



GORDON INSTITUTE OF TAFE

(ABN 27 241 053 246 RTO 3044 CRICOS 00011G)
 Private Bag 1, Geelong Mail Centre, Victoria, Australia
 P +61 3 5225 0800 www.thegordon.edu.au

Student Safety Policy

1. Purpose

The purpose of this document is to provide guidance and direction regarding The Gordon's commitment to the safety of all students and participants, with specific emphasis on the safety of children and young people.

Additionally, this document provides guidance and direction regarding the Institute's commitment to the National Principles of a Child Safe Organisation (the Principles) and the Victorian Child Safe Standards (the Standards).

2. Scope

This policy applies to all staff within The Gordon, referred to in this document as *Gordon Staff*. This includes all volunteers, part time and casual staff, the Executive Leadership Team and the Board of Directors.

While this policy provides guidance and direction to Gordon Staff as listed above, it relates to the following people:

- Students – former, current and potential – including children and young people under the age of 18.
- Participants – children and young people visiting the Gordon including those accessing programs that are not formally enrolled as a student.

3. Definitions

Child: refers to children and young people up to the age of 18 years

Harm: used to describe behaviours less detrimental than abuse, but clearly not in the child's best interest or promoting their safety

Abuse: includes:

Physical which is caused either intentionally or recklessly and can include hitting, punching, kicking, pushing or throwing something that strikes a child; can also include words or gestures that cause child to believe they are about to suffer physical harm.

Sexual abuse that can encompass a broad range of behaviours committed against, with or in the presence of a child and may include behaviours ranging from sexual misconduct to a sexual offence. This abuse may involve contact like touching or penetration, 'flashing', possessing child abuse material or grooming. It can include inappropriate conversations of a sexual nature, comments that express a desire to act in a sexual manner or behaviour that crosses professional boundaries, eg having or seeking to establish an inappropriate or overly familiar relationship with a child.

Emotional and psychological abuse, the infliction of psychological harm, conveying to a child that they are worthless, unloved, inadequate or in rejected, or causing a child to feel frightened or in danger.

Neglect is another form of abuse and involves a lack of provision of sufficient care by a caregiver, a lack of attention, responsiveness and protection to the basic needs of the child. Neglect includes failure to provide adequate health care, supervision, clothing, nutrition or housing as well as failing to meet a child's physical, emotional, social, educational and safety needs.

Duty of Care: is a legal concept that has its origins in the common law. It is a duty imposed by the law to take care to minimise the risk of harm to another. The duty of care principle not only underpins, but to a large extent drives many Institute policies. The Institute owes a duty of care to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation. The Institute also owes a duty of care to take reasonable care that any student (and any other person) on the premises will not be injured or suffer damage by reason of the state of the premises or by things done or omitted to be done in relation to the state of the premises.

4. Overarching Principles

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The Gordon is centred on the student experience. The student experience can only thrive if the environment in which it exists is safe and inclusive for all students. We are committed to having the policies, practice and culture in place to achieve this.

4.1 Safety of all students and participants

The safety and wellbeing of all students is paramount.

Students from diverse backgrounds including those who identify as Aboriginal and/or Torres Strait Islander, Culturally and Linguistically Diverse, Lesbian, Gay, Bisexual, Trans, Intersex, Queer + (LGBTIQ+), Non-binary, and those living with disability may require a tailored and sensitive approach to meet their safety and wellbeing needs.

The safety and wellbeing of students and participants is an institutional priority requiring an institute-wide approach, led from the top.

4.2 Safety of students and participants under the age of 18

The safety and wellbeing of students and participants under the age of 18 is prioritised regardless of their enrolment status.

The Gordon is committed to complying with the *Victorian Child Safe Standards* and the overarching principles under the *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)* and the *National Principles for Child Safe Organisations*.

The Gordon has a ZERO TOLERANCE approach to any form of abuse against a student or participant under the age of 18 and will do all that is possible within its powers to prevent or minimise the opportunity of a child or young person under its care being abused or facing/suffering further harm.

The Gordon adopts the best interest principle as outlined in Section 10 of the *Children, Youth and Families Act 2005 (Vic)*, ensuring the best interest of the child or young person is given paramount consideration.

5. Policy Statements

5.1 Responsibilities

Any incident, action or behaviour that does not align with these policies and procedures may be considered a breach of a Gordon policy and/or a breach of the law.

It is the responsibility of Gordon Staff to report any breaches and a breach may result in disciplinary action which, depending on the severity, may range from a written warning to termination of employment.

Additionally, The Gordon is required to report breaches of the law externally, therefore it may also result in action being taken by an external agency such as Child Protection, the Police, the Victorian Government's Reportable Conduct Scheme and/or Working with Children Check unit.

It is the responsibility of all Gordon Staff to familiarise themselves with the policies and procedures outlined in this document. If any Gordon Staff does not fully understand what is required of them it is their responsibility to seek further clarification, support and/or training by contacting their direct supervisor.

5.2 Culture, Leadership and Governance

The Gordon adopts a positive risk culture to ensuring safety is embedded across all aspects of the Institute, lead from the top down.

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Appropriate governance mechanisms are necessary to assess and manage risk, respond to safety concerns as they arise and remain up to date on both legislative compliance and best practice.

The Gordon will review and update their Student Safety Framework every two years (minimum) to measure compliance against the Child Safe Standards and National Principles and where possible will include the engagement of an independent party to contribute to the review process.

The Gordon will review and update the Student Safety Framework outside of the regular schedule in the event of legislative or best practice changes.

5.3 Duty of Care

Duty of care is a legal concept that has its origins in the common law. It is a duty imposed by the law to take care to minimise the risk of harm to another. The duty of care principle not only underpins, but to a large extent drives many Institute policies. The Institute owes a duty of care to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation. The Institute also owes a duty of care to take reasonable care that any student (and any other person) on the premises will not be injured or suffer damage by reason of the state of the premises or by things done or omitted to be done in relation to the state of the premises.

The principle of reasonable care applies to all students and participants, however an additional level of reasonable care applies to students or participants who:

- a) Are under the age of 18, particularly when engaged in an adult learning environment
- b) Live with a disability that may result in cognitive or intellectual impairment, impacting their ability to apply personal safety strategies
- c) Live with a medical condition that may pose a higher risk and require additional precautions such as diabetes, anaphylaxis or asthma.
- d) Identify as Lesbian, Gay, Bisexual, Transgender Intersex, Queer +, Aboriginal or Torres Strait Islander, non-binary or culturally and linguistically diverse and require an alternate and sensitive approach to ensure their unique safety, wellbeing and cultural needs are met.

Gordon staff are held to a high standard of care in relation to students and participants. This duty requires all staff to take reasonable steps to reduce risk and can only be fulfilled by the individual and not assigned to anyone else.

Within the teacher-student relationship, teachers have a unique duty of care. Teachers are required to take all reasonable measures to protect a student for whom they are responsible from any foreseen risk of injury or harm.

Gordon Staff's duty of care responsibilities for students and participants over the age of 18 apply while the student is in the presence of the teacher, in the allocated physical environment (classroom, laboratory, library) and during the allocated time as specified in the timetable, program schedule or via other accessible communication.

Gordon Staff's duty of care responsibilities for students and participants under the age of 18 (excluding VETDSS) apply from the allocated start time or the time the student is physically present until the time they are permitted to leave. This extends to any physical environment (classroom, laboratory, library) on campus and during the allocated time as specified in the timetable, program schedule or via other accessible communication.

Students under the age of 18 are permitted to leave the supervision of allocated teaching staff for breaks, to use onsite only amenities such as the cafeteria, gardens or library.

Parents / guardians must be informed if there is any alteration to the allocated start and finish times.

VETDSS students are not allowed, to leave campus earlier than the allocated time as per communication and must be supervised by the responsible teacher at all times.

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Exemptions apply if the student produces a note signed by both parent/guardian and the school coordinator or is signed out of class by a parent/guardian in the presence of a Gordon staff member. Any late arrivals or early departures must be reported to the schools via the VETDSS Office.

Further information relating to the supervision of VETDSS students can be found in the *VETDSS Teacher Information Handbook VP RD 01.01*.

5.4 Recruitment, Training & Supervision

The Gordon will conduct all recruitment processes in line with the *Gordon Recruitment Policy* and the *Recruitment and Selection Guide SHRD RD 02.02*.

Gordon Staff are required to hold a current Working with Children Check (WWCC), before commencement and for the duration of their engagement with The Gordon as per the *Working with Children Checks & National Police Certificate Policy & Procedure SHRD PO 04*.

Gordon Staff will be required to undertake a National Criminal History Check prior to their engagement with the Gordon, as per the *Working with Children Checks & National Police Certificate Policy & Procedure SHRD PO 04*.

Gordon Staff are required to sign the *Employee Code of Conduct SHRD RD 20.01* upon engagement and annually via the online platform.

Gordon Staff are provided access to training and resources relating to their student safety obligations under both Gordon policies and state and federal legislation. These are provided from initial induction, throughout their engagement with the Gordon and are tailored to their role and the level of direct contact with students and participants.

Additionally, it is the responsibility of Gordon Staff to actively seek additional support or training should they require it.

Gordon Staff have line managers responsible for regular support and supervision to assist in improving their performance in their role. This relationship acts as a platform to identify gaps in knowledge, information or experience and skills and to create a training plan to work towards, especially if those gaps are related in any way to the safety of students and participants.

The Gordon will provide access to professional support services to Gordon Staff in the event that they are required to respond to a student safety issue.

5.5 Expected Behaviours in relation to Student Safety.

Gordon Staff are expected to behave in a way that prioritises the safety and wellbeing of students and participants and contribute to a safe and inclusive environment free from discrimination, harassment, physical, sexual, emotional abuse and neglect.

These expectations are outlined in the *Gordon Employee Code of Conduct SHRD RD 20.01*. This Code provides specific guidance relating to each of these expectations.

5.5.1 Communicating safely and effectively with students, seeking their contributions, listening to their views and taking what they say seriously

The Gordon is committed to listening to students and participants and encouraging them to express their views and suggestions, especially on matters that directly affect them. The Gordon actively encourages all students and participants to provide feedback on how to make those activities safer, more enjoyable and more inclusive.

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The Gordon will apply a tailored approach to seeking the views of students and participants under the age of 18, and those from diverse backgrounds to ensure an individual's diversity or vulnerability is not a barrier to having their voices heard.

Any communication with students or participants must be appropriate to the learning environment and with consideration of the individual needs.

Communication must not:

- be intended to cause harm or distress
- be of a sexual nature or relate to personal issues not relevant to the learning environment
- take place outside of the hours reasonable to the learning environment
- not request or accept to be "friends" or "follow" students or participants under the age of 18 using a social media account such as Facebook, Instagram, Twitter, WhatsApp, Snapchat, instant messenger or similar forums
- communicate to promote or to arrange unauthorised contact outside of the learning environment
- request a student or participant to keep secrets in relation to communication

5.5.2 Behaving in a way that promotes the safety, participation, empowerment and wellbeing of students, in line with the Gordon policies and procedures, state and commonwealth laws and best practice

All Gordon Staff are guided by the Employee Code of Conduct, designed to provide guidance around behaviours and expectations when engaging with students and participants.

All Employees will apply professional boundaries to any relationship with a student, use these to guide their behaviour and not act outside of the confines of their role. Professional boundaries are referenced in The Gordon's *Professional Boundary Guidelines RISK RD 15.03* that includes all references to expectations and behaviour in this policy and may also include, but are not limited to:

- Avoiding contact outside of learning hours
- Limiting all contact to matters relevant to the learning environment
- Avoiding sharing personal information
- Always maintaining a professional manner when engaging with students and participants
- Reminding students and participants of professional boundaries as often as required

Any physical contact with a student or participant must be relevant to the learning environment and with consideration given to the individual needs of the student. Appropriate physical contact must not:

- be intended to cause harm (such as physical punishment)
- be sexual of nature
- be overly physical (tickling, sparring or wrestling)
- be outside of the confines of the role

The student or participant will be provided with clear directions in relation to their behaviour and given an opportunity to redirect any misbehaviour in a positive manner. Under no circumstances are Gordon Staff to take disciplinary action involving physical punishment or any form of treatment intended to cause harm.

Gordon Staff must not under any circumstances, engage in behaviour of a sexual nature or grooming towards, with or in the presence of a student or participant under the age of 18. This includes contact and non-contact sexual behaviour as per the definition provided.

If Gordon Staff do not understand which behaviours are considered to be of a sexual nature, they must seek further clarification from their managers.

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It is important to acknowledge that a power imbalance exists between Gordon Staff, particularly teachers and students and participants. Therefore, under no circumstances are Gordon Staff to engage in behaviour of a sexual nature with a student or participant even if they are above the age of consent. This includes contact and non-contact sexual behaviour as per the definition provided.

While supervising or interacting with students and participants, Gordon Staff must not:

- use, possess or be under the influence of an illegal drug
- use or be under the influence of alcohol or any other legal drug such as prescription or over-the-counter drugs
- supply alcohol or drugs (including tobacco) to students or participants
- smoke cigarettes or use e-cigarettes within the learning environment

Further information can be found in the *Alcohol and Other Drug Policy RISK PO 17*

5.5.3 Contribute to a safe and inclusive environment where risk is continuously assessed and minimised: in the classroom, outside of the classroom and online

All Gordon Staff will be provided with access to training, tools and mechanisms to appropriately assess and mitigate risks to students and participants formally and informally, as it applies to their role.

Additional education and support will be provided in relation to risks associated with students and participants under the age of 18.

Teachers will apply appropriate risk assessment and management strategies to all aspects of the learning environment.

The transport of a student or participant by Gordon Staff may, on occasion, be appropriate, however must be in a Gordon Fleet Vehicle and in accordance with the *Terms Of Use Of Gordon Vehicles On Gordon Business And Use Of Private Vehicles Policy FAC PO 01*. Consideration must be given to the circumstances and insurance implications.

Transport of a student or participant in a private vehicle is prohibited.

Transport of a student or participant under the age of 18 must be in a Gordon Fleet Vehicle and must be with written consent of a parent or guardian.

Any event that includes the overnight stay of a student or participant must be officially approved by Gordon management and managed in line with the *Student Excursion and Camps Procedure RISK PR 21*

No child or young person can attend an overnight stay without the prior written consent of a parent or guardian, and without the prior provision of all relevant medical information.

Teachers will monitor student conduct within the online learning environment and apply risk assessment and management strategies to ensure the online safety of students and participants including responding to risks, potential risks or student misconduct as it arises using the *Student Misconduct Management Procedure QA PR 11*.

5.5.4 Responding appropriately to any concern relating to the safety and wellbeing of a student or participant and report all disclosures, allegations or suspicions of abuse of students and participants under the age of 18 to the relevant authorities

The Gordon encourages students and participants to raise their concerns as a valuable mechanism to inform service improvement. Additionally, the Gordon recognises that is the

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responsibility of Gordon Staff to recognise, identify and respond to student safety concerns even if they are not raised by the student or participant themselves.

A concern may be categorised as a) a Child Safety Concern or b) a complaint or incident.

A Child Safety Concern can be categorised as a) A Reportable Concern or b) a Low Level Concern.

Gordon Staff must follow the *Responding to Concerns Flowchart* and the *Responding to Child Safety Concerns Policy & Procedure* to ensure an appropriate response to disclosures, allegations and suspicions of abuse of students under the age of 18 is conducted.

Complaints will be responded to sensitively and appropriately and in a timely manner, in line with the *Complaints and Appeals Policy QA PO 10* and the *Complaints and Appeals Procedure QA PR 05*

Additionally, Gordon staff and anyone of or over the age of 18 years, are **mandated by law** to report any disclosure, allegation or suspicion of sexual abuse against a child under the age of 16 years by another person over the age of 18 years to the Victoria Police under the 'failure to disclose' offence under s327 *Crimes Act 1958 (Vic)*.

The obligation to disclose applies to any person who has information to form a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person over the age of 18 years. That information must be reported to police as soon as practicable.

There are reasonable excuses for failing to disclose and these are:

- That a person fears on reasonable grounds for their safety or the safety of another person (not the alleged abuser) if they report the abuse and the failure to disclose to the police is reasonable in the circumstances; or
- The person believes on reasonable grounds that the information has already been disclosed to police by another person and the first-mentioned person has no further information

It is not an offence to fail to disclose if the victim is of or over the age of 16 and at that age provided a reporter with the information and has specifically requested that they do not disclose the information. However, if at the time of the abuse the victim had an intellectual disability or lacked capacity to make an informed decision about whether to disclose the information, (and the reporter was aware or should have been aware of those circumstances), the matter should be reported to the police.

It is not an offence to fail to disclose if the information came into a person's possession when they were a child, or when the information was subject to legal privilege or were confidential communications under the s32B the *Evidence Act 1958 (Vic)*.

It is not an offence to fail to disclose if the information came into the reporter's possession solely from the public domain. It is not an offence to fail to disclose if the information came into the reporter's possession when they carried out the duties of a police officer and/or if the victim was over the age of 16 years when the 'failure to disclose' provision came into effect under the *Crimes Act 1958 (Vic)* in 2014.

Gordon staff and anyone of or over the age of 18 years, who know there is a risk of abuse and have the power or responsibility to reduce or remove the risk are **mandated by law** to do so. Those who negligently fail to do so are committing an offence under the 'failure to protect' offence under s490 *Crimes Act 1958 (Vic)*.

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Specific Gordon staff are **mandated by law** to report any disclosure, allegation or suspicion of abuse of a child or young person to Child Protection and/or the Victoria Police under the *Child, Youth & Families Act 2005* (Vic). This list includes:

- Doctors
- Nurses
- Midwives
- VIT registered teachers (including early childhood teachers)
- Principals
- Police
- Out of home care workers (excluding voluntary foster and kinship carers)
- Early childhood workers
- Youth justice workers
- Registered psychologists
- School Counsellors

Mandated reporters are required to make a report on each occasion that they form a reasonable belief that abuse against a child or young person has occurred. Mandated reporters must make a report as soon as is practicable even if the principal or equivalent does not share their belief; and they must make a report in instances where another mandated reporter has undertaken to make a report.

However, regardless of the legislation, *all* Gordon staff and anyone of or over the age of 18 years are **mandated by this policy** to report any reportable concerns (disclosure, allegation or suspicion of abuse of a child or young person) to Child Protection and/or the Victoria Police.

Failure to report is an offence, a breach of compliance under this policy and the *Employee Code of Conduct* for Gordon Staff. Serious penalties and consequences may apply.

Other related offences

Under s49M *Crimes Act 1958* (Vic) it is **illegal** for an adult to communicate, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct. This is referred to as the 'grooming' offence.

Gordon staff and any person of or over the age of 18 years are **mandated by law** to report any intentional action that has resulted in, or appears likely to result in significant harm of a child. Any person who intentionally takes action to harm a child, or intentionally fails to take action to prevent significant harm of a child is committing an offence under the 'duty of care' provision of the *Children, Youth & Families Act 2005*.

Gordon Staff and any person of or over the age of 18 years are **mandated by law** to report any **reportable conduct** committed by adult employees and other adults associated with an organisation to the Commission for Children and Young People. This mandate is required under the *Children Legislation Amendment (Reportable Conduct) Act 2017*.

The methods by which The Gordon meets these principles are documented under the *Employee Code of Conduct SHRD RD 20.01*; and the *Child Safe Standards Statement of Commitment RISK RD 15.01*, the *Responding to Student Safety Concerns Policy and Procedure RISK PR 31* and the *Responding to Student Safety Concerns Flowchart RISK RD 31.01*.

5.5.5 Acting in line with privacy and confidentiality laws and best practice to protect the information of students and participants, particularly those under the age of 18

Confidential information regarding a student or participant at the Gordon is collected and stored in line with the Information Privacy Principles and the *Privacy Policy RM PO 04*.

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Additional consideration will be given to students and participants under the age of 18 due to their vulnerability and the additional legislation relating to children and young people under the age of 18.

Gordon Staff can only take, store and share images of a student or participant under the age of 18 if:

- The student or participant has provided informed consent
- The parent or guardian has provided informed consent
- The student or participant is dressed and posed appropriately, and
- It is relevant to the learning environment.

5.6 Expectations of Students and Participants

The *Student Code of Conduct* applies to all enrolled students at the Gordon.

The Code outlines the behaviours that all Gordon students are expected to uphold while enrolled with the Gordon to keep themselves, other students and participants and staff safe.

The Gordon will actively promote the Student Code of Conduct to all Gordon, in a range of accessible formats.

Students over the age of 18 are required to sign the Student Code of Conduct to acknowledge their contribution to the safety of fellow students and participants, particularly those under 18 with whom they often share the learning environment.

Any breach of the Student Code of Conduct will be taken seriously, investigated internally in line with the investigation procedures and may result in disciplinary action or termination of enrolment as per the *Student Misconduct Management Procedure QA PR 11*.

6. Governance / responsibilities

POSITION	GOVERNANCE / RESPONSIBILITY
Student Services	Provide pastoral support programs for vulnerable students enrolled at The Gordon
Head People, Safety and Culture	Ensure that the Gordon provides staff with access to information and training in relation to duty of care and their obligations in relation to key risks, such as bullying and harassment, and mandatory reporting
Head People, Safety and Culture	Ensure that all Gordon staff have a Working With Children's Check or national police check as required for their role
Heads of Centres/VEMs	Verify that any underage enrolment accepted by The Gordon meets legislative criteria for admission of underage students and that the process document in relevant policies and procedures is followed
Teaching staff	Supervise learning environments and take such measures as are reasonable in the circumstances to protect a student under the teacher's charge from risks of injury that the teacher sees or should reasonably have foreseen
All employees, contractors and volunteers	Comply with their obligations under the Child Safe Standards for mandatory reporting

7. Key aligned internal documents

Refer to the [Operational Management System \(OMS\)](#) for copies of all policies, procedures and supporting documents.

Risk Management Policy and Procedure RISK PR 01

Responding to Child Safety Concerns Policy, Procedure and Flowchart RISK RD 31.01



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Child Safe Standards / Statement of Commitment RISK RD 15.02

Professional Boundary Guidelines RISK RD 15.03

Duty of Care to Students Policy RISK PO 15

Teacher Information Handbook VP RD 01.01

Gordon Employee Code of Conduct SHRD RD 20.01

Student Code of Conduct QA RD 11.01

Alcohol and Other Drug Policy RISK PO 17

Terms of Use Of Gordon Vehicles On Gordon Business And Use Of Private Vehicles Policy FAC PO 01

Student Excursion and Camps Procedure RISK PR 21

Student Misconduct Management Procedures QA PR 11

Recruitment and Selection Guide SHRD 02.02

Privacy Policy RM PO 04

8. Key aligned external documents

Child Wellbeing and Safety Act 2005 (Vic)

Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)

Commission for Children and Young People, A Guide to Creating a Child Safe Organisation, 2018, Melbourne, Victoria

Victorian Commission for Children and Young People

9. Review and approval

	POSITION	AREA
Business Process Owner	Manager	Risk, Safety and Wellness
Endorsed by (if applicable):	Risk and Compliance Committee	
Ratified by (if applicable):	Board	
Review schedule:	This policy will be reviewed 6 monthly (or earlier as required)	
Last reviewed / updated:	4 October 2021	