. Develop and implement child protection risk management strategies;
2. Identify and mitigate child abuse risks, having regard to all school environments and activities;
3. Implement detailed record keeping with respect to each identified risk and its associated risk controls;
4. Monitor and evaluate the effectiveness of each of the school’s risk controls; and
5. Provide annual child protection risk management training to all governors and staff.

This paper provides a commentary to the key issues a school may wish to consider in implementing requirements 1-5 of the VRQA Guidance.

REQUIREMENT 1: DEVELOP AND IMPLEMENT CHILD PROTECTION RISK MANAGEMENT STRATEGIES

WHAT DO SCHOOLS NEED TO DO TO DEVELOP AND IMPLEMENT A RISK MANAGEMENT STRATEGY?

Risk management is a term that is often used relatively loosely to describe a decision making process whereby a person takes an action to manage the likelihood and/or consequence of an event that may occur in the future. By way of example, most people manage the risk of home burglary by installing locks on windows and doors. Similarly, people take out insurance on cars to manage the risk that they may be involved in an accident, or have their car stolen, at some time in the future.

Risk management should not be a new concept for schools. Workplace or occupational health and safety legislation has long required schools to identify hazards in the workplace, conduct risk assessments and implement risk controls. Risk management also lies at the heart of the common law student duty of care that requires schools and teachers to take such measures as are reasonable in all the circumstances to protect students from risks of harm that are reasonably foreseeable.

The VRQA Guidance is, however, significant because for the first time the VRQA makes it clear that in establishing a *“child safety risk management strategy”* it expects schools to adopt a ***“formal and structured approach to managing risks”***.

In describing what it considers to be a *“formal and structured approach”*, the VRQA Guidance specifies that a school’s *“child safety risk management strategy”* should:

- outline how risk is managed;
- include who is responsible for the process (the school governing authority) and
- describe the risk management process itself.

The VRQA Guidance goes on to specify that the risk management process should include documentation with regard to *“risk assessment, implementation of controls, and a monitoring and review process to ensure the currency of the risk management approach”*.

The VRQA Guidance also makes it clear that the risk assessment process requires each school to *“assess and rate the school’s child safety risks given the existing controls in place, taking into account the likelihood of the risk, and the likely consequences of the risk”*. The VRQA Guidance even goes as far as providing an example risk assessment template (risk register) and risk-rating matrix.

So, for the purpose of complying with Standard 6 and Clause 12 it is clear that the VRQA expects all schools in Victoria to adopt a formal and structured approach to risk management which includes:

- identifying and recording individual risks;
- assessing each of these risks in terms of likelihood and consequence, giving consideration to the effectiveness of existing controls; and
- allocating a risk rating to each of these risks using a risk matrix.

It is worth noting here that whilst a number of other Australian jurisdictions, including NSW and Queensland, require non-government schools to develop and implement formal enterprise risk management frameworks, this has not been the case historically in Victoria.

Given the requirement for Victorian schools to now adopt a formal and structured risk management approach to child protection, and given the enterprise nature of child protection risk (having regard to all school environments and activities), it is clear that schools in Victoria are now required to have a much higher level of sophistication having regard to their risk management practices than has previously been the case. With this in mind it is not surprising that research published by the VRQA indicates that Standard 6 is rated as the most difficult of the Child Safe Standards for schools to confidently embrace.

WHERE CAN SCHOOLS GET PRACTICAL GUIDANCE AS TO HOW TO IMPLEMENT A FORMAL AND STRUCTURED RISK MANAGEMENT SYSTEM?

The requirement to adopt formal risk management strategies is now relatively mainstream in Australia both at a government and industry level.

For the most part where regulators require the adoption of formal risk management strategies they recommend that an entity's risk management framework and systems be aligned with, and reflect, existing standards and guidance such as the Australian and International Risk Management Standard *AS/NZS ISO 31000:2009 – Risk management – principles and guidelines* (AS/NZS ISO 31000).

Schools seeking to implement an effective risk management strategy should have reference to *AS/NZS ISO 31000*.

A key component of *AS/NZS ISO 31000* is the risk management process. This requires entities to engage in a structured seven step process:

- communicate and consult;
- establish the context;
- identify the risk;
- analyse the risk;
- evaluate the risk;
- risk treatment; and
- monitor and review.

For a school to confidently assess risk, it must first analyse the risk in accordance with its risk rating criteria.

HOW DOES A SCHOOL ESTABLISH ITS RISK RATING CRITERIA?

The VRQA Guidance raises the question as to whether a school has “*established risk rating criteria including appropriate ratings for likelihood and consequence of risks*”. Simply put, without undertaking this exercise a school cannot undertake a valid risk assessment.

Developing risk rating criteria involves agreeing definitions of “likelihood” and “consequence” that are relevant to all risks that a school could identify, as well as agreeing how the ultimate level of risk is to be determined using a risk matrix. Appendix 1 to this paper sets out an example of how these risk rating criteria may be defined.

Also included in Appendix 1 is an example risk matrix that observant readers will note differs from the example risk matrix provided at page 7 of the VRQA Guidance. It is important for readers to note that it is ultimately up to each school as to how it establishes its risk rating criteria including the allocation of risk ratings (commonly used ratings are: 'low', 'medium', 'high' and 'extreme') within its risk matrix.

WHAT RISK ASSESSMENT METHODOLOGY SHOULD A SCHOOL USE?

The VRQA Guidance states that schools should *“assess and rate child safety risks given the existing controls in place, taking into account the likelihood of the risk and the likely consequence of the risk”*.

This risk assessment process is commonly referred to as the “residual risk” methodology and is the recommended approach when dealing with enterprise risk in schools. By enterprise risk, we mean managing risks across the whole of a school and its various environments (including excursions)

Assessing risks using the “residual risk” methodology means that prior to making an assessment of the likelihood and consequence of a particular risk, a school must identify its existing “risk controls” and measure the overall effectiveness of these controls in managing the risk.

It is, of course, possible to have a high risk with an excellent control that is acceptable (e.g. anaphylaxis) as well as a high risk with a poor control, which may not be acceptable. Clearly understanding the overall effectiveness of controls against each risk is important in understanding whether the risk is at an “acceptable level” and as to whether the existing controls suffice or additional management actions (risk treatments) need to be put into place.

An example of overall risk control effectiveness criteria is set out in Appendix 2.

WHAT IS MEANT BY AN “ACCEPTABLE LEVEL” OF RISK?

The VRQA Guidance states that *“if the risk rating is more than the “acceptable level” (a school should) identify further risk management strategies through additional controls or other prevention, detection or mitigation strategies and then re-assess the risk”*.

This of course raises the question: what is the “acceptable level”?

This determination can vary between organisations, and from risk to risk, but for schools, in the area of child protection, risk tolerance must be 'low'. Under the Child Safe Standards, a school must demonstrate compliance to prescriptive measures such as risk management, and subjective measures such as cultural improvement programs. The common belief is that the consequence rating of a child protection risk-related event will always be 'high' or 'extreme', so schools are encouraged to focus on the likelihood element to reduce the final risk rating.

Constant monitoring of the risk environment, review of the effectiveness of risk controls, and development of additional management actions (risk treatments) where controls are not considered to be acceptable, are the best tools schools have to reduce the likelihood of a child abuse incident occurring.

Risk treatments and controls are based on the theory of diminishing returns. At some point, the cost of increasing controls will outweigh the benefits returned, or the solution will simply be too impractical to implement.

An example is the ingress risk which all schools face. Most Schools, by their nature, are open and inclusive organisations. Most schools host non-school related activities in their playgrounds, gyms and halls. They invite other schools and community organisations onto their grounds. But all schools recognise the safety risk that this creates for staff and students. To control the risk created by persons present on premises, schools initiate control measures such as mandatory sign-in procedures, staff escorting visitors, requiring visitor badges to be worn and the creation of exclusion zones where visitors will not have direct contact with students during a visit. In theory, the best risk controls are high fences, security gates and controlled entry. However, this is contrary to the nature of many schools in Australia, and would be a very costly treatment. So the school's governing authority and Principal need to find and accept a level of risk based on best practice risk mitigation principles.

This position reflects the ALARP risk management principle: 'As Low As Reasonably Practicable'. The ALARP principle is a fundamental part of risk management. It is the meeting of strict compliance and risk controls, with the reality of school purpose and the sustainable nature of inclusive learning, teaching and nurturing. However, the higher the risk, the more comprehensive and robust the ALARP assessment needs to be.

As to the definition of what would be considered 'reasonably practicable', section 20 of the Occupational Health and Safety Act 2004 (VIC) (which has similar legislative provisions in other states and territories that have adopted the harmonised WHS laws) provides:

'to avoid doubt, for the purposes of this Part and the regulations, regard must be had to the following matters in determining what is (or was at a particular time) reasonably practicable in ensuring health and safety -

- (a) the likelihood of the hazard or the risk concerned eventuating;*
- (b) the degree of harm that would result if the hazard or risk eventuated;*
- (c) what the person concerned knows, or ought reasonably to know, about the hazard or the risk, and any ways of eliminating or reducing the hazard or risk;*
- (d) the availability and suitability of ways to eliminate or reduce the hazard or risk;*
- (e) the cost of reducing or eliminating the hazard or risk."*

A critical evaluation of each element of the definition is beyond the scope of this paper, but it is clear that, in determining what is reasonably practicable, schools will need to evaluate the risk of an event occurring and the cost of mitigation, against their desire to provide an inclusive, safe and robust learning environment. It is important to note that regulators generally share the view that, from a cost perspective, health and safety measures will not be reasonably practicable only if the cost is grossly disproportionate to the risk. In other words, cost cannot be a justification for child protection mitigation controls not being implemented if that cost is reasonable. This is an important element for consideration by school governing authorities who need to 'conspicuously support' the school executive or leadership team by ensuring all required resources are available to them, to properly execute the agreed risk reduction strategies.

WHAT IS THE DIFFERENCE BETWEEN A RISK CONTROL AND A RISK TREATMENT?

The VRQA Guidance makes reference to “existing controls” and to “new controls/management actions” (or “risk treatments”).

A critical part of the risk management process is the existence of risk controls and the introduction of risk treatments. The Queensland Government's Department of Education, Training and Employment, clarifies the differences between controls and treatments using a table which we have extracted below:

Controls	Treatments
<ul style="list-style-type: none"> • <u>Existing</u> strategies and processes currently in place such as systems, policies, procedures, standard business processes, practices. • Some examples of controls include: Employee Code of Conduct, budget management, media and public relations protocols, delegation authorities, and security access to buildings. • A risk may have more than one control, and a control may address more than one risk. 	<ul style="list-style-type: none"> • <u>Additional</u> strategies/activities we need to develop and implement should the risk level be unacceptable after controls are applied. • Should a control be assessed as ineffective or where there are control gaps to modify the risk, a treatment plan may include strengthening the controls or developing new controls. • Generally, treatments are specific to a risk. • A treatment only becomes a control after it has been fully implemented and deemed effective in modifying the risk to an acceptable level.

Controls (and treatments once implemented) work to mitigate the level of risk, and need to be carefully monitored by schools to ensure they are effective and consistently applied. Controls include policies, procedures, work practices, training and audits.

Once the overall effectiveness of mitigating controls is determined the risk can be assessed and the residual risk (the level of risk remaining) can be understood. Schools then need to decide if the risk is acceptable.

If the risk is not acceptable a school should then consider “risk treatment” options. Risk treatment options may include:

- reducing the likelihood of occurrence (for example increasing supervision);
- managing the consequences of the event if it should occur (for example through strong internal reporting and investigation systems);
- transferring the risk; (for example through insurance or outsourcing); and
- avoiding the risk by deciding not to proceed with the activity.

Schools cannot operate without students and staff and in many situations risks cannot be avoided. So schools will need to accept that a level of risk exists and determine the controls and or treatments that they put in place so as to ensure that the risk is at an “acceptable level” moving forward.

REQUIREMENT 2: IDENTIFY AND MITIGATE RISKS HAVING REGARD TO ALL SCHOOL ENVIRONMENTS AND ACTIVITIES

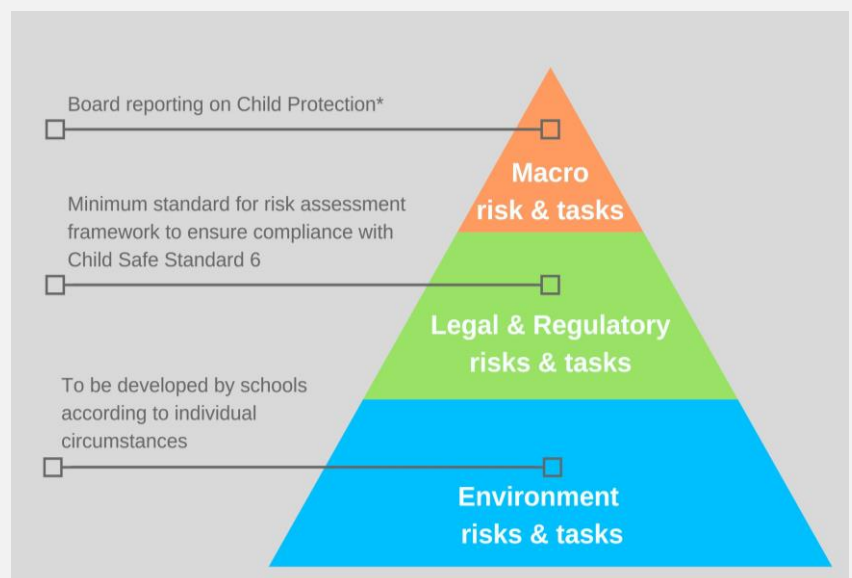
While the commentary to Requirement 1 provides some general observations with respect to VRQA’s expectations regarding schools establishing formal risk management strategies, the focus of Requirement 2 is on identifying child abuse risks in order that appropriate risk mitigation strategies can be implemented.

At this point it is important to introduce the concept of **granularity**. Simply put, not all risks are the same. Some risks can be described as “macro” risks such as those high level risks that would be reported to a board of governors. At the other end of the spectrum are very specific operational risks such as those relating to supervisor to student gender ratios on an overnight excursion. Somewhere in the middle are a school’s broader risk management strategies (e.g. publication of a Child Safe Code of Conduct) designed to ensure that it complies with its legal and regulatory obligations arising from the Child Safe Standards and associated child protection legislation.

To assist schools to better understand how they may design their risk management systems in order to comply with the requirements of the Ministerial Order, we have developed The Child Protection Risk Pyramid that illustrates how child protection risks operate at different levels of granularity.

The categories of risk are fairly self-explanatory. It is however important to note that the number of recognised risks and tasks at each level generally reflects the size of the space allocated in the Pyramid.

THE CHILD PROTECTION RISK PYRAMID



MACRO LEVEL RISKS

Macro level risks are high-level risks designed to be reported to a board of governors and/or to a school's executive/leadership team. Typically, a risk report provided to a board of governors would only contain 5-15 risks all of which would be articulated at a macro level. An example of a board level (Macro) Child Protection risk would be as follows:

Risk Title	Risk Description	Potential Consequences	Risk Control Strategy
Child Protection	Failure to establish and effectively implement policies, procedures and work practices, to ensure that we comply with the minimum standards for child protection in Victorian Schools, as set out in Ministerial Order No. 870, and develop an organisational culture of child protection	Breach of law, increased risk of a child abuse incident occurring, adverse registration review outcomes, reputational damage	Establishment and effective implementation of a comprehensive child protection program and communication of the same to relevant stakeholders. Identification of child protection risks and implementation of strategies to develop and maintain a child protection culture

Other typical "Macro" risks reported to school boards include those covering areas such as Workplace/Occupational Health & Safety, Financial Control, Staff Management, Student Bullying, Privacy Compliance, Educational Delivery etc.

LEGAL & REGULATORY RISKS

If you think carefully about each of the Child Safe Standards they are in fact clearly designed to mitigate the risk of child abuse. Failure to comply with each of the Standards clearly is a risk in itself. By way of example, if a school fails to establish and effectively implement a code of conduct that establishes clear expectations for appropriate behaviour with children (Standard 3) there is a risk that staff (especially younger staff) may not understand what are appropriate professional staff/student boundaries.

Similarly, there are risks associated with non-compliance with the obligations arising from other parts of the legal and regulatory framework for child protection in Victoria such as:

- Children, Youth and Families Act 2005;
- Child Wellbeing and Safety Act 2005;
- Education and Training Reform Act 2006;
- Working with Children Act 2005;
- Crimes Act 1958; and
- Family Violence Protection Act 2008.

An example of risks falling within this middle band include:

Risk Title	Risk Description	Potential Consequences	Risk Control Strategy
Child Protection Code of Conduct	Failure to establish and effectively implement a code of conduct that establishes clear expectations for appropriate behaviour with children	Breach of law, increased risk of a child abuse incident occurring, adverse registration review outcomes, reputational damage	Establishment and effective implementation of a Child Protection Code of Conduct
Working with Children Checks	Failure to undertake Working with Children Checks on all staff, direct contact volunteers and direct contact contractors	Breach of law, increased risk of a child abuse incident occurring, adverse registration review outcomes, reputational damage	Establishment and effective implementation of our Working with Children Checks Policy

Essentially this band of risks can be developed by identifying key risks associated with non-compliance with a school's legal and regulatory obligations.

SCHOOL ENVIRONMENT RISKS

Central to VRQA Guidance Requirement 2 is that a school's risk management strategies regarding child safety must identify and mitigate the risk(s) of child abuse in school environments by taking into account the:

- nature of each school environment;
- activities expected to be conducted in that environment (including the provision of services by contractors or outside organisations); and
- characteristics and needs of all children expected to be present in that environment.

It is essential that schools understand that the risks of child abuse arising in a school's environment will include all three levels of risk identified in the Pyramid. And ultimately, that the school board is responsible for ensuring that all risks at all levels are identified and effectively mitigated.

That said, the School Environment risks as defined in level three of the Pyramid are, in practice, the risks that are usually the main focus of schools on a daily basis.

The Ministerial Order defines a *school environment* as:

Any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:

- a campus of the school;*
- online school environments (including email and intranet systems); and*
- other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).*

While certain environments within schools may be similar, every school is unique. Therefore, it is important that all schools undertake a review of their particular school environments to identify specific risks that may arise, and then develop specific controls to mitigate these risks.

This approach is very similar to Workplace / Occupational Health & Safety, where while all schools may have similar hazards it is still necessary for each school to undertake regular inspections of school grounds and review specific activities to ensure that specific hazards are identified and controlled.

HOW CAN A SCHOOL IDENTIFY THE RISKS IN ITS OWN ENVIRONMENT?

While the VRQA Guidance lists examples of environments such as classrooms and learning environments and excursions or camp locations, the easiest way for a school to identify risks in its own environment is to break down their School Environment risks into sub-categories which will then allow them to ensure that people knowledgeable with respect to particular environments are involved in the risk identification process.

The sub-categories, and the risks that fall within these sub-categories, will of course vary between schools depending on their particular profile, however there will always be some common ground. There is no perfect categorisation process and there will always be an element of crossover. The key is to design sub-categories that will enable the school to consider its child protection risk within all different environments and from different perspectives. Examples of sub-categories may include:

- staff;
- contractors;
- volunteers;
- third party education providers;
- general physical environment;
- student toilets, change rooms and locker areas;
- recreation areas and playgrounds;
- sporting facilities;
- health facilities;
- boarding;
- on-line environment;
- before and after school care;
- before and after school activities;
- transport facilities and locations;
- incursions; and
- excursions.

Within chosen sub-categories, consideration must also be given to:

- predatory, opportunistic and situational environment risks;
- when those risks may arise eg before, during and after hours; and
- potential hot spots and hot times.

The following table provides a non-exhaustive list of examples of issues that may be considered within sub-categories.

Staff

(note that similar issues will arise with respect to volunteers and contractors)

- Have you identified all different types of staff including:
 - teaching staff (including relief teachers);
 - contracted staff (including peripatetic tutors, specialist therapy staff and sports coaches);
 - other non-teaching staff (including administration staff, counsellors or chaplains, cleaners, canteen staff and so forth); or
 - Boarding staff?
- Have you considered potential predatory, opportunistic or situational risks associated with each type of staff member?
- Have you designed recruitment processes with respect to each type of staff member taking into account potential child protection risks associated with the staff member's role?
- Have you ensured working with children checks (WWCCs) have been completed for all types of staff?
- Have you conducted background checks (beyond WWCCs) to ensure all staff are of good character and do not present a child protection risk?
- Are all job applicants advised of your child protection policy and code of conduct during the recruitment process?
- Do all of your staff complete child protection training as part of induction?
- Have you developed ongoing strategies to ensure that a child protection culture exists amongst your staff?
- Have you educated all of your staff (not just teaching staff) with respect to maintaining appropriate professional boundaries regarding relationships with students (including on-line activity)?
- Has additional consideration been given regarding professional boundaries with younger staff (especially coaching staff) who may only be a year or two older than the students?
- How does your school manage potential conflicts of interest where staff are related to students or otherwise personal friends with a student's family?
- Are all of your staff familiar with the child abuse risk indicators?
- Are all of your staff aware of how to report a child abuse incident and are they comfortable in doing so?
- Do you have internal grievance procedures in place to ensure that staff that are unhappy with a particular situation are able to clearly convey this to the relevant person within the school?

Third Party Education Providers

- Have you identified all different types of third party education providers such as:
 - outside or privately hired tutors who conduct their work at the school;
 - VET Instructors;
 - outdoor education providers;
 - third party contractors (such as occupational or speech therapists); or
 - associated church groups such as youth groups?
- Have you undertaken due diligence with respect to each type of provider (prior to engagement) to ensure that they are compliant with child protection laws and that their services are provided within a child safe environment?
- Do you regularly review the suitability of third party education providers having regard to overall effectiveness of their child protection programs?

General Physical Environment

- Have you reviewed security of school grounds (campus by campus) to ensure adequate security is in place to prevent unauthorised access by a potential child abuser?
- Have you established appropriate visitor management procedures (including recording of entry time and departure, validation of purpose of visit and/or a badge, tag (or similar) which allows students and staff to easily recognise authorised visitors)?
- Are visitors to school events (e.g. sports, concerts, parent/teacher interview events) provided with clear instructions on entry to school grounds as to the location of the event and the appropriate pathway for reaching the relevant venue and remaining at the event and not wandering around the campus?
- Are staff and students trained to understand visitor management procedures so as to recognise potential unauthorised visitors and trained as to how to deal with potential unauthorised visitors?
- Have you identified any isolated buildings / areas of the school (including windowless rooms) where a potential child abuser may seek to isolate a student?
- Have you identified any quiet areas within the school where a potential child abuser may seek to isolate a student (e.g. library, music rooms, interview rooms)?
- Have you identified any quiet times at the school when a potential child abuser may seek to isolate a student (e.g. before or after school, on weekends)?
- Do you consider child protection risks arising as a result of changes to the physical environment of the school (e.g. during and after building works)?

Excursion Risks

- Do you undertake a child protection risk assessment for each excursion conducted by the school?
- Do all supervisors have a high degree of awareness with respect to potential child abuse issues that may arise on an excursion?
- Are all supervisors trained to understand key risk indicators of child abuse including the types of behaviours that may be indicators of grooming behaviour?
- Do all supervisors understand the processes that are in place to report a child abuse incident during the course of an excursion?
- Do supervisors have the experience and/or skills to effectively manage a child protection incident in the event one was to occur?
- Do students attending an excursion feel empowered to report inappropriate behaviour directed towards them by others?
- Do you have procedures in place to supervise volunteers during an excursion and ensure that volunteers are not given one on one access to students who are not related to them?
- Do you ensure that on all excursions, the ratio of supervisors to students (including gender ratios) is adequate to ensure the safety of the students (including protection from potential child abusers)?
- Do you review the physical environment within which an excursion is conducted and consider whether any particular aspect of that environment may provide a heightened opportunity for inappropriate one on one contact with a student?
- Do you have procedures in place in order to quickly locate a student that may get lost or be separated from the excursion group?
- Do you have procedures in place to ensure the safety of students using public toilet / change facilities?

These sample lists, although seemingly extensive, are only a representation of some of the possible risks that may occur in some school environments. It is important that each school develops (and keeps records of) the systems that it has in place to ensure that it has methodically considered the potential for child abuse to occur within all environments that exist within the school.

REQUIREMENT 3 – RECORD KEEPING WITH RESPECT TO EACH IDENTIFIED RISK AND ACTIONS TO CONTROL RISKS

Requirement 3, together with the VRQA Guidance, makes it clear that all Victorian schools must:

- make a record of each child protection risk it identifies; and
- document the action(s) the school will take to reduce or remove the risk.

This mandatory requirement immediately raises the question as to how a school can best meet its obligations.

It is useful to consider this record keeping obligation at two levels being:

- recording of risks; and
- documentation of actions.

RECORDING OF RISKS

In order to make a record of each child protection risk identified by a school, it is recommended that the school develops a “Child Protection Risk Register”.

At a minimum this register should record

- risk title;
- risk description;
- current risk control strategy;
- current risk control effectiveness;
- likelihood;
- consequence; and
- residual risk rating.

In addition, schools may seek to capture other key information with respect to each risk such as:

- potential consequences (if the risk were to occur);
- type of risk (e.g. Macro, Legal & Regulatory, School Environment);
- school environment sub-category; and
- risk owner.

DOCUMENTATION OF ACTIONS

Documentation of actions can also be considered at two levels:

- Documentation of Policies and Procedures

The development of specific policies and procedures is often the precursor to specific actions that are taken by a school and as such form part of the process of documenting actions.

- Documentation of Specific Risk Control Tasks and/or Risk Treatment Plans

At the secondary level, a school should also record specific actions that it has taken to control child protection risks (e.g. a child protection risk assessment for an excursion) and/or risk treatment plans.

REQUIREMENT 4 - MONITOR AND EVALUATE THE EFFECTIVENESS OF EACH OF THE SCHOOL'S RISK CONTROLS

Requirement 4 makes it a legal obligation of a school to monitor and evaluate the effectiveness of its risk controls.

In order to do this, against each identified risk, a school should;

- allocate ownership of the risk to a responsible individual;
- identify its current control strategies and any tasks associated with these strategies;
- allocate responsibility for these strategies /tasks to responsible individuals (who may be different from the "risk owner");
- monitor whether or not each of these strategies/tasks are being completed effectively;
- monitor and record the "overall risk control effectiveness";
- determine the frequency of control monitoring and risk control effectiveness (this will usually be based on the risk status with higher rated risks and their associated controls being monitored with greater frequency);
- establish risk treatment plans where the level of current residual risk is deemed not to be at the "acceptable level"; and
- capture any related incidents and/or near misses (these are considered to be key risk indicators) and conduct post event reviews on these incidents to determine whether corrective actions need to be implemented.

Whilst this information can be maintained in a spreadsheet or a word document these mediums do not lend themselves to effective data management, task allocation, record keeping and/or reporting over time.

Notwithstanding the fact that schools in Victoria are not required by law to implement an enterprise risk management (ERM) framework (beyond child protection) many schools and education authorities in Victoria have been proactive in taking this step recognising the fact that ERM is now considered to be a fundamental element of good governance within a school.

Recognising the complexity of governance, risk and compliance (GRC) data management many of these schools have invested in GRC software systems. The advantage of these systems is that they allow schools to more effectively manage the processes noted above as well as to manage their record keeping obligations (Requirement 3).

Critically these systems are able to streamline many aspects of the risk, task and incident management process through automated email reminders and to provide advanced reporting outcomes that enable schools to enhance their decision making processes.

For schools that have developed an ERM framework, it will be important also to integrate the risk management requirements of Standard 6 into their existing programs by establishing a separate category for child protection risks, tasks and incidents.

REQUIREMENT 5 - PROVIDE ANNUAL CHILD PROTECTION RISK MANAGEMENT TRAINING TO ALL GOVERNORS AND STAFF

Whilst at first glance the annual child protection training requirement may seem relatively straightforward it is important for all schools to consider that ongoing training is an essential part of developing a child protection culture and that the training is required to be undertaken at multiple levels.

Governing Authority

The obligation relating to training members of the school governing authority is clear. All members must receive annual training with respect to their obligations and responsibilities for managing the risk of child abuse, child abuse risks in the school environment and the school's current child safety standards.

Staff

This same obligation also applies to training of staff. However, when training staff, it is important that schools consider:

- that they must train all staff including;
 - teaching staff (including relief teachers);
 - contracted staff (including peripatetic tutors, specialist therapy staff and sports coaches);
 - other non-teaching staff (including administration staff, counsellors and chaplains, cleaners, canteen staff and so forth); and
 - Boarding staff;
- that it is expected that training be tailored for particular roles and responsibilities. This means that:
 - at a minimum, all staff need to receive at least basic training with respect to child protection that would allow them to identify potential child abuse risk indicators and understand (and be comfortable with) internal reporting procedures; and
 - staff with higher levels of responsibility such as Child Protection Officers (with responsibility to promote a child protection culture as well as to receive child protection incident reports) would need to receive more specific training in order to allow them to carry out their roles effectively.

Direct Contact Volunteers and Contractors

Whilst Requirement 5 is silent with respect to the ongoing training of volunteers and contractors when considering strategies for embedding a culture of child protection, schools should also consider annual training of direct contact volunteers and contractors.

HOW COMPLISPACE CAN HELP

CompliSpace combines specialist governance, risk and compliance (GRC) consulting services with practical, technology-enabled solutions. We are the leading provider of child protection GRC services in Australia working with leading non-government schools and educational authorities in all Australian states and territories.

We provide our clients with comprehensive programs covering areas such as enterprise risk management (ISO AS/NZ 31000), compliance (ISO AS/NZ 19600), school registration standards, complaints handling (ISO 10002), human resources and workplace safety (AS 4801/4) as well as child protection. Critically we understand that child protection programs within schools cannot stand alone and in order that they work effectively must be managed within a robust GRC framework.

CompliSpace has developed a comprehensive and practical Child Protection Program for Victorian schools which meets the requirements of the Victorian Child Safe Standards and Ministerial Order 870. This program is provided on-line and is designed to be tailored to each school's specific requirements. The program is maintained up-to-date with legal and regulatory changes as they occur which allows schools to focus on the practical management of their child protection risks on a day to day basis.

If you have any questions, please contact us on:

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Disclaimer

This paper is a guide to keep readers updated with the latest information. It is not intended as legal advice or as specific advice that should be relied on by readers. The information contained in this paper may have been updated since its posting, or it may not apply in all circumstances. If you require specific advice, please contact us on 1300 132 090 and we will be happy to assist.

APPENDIX 1

Likelihood of an Event Occurring	
Risk Rating	Descriptions
A. Almost Certain	<p>Not unusual to happen.</p> <ul style="list-style-type: none"> • Risk has more than 80% chance of occurring; or • Is almost certain to occur sometime within the next 3 months.
B. Likely	<p>Known to occur or has happened in the past.</p> <ul style="list-style-type: none"> • Risk has 60-80% chance of occurring; or • Is likely to occur in the next 6 months.
C. Possible	<p>May occur.</p> <ul style="list-style-type: none"> • Risk has a 30-60% chance of occurring; or • May occur within 1 year.
D. Unlikely	<p>Not likely to occur.</p> <ul style="list-style-type: none"> • Risk has 5-30% chance of occurring; or • May occur within the next 3 years but unlikely.
E. Rare	<p>May occur in exceptional circumstances (would be considered highly unusual).</p> <ul style="list-style-type: none"> • Risk has less than 5% chance of occurring. It could happen but probably never will.

Consequence Of The Event If It Does Occur

Rating	Impact Area	Description
Catastrophic	Life/Health	<ul style="list-style-type: none"> Death or permanent serious disability. Unlikely to be able to return to work/*school/college*.
	Physical Assets	<ul style="list-style-type: none"> Total loss of significant buildings, plant and equipment, records.
	Non-Physical Assets	<ul style="list-style-type: none"> Total loss of all electronic data and work in progress.
	Business Interruption	<ul style="list-style-type: none"> Extended interruption, full recovery unlikely.
	Reputation	<ul style="list-style-type: none"> Sustained negative national and social media exposure. Significant loss of student enrolments.
	Annual Reporting Revenue	<ul style="list-style-type: none"> A loss of more than 30% of annual operating revenue.
	Governance Impact	<ul style="list-style-type: none"> Knowingly negligent non-compliance with laws or external standards.
	Staff Morale and Performance	<ul style="list-style-type: none"> Severe impact - loss of large numbers of high quality staff due to poor work environment.
Major	Life/Health	<ul style="list-style-type: none"> Life-threatening injury requires lengthy hospitalisation/rehabilitation. More than a month off work/*school/college*.
	Physical Assets	<ul style="list-style-type: none"> Extensive damage to significant buildings, plant and equipment. Repairs difficult.
	Non-Physical Assets	<ul style="list-style-type: none"> Loss of more than 3 months of key data. Not recoverable.
	Business Interruption	<ul style="list-style-type: none"> Up to 3 months. Significant long-term impact on school operations.
	Reputation	<ul style="list-style-type: none"> Negative state and local media attention. Sustained local social media activity. Noticeable loss of student enrolments.
	Annual Reporting Revenue	<ul style="list-style-type: none"> A loss of between 15% and 30% of annual operating revenue.
	Governance Impact	<ul style="list-style-type: none"> Legally prosecutable non-compliance with laws or external standards.
	Staff Morale and Performance	<ul style="list-style-type: none"> Substantial impact - measurable increase in drop in morale and performance.
Moderate	Life/Health	<ul style="list-style-type: none"> Significant injury requiring hospitalisation. A week to 1 month off work/*school/college*.
	Physical Assets	<ul style="list-style-type: none"> Material damage to significant buildings, plant and equipment. Repairable.
	Non-Physical Assets	<ul style="list-style-type: none"> Material loss of data. Some recoverable.
	Business Interruption	<ul style="list-style-type: none"> More than 1 week. Moderate long-term impact on school operations.
	Reputation	<ul style="list-style-type: none"> Limited negative local and social media attention. Some loss of student enrolments.
	Annual Reporting Revenue	<ul style="list-style-type: none"> A loss of between 5% and 15% of annual operating revenue.
	Governance Impact	<ul style="list-style-type: none"> Non-compliance with laws or external standards, or substantial non-compliance with internal standards, policies and procedures.
	Staff Morale and Performance	<ul style="list-style-type: none"> Noticeable impact - a degree of change of morale and performance.

Minor	Life/Health Physical Assets Non-Physical Assets Business Interruption Reputation Annual Reporting Revenue Governance Impact Staff Morale and Performance	<ul style="list-style-type: none"> • Injury requires a doctor. Less than 1 week off work/*school/college*. • Minor damage. Repairable. • Loss of up to 1 week of data/work. Mostly recoverable. • 1 week or less. No real long-term effect. • No media coverage. Some negative social media attention. Formal concerns raised by members of school local community. • A loss of less than 5% of annual operating revenue. • Technical breaches of laws or external standards or partial non-compliance with internal standards, policies and procedures. • Minimum impact confined to small number of staff.
Insignificant	Life/Health Physical Assets Non-Physical Assets Business Interruption Reputation Annual Reporting Revenue Governance Impact Staff Morale and Performance	<ul style="list-style-type: none"> • Slight injury requires First Aid only. No lost time. • Localised damage, easily repaired. • Fully recoverable loss of 1 day's data or work in progress. • Minimal. No long-term effect. • No media coverage. No social media activity. Questions raised by a small number of school community members. • Little or no impact on annual operating revenue. • Minor breaches of internal standards, policies and procedures. • No impact on morale and performance.

Setting The Overall Risk Rating

An overall risk rating is allocated to an identified risk using the following matrix which indicates risk levels presented by a combination of various degrees of "likelihood" and "consequence".

The matrix used by the School categorises risk into four levels as follows:

E: extreme H: high M: moderate L: low

Likelihood	Consequences				
	1. Insignificant	2. Minor	3. Moderate	4. Major	5. Catastrophic
A. (Almost Certain)	M	M	H	E	E
B. (Likely)	L	M	H	E	E
C. (Possible)	L	M	M	H	E
D. (Unlikely)	L	L	M	M	H
E. (Rare)	L	L	L	M	H

APPENDIX 2

Assess Risk Control Effectiveness.

Each control should be assessed for effectiveness using the following ratings:

Control Rating	Definition
Excellent	Highly dependable risk control process and procedures in place that can be relied upon to prevent risk materialising. <ul style="list-style-type: none"> 90-100% effective.
Good	In most circumstances control will be effective to prevent risk event occurring or to mitigate risk in the event it does occur. <ul style="list-style-type: none"> 80-90% effective
Satisfactory	Control is in place and works most of the time. Risks will be controlled most of the time. <ul style="list-style-type: none"> 50-80% effective.
Poor	Control is in place, however, is considered to be generally unreliable or relatively ineffective. No guarantee risk will be controlled. <ul style="list-style-type: none"> 20-50% effective.
Unsatisfactory	Control is totally ineffective. Risk will not be controlled. <ul style="list-style-type: none"> Less than 20% effective.