



## **STATEMENT:**

Ballarat Grammar has a responsibility in the prevention of and reporting of child abuse and neglect, we have developed procedures to support the implementation of mandatory reporting of child abuse.

This document sets out what constitutes child abuse, who is mandated to make a notification, and the process of making a report to the Department of Families, Fairness and Housing Child Protection (Child Protection).

By definition, child abuse is an act by parents or caregivers which endangers a child or young person's physical or emotional health or development. Child abuse includes physical injury, sexual abuse, emotional abuse and neglect.

Expanded definitions of these terms and other relevant words and concepts can be found in the School's *Student Safety Definitions and Additional Resources* document.

This document should be read in conjunction with all of the School's student safety strategies, policies and procedures and not independently.

## **Part 1- Overview**

1. Ballarat Grammar will take appropriate, prompt action in response to **all** allegations or disclosures of abuse, neglect, inappropriate behaviour or concerns about student safety by reporting all matters to Child Protection, the Commission for Children and Young People (the Commission), or the Police, depending on the allegation or disclosure made.
2. Ballarat Grammar has established simple and accessible procedures for anyone to report, if appropriate, a child abuse concern internally to one of the School's Student Safeguarding Officers. Please be aware that consulting with a Student Safeguarding Officer does not change any obligation you have under legislation to report to an external authority. Refer to *Our Student Safeguarding Officers* document.
3. Ballarat Grammar has developed and implemented procedures for Board directors, staff and Direct Contact Volunteers for responding to allegations and disclosures of child abuse, or suspected child abuse, including procedures for support following a disclosure by a student.
4. Reporting procedures for Third Party Contractors, External Education Providers, Indirect Contact Volunteers, parents/carers and other community members are also included in our *Student Safety and Wellbeing* policy which is available on our public website.
5. Age-appropriate reporting procedures for students are developed through our pastoral care program.
6. This document describes our work systems, practices, policies and procedures for responding to and reporting allegations of child abuse both internally and externally. Specifically, this includes:
  - 6.1 Managing Your Initial Response to a Student Safety Incident (Part 2);
  - 6.2 Reporting a Child Abuse Concern Internally (Part 3);
  - 6.3 General Legal Obligations to Report a Sexual Offence and "Act to Protect" (Part 4);
  - 6.4 Mandatory Reporting (Part 5);
  - 6.5 Reportable Conduct (Part 6);
  - 6.6 Responding to Other Concerns About the Wellbeing of a Student (Part 7);
  - 6.7 Conduct that is Reportable to the VIT (Part 8);
  - 6.8 Communication with Parents/Carers (Part 9);
  - 6.9 Support for Students Interviewed at the School (Part 10);
  - 6.10 Making Additional Reports (Part 11);
  - 6.11 Student Safety Complaints Management (Part 12);
  - 6.12 Confidentiality and Privacy (Part 13); and
  - 6.13 Student Safety Record Keeping (Part 14).



This is summarised in the following flowchart:

**REPORTING – Responding to Incidents, Disclosures and Suspicions of Child Abuse**

*Please note that reporting the matter internally does not release you from other legal and regulatory obligations you may have*

**RESPONDING AND REPORTING**

IMMEDIATE HARM

NO IMMEDIATE HARM

Contact – Student Safeguarding Officers:  
Mark Warwick (846)  
Meredith Rayner (826)  
Chris Beechey (973)  
Koren Naylor (896)  
Sandy Warwick (908)  
Leah Moneghetti (824)  
Senior Staff on Duty (5338 0726)

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Leah Moneghetti (824)  
Senior Staff on Duty (5338 0726)

Then contact as required:  
Ambulance (000)  
Health Centre (852)

**STUDENT SAFEGUARDING OFFICER MUST BE INVOLVED**

WITHIN THE SCHOOL

WITHIN THE FAMILY OR COMMUNITY

Headmaster (816)

Headmaster (816)

Victoria Police 000

Child Protection 1800 075 599 (BH) or 13 12 78 (AH)

Child Protection 1800 075 599 (BH) or 13 12 78 (AH)  
– in relation to a child

Victoria Police 000

OR

Commission for Children and Young People 1300 782 978  
– in relation to a staff member or adult within the School

**COMMUNICATION WITH PARENTS/CAREGIVERS**

Student Safeguarding Officer with the Headmaster in consultation with Child Protection / Victoria Police





7. The School's policies and procedures for responding to and reporting allegations of suspected child abuse are made available to staff, students, parents/carers and the wider School community through our School intranet and by request.
8. All of the School's procedures for reporting and responding to allegations of child abuse are designed and implemented taking into account the diverse characteristics of the School community.
9. A summary of these procedures is made publicly available on the School's website through our *Student Safety and Wellbeing* policy and is accessible to all students, School staff and the wider community.
10. Ballarat Grammar will respond to all allegations of child abuse in an appropriate manner including:
  - 10.1 Informing the appropriate authorities and fully cooperating with any resulting investigation;
  - 10.2 Protecting any child connected to the allegation until it is resolved and providing ongoing support to those affected;
  - 10.3 Taking particular measures in response to an allegation that concerns a culturally diverse child or a child with a disability; and
  - 10.4 Securing and retaining records of the allegation and the School's response to it.
11. Where there is a concern about the student being able to communicate, the specialist staff must be engaged to support the student.
12. A detailed flowchart for responding to incidents of student sexual offending is included below as Annexure 1.
13. A detailed flowchart for responding to incidents, disclosures and suspicions of child abuse is included below as Annexure 2.

## Part 2- Managing Your Initial Response to a Student Safety Incident

1. Responding to an Emergency:
  - 1.1 All staff members **must** act as soon as they witness a student safety incident or form a reasonable belief that a student has been or is at risk of being abused.
  - 1.2 If a student is at immediate risk of harm you **must** ensure their safety by:
    - 1.2.1 Separating alleged victims and others involved;
    - 1.2.2 Administering first aid;
    - 1.2.3 Calling 000 for urgent medical assistance or Police assistance to address immediate health and safety concerns; and
    - 1.2.4 Briefing the Senior Student Safeguarding Officer to be the future liaison with the Police on the matter.
2. There are multiple ways that you may become aware that a student may be experiencing abuse and strategies for managing each situation and supporting and assisting students involved in the disclosure or report, which will be described in detail below.
  - 2.1 These include, but are not limited to:
    - 2.1.1 Witnessing a Student Safety Event;
    - 2.1.2 Observations of Risk Indicators;
    - 2.1.3 Private Disclosure by a Student;
    - 2.1.4 Public Disclosure by a Student;
    - 2.1.5 Third Party Disclosure; and
    - 2.1.6 Disclosure by a Former Student.
  - 2.2 Following on from a disclosure, the below steps can be taken to support and assist a student, and any relevant staff member, after a disclosure of child abuse or neglect is made.
  - 2.3 The range of measures employed will depend on:
    - 2.3.1 The degree of severity of the situation;
    - 2.3.2 The risk of harm to the student; and
    - 2.3.3 The capability and willingness of the parent to protect the student from harm.
  - 2.4 After a disclosure is made:
    - 2.4.1 Do not promise the student that you will not tell anyone about the allegation;
    - 2.4.2 Reassure the student that it was the right thing to do to tell an adult;



- 2.4.3 Tell the student what you plan to do next;
- 2.4.4 Do not confront the person believed to be the perpetrator; report the matter to one of the School's Student Safeguarding Officers who will be able to assist you in developing additional support strategies; and
- 2.4.5 Whenever there are concerns that a student is in immediate danger the Police should be called on 000.
- 2.5 Support for Staff and Volunteers:
  - 2.5.1 Witnessing a student safety incident or receiving a disclosure or allegation of abuse can be a stressful experience for staff and volunteers involved. The School provides support to impacted staff and volunteers to access necessary support.
3. *Witnessing a Student Safety Incident*
  - 3.1 If you witness an incident where you believe a student has been subject to abuse you must take immediate action to protect the safety of the student or students involved.
  - 3.2 Where there is an immediate risk to the health and/or safety of a student, follow the steps outlined in the Responding to an Emergency section of this procedure.
  - 3.3 The School's Procedures for *Responding to and Reporting Allegations of Child Abuse* should be followed after the health and safety of the student involved is ensured.
4. *Observation of Risk Indicators*
  - 4.1 The different types of child abuse and their key risk indicators are set out in detail in School's *Student Safety Definitions and Additional Resources* document.
  - 4.2 The process of identifying child abuse purely through observation of risk indicators can be complex and may occur over time, the complexity is magnified by the fact that many of the key risk indicators described may also occur as a result of other factors, not related to child abuse.
  - 4.3 If you form a concern that a student may be being abused, you should make written notes of your observations recording both dates and times. You should also report the matter internally to a School Student Safeguarding Officer.
5. *Private Disclosure by a Student*
  - 5.1 If a student discloses a situation of abuse or neglect to you privately, you should stay calm and not display expressions of panic or shock.
  - 5.2 You should reassure and support the student. You can do this by:
    - 5.2.1 Stating clearly that the abuse is not the student's fault;
    - 5.2.2 Reassuring the student that you believe them; and
    - 5.2.3 Telling the student that disclosing the matter to you is the right thing to do.
  - 5.3 You should be patient and allow the student to talk at their own pace. When responding you should use the student's language and vocabulary.
  - 5.4 Sometimes a student may try to elicit a promise from you that you will not tell anyone about the allegation. You **must not** make this promise, as you are responsible for reporting the matter.
  - 5.5 Finally, remember that your role is not to investigate the allegations. You should not interrogate the student and pressure them to tell you more than they want to.
  - 5.6 Once a disclosure is made you must report the matter immediately to a School Student Safeguarding Officer as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.
  - 5.7 Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the School's Support Following Disclosure procedures as stated above.
6. *Public Disclosure by a Student*
  - 6.1 Public disclosure occurs where you observe a student disclosing abuse to another student or group of students.
  - 6.2 In this circumstance you should use a strategy of "protective interrupting".
  - 6.3 The aim of "protective interruption" is to prevent a student from disclosing details of abuse in front of other students, whilst at the same time providing the student with the opportunity to disclose later, in a safe and confidential manner.
  - 6.4 You can do this by:
    - 6.4.1 Asking the student if you can talk privately; and



- 6.4.2 Moving the student away from other students to a quiet space,
- 6.5 And then following the guidelines with respect to managing a private disclosure.
- 6.6 Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the School's Support Following Disclosure procedures as stated above.
7. *Third Party Disclosure*
  - 7.1 A third party such as a friend of the student, a relative or another parent may provide you with information relating to child abuse.
  - 7.2 In this situation you should:
    - 7.2.1 Listen to the person's concerns seeking clarification where required;
    - 7.2.2 Thank the person for raising their concern;
    - 7.2.3 Advise the person that we have procedures for dealing with situations like this; and
    - 7.2.4 Advise the person that you will discuss their concerns with the relevant authorities.
  - 7.3 As with Private Disclosure, you should reassure and support the person providing the information.
  - 7.4 Sometimes a person may try to elicit a promise from you that you will not tell anyone about the allegation. You **must not** make this promise, as you are responsible for reporting the matter.
  - 7.5 Finally, remember that your role is not to investigate the allegation, you should not interrogate the third party and pressure them to tell you more than they want to.
  - 7.6 Once a third-party disclosure is made you must report the matter internally to a School Student Safeguarding Officer as soon as possible. You should also make written notes on the circumstances of the disclosure recording both dates and times.
8. *Disclosure by a Former Student*
  - 8.1 A former student of the School may come forward to a current staff member, or volunteer, and disclose past abuse from their time at the School. If you receive a disclosure from a former student about historical abuse, you **must** act.
  - 8.2 If the former student is still of schooling age in Victoria and currently attending a Victorian school, you must follow the *Procedures for Responding to and Reporting Allegations of Child Abuse* in this document, specifically the obligations you may have under the following policies:
    - 8.2.1 The Obligation to Act to Protect;
    - 8.2.2 The Obligation to Report Child Sexual Abuse;
    - 8.2.3 Mandatory Reporting; and
    - 8.2.4 Conduct that is Reportable to the VIT.
  - 8.3 If the former student is no longer of schooling age or attending a school in Victoria, you must still act. Please alert the Headmaster or the Director of Risk, Compliance and Legal Services immediately. For example, if the disclosure includes an allegation against a current staff member or teacher at the School this may trigger obligations under the Obligation to Act to Protect policy to remove the risk of abuse to other students.

### Part 3- Reporting a Child Abuse Concern Internally

1. Child abuse situations can be very complex, not only from the perspective of ascertaining whether abuse has occurred but also in understanding what steps to take to protect a student.
  - 1.1 It is important to remember at all times that the safety and welfare of the student are paramount.
  - 1.2 Therefore, if you have a concern that a student may be experiencing abuse, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with one of the School's Student Safeguarding Officers. The School's Student Safeguarding Officers will be able to assist you in clarifying your concerns and managing next steps.
  - 1.3 Contact details for our Student Safeguarding Officers, including for our Senior Student Safeguarding Officer, are set out in the School's *Our Student Safeguarding Officers* document.
  - 1.4 Please note that reporting the matter internally does not release you from other legal and regulatory reporting obligations you may have, including:
    - 1.4.1 The Obligation to Report a Sexual Offense;



- 1.4.2 The Obligation to Act to Protect;
  - 1.4.3 The Obligation to Make a Mandatory Report; and
  - 1.4.4 The Obligation to Notify Reportable Conduct.
- 1.5 In addition, these reporting obligations apply even if the Headmaster, a Board director or Student Safeguarding Officer advises you not to proceed with reporting suspected abuse.

#### **Part 4- General Legal Obligations to Report a Sexual Offence and “Act to Protect”**

1. In Victoria there are specific criminal offences which impose general obligations on persons:
  - 1.1 Aged 18 years or over to report any belief that a sexual offence has been committed, against a child under the age of 16 years, by a person over the age of 18 years (Crimes Act 1958 (Vic) s372); and
  - 1.2 In authority within a school to act to remove or reduce a substantial risk that a sexual offence will be committed against a child (Crimes Act 1958 (Vic) s490).
2. Details of these obligations are set out in the below sections:
  - 2.1 The Obligation to Report a Sexual Offence:
    - 2.1.1 Source of Obligation:
      - 2.1.1.1 Under the Crimes Act (Vic) (s327), anyone aged 18 years or over must make a report to the Police if they form a reasonable belief that a sexual offence has been committed against a child under the age of 16 years, by a person aged 18 years or over. Failure to make a report without reasonable excuse is an offence and carries a prison term.
      - 2.1.1.2 If a report is made to the Department of Families, Fairness and Housing in accordance with mandatory reporting requirements, an additional report to the Police will not usually be required unless further information is obtained.
      - 2.1.1.3 This obligation applies to anyone aged 18 years or over, including all non-teaching staff, volunteers, and students aged 18 years and over. The legislation also applies to teaching staff if not already covered by the mandatory reporting obligation.
    - 2.1.2 What Must Be Reported?
      - 2.1.2.1 Any person aged 18 years or over who forms a reasonable belief that a sexual offence has been committed by an adult (a person aged 18 years of over) against a child under 16 years has an obligation to report that information to the Police.
    - 2.1.3 What is Reasonable Belief?
      - 2.1.3.1 A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds.
      - 2.1.3.2 A ‘reasonable belief’ might be formed when:
        - 2.1.3.2.1 A child states that they have been sexually abused;
        - 2.1.3.2.2 A child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves);
        - 2.1.3.2.3 Someone who knows the child states that the child has been sexually abused; or
        - 2.1.3.2.4 Signs of sexual abuse lead to a belief that the child has been sexually abused.
    - 2.1.4 Exception – Failure to Disclose:
      - 2.1.4.1 If you fail to disclose a sexual offence against a child to the Police, you will not be held liable where your reason for not reporting that:
        - 2.1.4.1.1 You fear on reasonable grounds for the safety of any person (other than the offender), and a failure to report is reasonable;
        - 2.1.4.1.2 The victim told you about the sexual offence (directly or indirectly), the victim was over 6 years old when they told you about the sexual offence, and the victim requested that the information not be disclosed (unless the victim has an intellectual disability and does not have the capacity to make and informed decision about this); or



- 2.1.4.1.3 You believe on reasonable grounds that the information has already been disclosed to the Police by another person (such as to the Department of Families, Fairness and Housing as part of mandatory reporting) and you have no further information.
- 2.1.4.2 Unacceptable reasons for not reporting include if you are concerned with the interests (including the reputation, legal liability, or financial status) of:
  - 2.1.4.2.1 The person involved in the sexual offence; or
  - 2.1.4.2.2 Any organisation (such as the School).
- 2.1.4.3 A report made under the Children, Youth and Families Act 2005 (Vic) mandatory reporting may constitute a 'reasonable excuse' if you believe that you have no further information to provide to the Police.
- 2.1.5 International Students:
  - 2.1.5.1 The School must notify the VRQA if the alleged sexual offence relates to an international student and the School has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter in relation to that student thereby assuming responsibility for approving the student's accommodation, support and general welfare.
- 2.2 The Obligation to Act to Protect:
  - 2.2.1 Source of Obligation:
    - 2.2.1.1 Where a person is in a position of authority at the School knows a staff member or other person associated with the School poses a substantial risk of committing a sexual offence against a student or students, the person has a duty to take immediate action to ensure that the student or students are protected from that risk.
    - 2.2.1.2 The School has a duty of care which entails protecting all students from foreseeable risks while at school or engaging in School activities.
    - 2.2.1.3 In addition, under section 49O of the Crimes Act 1958 (Vic) a person who:
      - 2.2.1.3.1 By reason of the position they occupy within or in relation to the School, has the power or responsibility **to reduce or remove a substantial risk** that a relevant child (under the age of 16 years who is, or may come under the care, supervision or authority of the School) will become the victim of a sexual offence committed by a person of or over the age of 18 years who is **associated with the School**; and
      - 2.2.1.3.2 **Knows there is a substantial risk** that the person will commit a sexual offence against a relevant child,  
**Must not negligently fail to reduce or remove that risk.**
  - 2.2.2 Who is Responsible for Acting to Protect the Student/s?
    - 2.2.2.1 The person responsible for taking steps to remove or reduce the risk to the student will depend upon the source of the risk. In a normal school context usually a member of the school leadership team would have the necessary degree of supervision, power and authority to remove or reduce the risk. On tours, excursions, or camps a teacher or a volunteer coach could have the requisite power and responsibility.
    - 2.2.2.2 Examples of people in a position of authority include:
      - 2.2.2.2.1 Members of the Board of Directors;
      - 2.2.2.2.2 The Headmaster;
      - 2.2.2.2.3 Members of the School leadership team;
      - 2.2.2.2.4 Teachers; and
      - 2.2.2.2.5 Volunteers where they are in a position of supervision.
  - 2.2.3 When Should Action Be Taken?
    - 2.2.3.1 A person in a position of authority at Ballarat Grammar is required to act if they know that there is a substantial risk that a student or students may become the victim of a sexual offence, and the risk is caused by a person associated with the School.
    - 2.2.3.2 *Knowledge* is more than holding a tentative belief or mere suspicion.



- 2.2.3.3 If a person in authority has a suspicion or believes that students are at risk of harm, they must take steps to follow up on that suspicion or belief by investigating further and should raise the issue with a School Student Safeguarding Officer.
- 2.2.3.4 The duty to act extends to situations where the students at risk or the person in authority is outside of Victoria.
- 2.2.4 What is a Substantial Risk?
  - 2.2.4.1 A risk will be a substantial risk if a reasonable person would have judged the risk of a sexual offence being committed against the student as being substantial.
  - 2.2.4.2 It is not necessary to prove that a sexual offence was committed in order for the substantial risk to exist i.e. a person in a position of authority should not wait for a student to be harmed before acting.
  - 2.2.4.3 A number of factors will contribute to determining if a risk is a substantial risk, including:
    - 2.2.4.3.1 The likelihood or probability that a child will become the victim of a sexual offence;
    - 2.2.4.3.2 The nature of the relationship between a child and the adult who may pose a risk to the child;
    - 2.2.4.3.3 The background of the adult who may pose a risk to the child, including any past or alleged misconduct;
    - 2.2.4.3.4 Any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence; and
    - 2.2.4.3.5 Any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.
- 2.2.5 Who is “a Person Associated with the School”?
  - 2.2.5.1 A person associated with the School is an adult and can be a:
    - 2.2.5.1.1 Members of the Board of Directors;
    - 2.2.5.1.2 Headmaster;
    - 2.2.5.1.3 Teacher;
    - 2.2.5.1.4 Boarding house supervisor;
    - 2.2.5.1.5 Employee;
    - 2.2.5.1.6 Volunteer (including parents, guardians and caregivers); or
    - 2.2.5.1.7 Third Party Contractor.
  - 2.2.5.2 A person will not be considered to be associated with the School purely because they receive services from the School.
- 2.2.6 Procedure to Reduce or Remove a Substantial Risk:
  - 2.2.6.1 Where any staff member, volunteer, or other person in a position of authority at the time, becomes aware of a risk of a sexual offence against a student or students under their care, they should immediately:
    - 2.2.6.1.1 Take reasonable steps which would remove or reduce the risk to the student or students, which may include immediately removing the person from contact with student or students;
    - 2.2.6.1.2 Report the matter to a School Student Safeguarding Officer, and the Headmaster, as soon as practicable;
    - 2.2.6.1.3 Conduct an investigation unless this relates to a Mandatory Reporting situation; and
    - 2.2.6.1.4 Make the appropriate report.
  - 2.2.6.2 Appropriate action to be taken may include, for example:
    - 2.2.6.2.1 A current employee who is known to pose a risk to a student or students should be immediately removed from contact with students and reported to authorities and investigated; or
    - 2.2.6.2.2 A parent who is known to pose a risk of sexual abuse to children in a school should not be allowed to attend overnight school camps as a parent helper.



**2.2.6.3 Whenever there are concerns that a student is in immediate danger call the Police on 000.**

**Part 5- Mandatory Reporting**

1. Source of Obligation:
  - 1.1 The Children, Youth and Families Act 2005 (Vic) (CYFA) requires that mandatory reporters must make a report to Child Protection when they believe that a child (aged under 17 years) is in need of protection from significant harm from physical injury or sexual abuse.
  - 1.2 If a report is made by mandatory reporters in accordance with CYFA mandatory reporting obligations, an additional report to the Police under s327 Crimes Act 1958 (Vic) may not be required unless you have further information.
  - 1.3 This section must be read in conjunction with the defined in *Student Safety Definitions and Additional Resources* document and The Obligation to Report a Sexual Offence section above.
2. Who Must Make a Mandatory Report?
  - 2.1 Mandatory reporters are defined by the CYFA and include:
    - 2.1.1 Any person who is registered as a teacher under the Education and Training Reform Act (2006);
    - 2.1.2 Any person who has been granted to teach under the Act, including Headmasters;
    - 2.1.3 Registered medical practitioners;
    - 2.1.4 Registered nurses;
    - 2.1.5 Registered psychologists; and
    - 2.1.6 Members of the Victorian Police Force.
  - 2.2 In addition, all staff who are employees of the School should, if they have a belief or suspicion that a child is being or has been subjected to any form of abuse, make a report.
  - 2.3 It is the responsibility of other staff, volunteers or members of the School community to check whether they are Mandatory Reporters under child protection legislation.
  - 2.4 Although only mandatory reporters have a legal responsibility to report abuse, everyone has a moral responsibility to report all types of possible or known child abuse.
3. Reporting by Non-Mandated Staff
  - 3.1 If you are not a Mandatory Reporter, you still have the option of making a report to Child Protection under the CYFA if you believe on reasonable grounds that a child is in need of protection.
  - 3.2 The CYFA states that any person who believes on reasonable grounds that a child is at risk of harm should report their concern to Child Protection
  - 3.3 All School staff who have concerns that a student may be in need of protection or may have been the victim of a sexual offence, should notify a School Student Safeguarding Officer as soon as possible to discuss their concerns. Also refer to The Obligation to Report a Sexual Offence section above.
  - 3.4 **A Mandatory Reporter must make a report even if the Student Safeguarding Officer does not share their belief that a report must be made.**
4. What Gives Rise to a Mandatory Report?
  - 4.1 The CYFA states that Mandatory Reporters must report to the Department of Families, Fairness and Housing Child Protection, when in the course of their professional duty:
    - 4.1.1 They form a belief **on reasonable grounds** that a child is in need of protection where the child has suffered, or is likely to suffer, **significant** harm as a result of **physical injury** or **sexual abuse**;
    - 4.1.2 And the child's **parents have not protected, or are unlikely to protect**, the child from harm of that type.
  - 4.2 *Reasonable Grounds*:
    - 4.2.1 The concept of reasonable grounds requires you to consider whether another person, when faced with similar information, would also draw the same conclusions. It does not mean reporters are required to be certain, but rather reporters should ensure that their concerns



are well founded and based in information from a reliable source. There may be reasonable grounds for forming such a belief if:

- 4.2.1.1 A child states they have been physically or sexually abused;
  - 4.2.1.2 A child states that they know someone who has been physically or sexually abused;
  - 4.2.1.3 Someone who the child knows states that the child has been physically or sexually abused;
  - 4.2.1.4 A child shows signs of being physically or sexually abused;
  - 4.2.1.5 The staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a child's safety, stability or development;
  - 4.2.1.6 The staff member observes signs of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision; or
  - 4.2.1.7 A child's actions or behaviours may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child.
- 4.2.2 Grounds for belief include matters of which a person has become aware and any opinions based on those matters.
- 4.2.3 In identifying a concern, a staff member may ask students sufficient basic questions to establish a reasonable belief, but care should be taken to not ask leading questions. It is not the responsibility of the notifier to take on a role of investigator, but any information of concern must be passed on to a Student Safeguarding Officer. This information is confidential and is not to be discussed with any other person.

#### 4.3 *Significant:*

- 4.3.1 'Significant' means that which is sufficiently serious to warrant a response by statutory authority irrespective of a family's consent.
- 4.3.2 What is 'significant' is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on a child's safety, welfare or wellbeing.
- 4.3.3 Significant harm can result from a single act or omission or an accumulation of these.

#### 4.4 *Physical Injury or Sexual Abuse:*

- 4.4.1 To assist in identifying physical injury or sexual abuse, refer to the School's information in the defined in *Student Safety Definitions and Additional Resources* document.

#### 4.5 *Parents Have Not Protected, or Are Unlikely to Protect, the Child from Harm of That Type:*

- 4.5.1 The meaning of this phrase is not defined by legislation, but some examples may assist.
- 4.5.2 A parent 'who has not protected or is unlikely to protect that child from harm of that type' includes a parent who wants to protect their child but lacks the means to.
- 4.5.3 It also includes a parent who has the means to protect their child but does not want to.
- 4.5.4 A parent might be rendered 'unlikely to protect' that child for many reasons. For example:
  - 4.5.4.1 That parent does not, or refuses to recognise that harm is occurring;
  - 4.5.4.2 That parent or child may subject to domestic violence; or
  - 4.5.4.3 That parent's partner may be abusive or harmful to the child.
- 4.5.5 'Parent' includes:
  - 4.5.5.1 The child's father;
  - 4.5.5.2 The child's mother;
  - 4.5.5.3 The spouse of the mother or father of the child;
  - 4.5.5.4 The domestic partner of the mother or father of the child;
  - 4.5.5.5 A person who has custody of the child;
  - 4.5.5.6 A person who is named as the father on the child's birth certificate;
  - 4.5.5.7 A person who acknowledges that he is the father of the child by an instrument under the Status of Children Act 1974 (Vic); and
  - 4.5.5.8 Person in respect of whom a court has made a declaration or a finding or order that the person is the father of the child.

#### 5. Observations of Potential Abuse:





- 5.1 Staff members who may have made observations and feel concern is warranted, should keep notes that may lead to further reporting. These dated notes should be recorded on the Mandatory Reporting Record Form. The identified concerns, together with these forms should be discussed with a Student Safeguarding Officer.
- 5.2 The form/s will be stored as a cumulative record in the student's file and may be acted upon if deemed necessary. Notification of any further action will take place to the Headmaster.
6. What to Report and When:
  - 6.1 Section 184(1), CYFA, requires Mandated Reporters to report their belief, when the belief is formed in the course of practicing their profession, a report **must be made as** soon as practicable after forming the belief, and on **each occasion** on which they become aware of any further reasonable grounds for belief.
  - 6.2 There may be times when two or more mandated professionals, for example a teacher and a principal, or a doctor and a nurse, have formed a belief about the same child on the same occasion. In this situation it is sufficient that **only one** of the mandated professionals make a report. **The other is obliged to ensure that the report has been made** and that all the grounds for their own belief were included in the report made by the other person (s. 184(2)).
  - 6.3 In the case where one mandated professional directs another mandated professional not to make a report, and one professional continues to hold the belief that a child is in need of protection, then that professional is **legally obligated** to make a report to Child Protection.
  - 6.4 If a staff member believes a report to Child Protection is required, it is their responsibility to make that report, or ensure that the report is made. While it is expected that a Student Safeguarding Officer will be notified of concerns, and those concerns discussed, and the Headmaster consulted, the obligation to report lies with the teacher first identifying the concern. A report is lodged through contacting Child Protection (phone: 1800 075 599 during business hours or 13 12 78 after hours).
  - 6.5 For guidance on making a decision on whether to report, refer to *Making a Report to Child Protection or Child FIRST* (Annexure 3).
  - 6.6 The following information will be required when making a report:
    - 6.6.1 The student's name, date of birth, and place of residence;
    - 6.6.2 The name, date of birth, and place of residence of any known siblings;
    - 6.6.3 Your reason for believing that the injury or behaviour is the result of abuse or neglect;
    - 6.6.4 Your assessment of the immediate danger to the student;
    - 6.6.5 Current whereabouts of the student;
    - 6.6.6 Description of the injury or behaviour observed; and
    - 6.6.7 Any other known information about the student's family.
    - 6.6.8 The name of the person making the report, the name of the school, and their contact number is also required when making a report.
  - 6.7 The identity as a notifier will remain confidential unless:
    - 6.7.1 You chose to inform the student and/or family of the notification yourself; or
    - 6.7.2 You chose to consent to your identity as the notifier being disclosed.
7. How is a Report/Referral Made?
  - 7.1 Whenever there are concerns that a student is in immediate danger the Police should be called on 000.
  - 7.2 A report to Child Protection should be considered if the staff member forms the view the student in need of protection because:
    - 7.2.1 The harm or risk of harm has a serious impact on the student's immediate safety, stability or development;
    - 7.2.2 The harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability or development; or
    - 7.2.3 The child's parents cannot or will not protect the child from harm.
  - 7.3 Additionally, to report concerns about the immediate safety of a child within their family unit, call the 24-hour Child Protection Crisis Line on 13 12 78.



- 7.4 Concerns that require immediate attention should be made to the local or regional Child Protection office on 1800 075 599 Monday – Friday 8:45am-5:00pm or the After Hours 24-hour Child Protection Crisis Line on 13 12 78.
8. What If I Don't Have a Reasonable Belief?
- 8.1 If you don't have reasonable belief about a child, but still have concerns, you can refer the matter to a School Student Safeguarding Officer.
- 8.2 There is also the option to refer the matter to Child FIRST.
- 8.3 A referral to Child First should be considered if a staff member forms the view that the concerns have a low-to-moderate impact on the child and the immediate safety of the child is not compromised.
- 8.4 A referral can be made when the following factors may affect a child:
- 8.4.1 Significant parenting problems;
- 8.4.2 Family conflict;
- 8.4.3 A family member's physical or mental illness, substance abuse, disability or bereavement;
- 8.4.4 Isolated or unsupported families; and
- 8.4.5 Significant social or economic disadvantage.
- 8.5 For more information refer to Responding to Other Concerns About the Wellbeing of a Student, below.
9. What Happens After a Report/Referral is Made?
- 9.1 After receiving a report, Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required. In most cases, Child Protection will inform the reporter of the outcome of the report.
- 9.2 After receiving a referral, Child FIRST may consult an experienced community-based Child Protection practitioner in their assessment, the assessment may lead to the involvement of a local family services organisation.
- 9.3 In most cases, Child FIRST will inform the referrer of the outcome of the referral.
- 9.4 Child FIRST must report the matter to Child Protection if they form the view the child is in need of protection.
- 9.5 Reports made to the Police will be dealt with in accordance with Police practice.
- 9.6 *Communication*
- 9.6.1 The need for confidentiality is required at all times in the interest of the student and family. If following a report, the family approaches the School, they should be directed to speak with a Student Safeguarding Officer.
- 9.6.2 If Child Protection seeks an interview with the student at Grammar, the request may be directed to the Headmaster or a Student Safeguarding Officer. It is important to advise students of their right to have a supportive adult present at such an interview, which may include an Assistant Head or other staff member. The senior staff member will ensure the discussion takes place with a minimum of two senior staff members or Student Safety Officers. Please observe confidentiality at all times. Other staff members are not to engage in discussion with any members of the School community on their own accord in relation to these incidents but refer them to the Director of Care.
- 9.7 *Monitoring*
- 9.7.1 After notification to Child Protection is made, a senior protective worker will determine if further investigation is required. The notifying senior staff member will be notified of this decision or if not, it should be followed up with Child Protection by a Student Safeguarding Officer.
10. International Students:
- 10.1 The School must notify the VRQA if the alleged sexual offence relates to an international student and the School has issued a CAAW letter in relation to that student thereby assuming responsibility for approving the student's accommodation, support and general welfare.
11. Ongoing Support:



- 11.1 Pastoral support will be offered by the Ballarat Grammar Psychologist/s to any students requiring assistance.
- 11.2 The notifying staff member/other staff will be offered pastoral support via the School's external provider – Mind Life Clinic.

## Part 6- Reportable Conduct

1. Source of Obligation
  - 1.1 The Child Wellbeing and Safety Act 2005 (Vic) (the Act) requires Ballarat Grammar to investigate and report to the Commission allegations of 'employee' reportable conduct or misconduct that may involve reportable conduct.
  - 1.2 The School has developed the following Reportable Conduct of Staff, Volunteers and Others policy which sets out our systems for enabling persons to report reportable conduct and for such reports to be investigated and responded to. This policy is made available to all staff, volunteers, Contractors, members of the Board, families and students via our public website and staff intranet.
  - 1.3 The Commission's website provides additional guidance and materials which assist the School to understand and meet their obligations under the Act:  
<https://ccyp.vic.gov.au/reportable-conduct-scheme/>
2. Who is an Employee?
  - 2.1 For the purposes of the Act, 'employee' is defined as a person aged 18 years or over who is:
    - 2.1.1 Employed by the School whether or not that person is employed in connection with any work or activities of the School that relate to children; or
    - 2.1.2 Engaged by the School to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to children.
  - 2.2 A minister of religion or religious leader is also an employee.
3. What is Reportable Conduct?
  - 3.1 Reportable conduct is defined in the Act to mean:
    - 3.1.1 A sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded;
    - 3.1.2 Sexual misconduct against, with or in the presence of, a child;
    - 3.1.3 Physical violence committed against, with or in the presence of, a child;
    - 3.1.4 Any behaviour that causes significant emotional or psychological harm to a child; or
    - 3.1.5 Significant neglect of a child.
    - 3.1.6 A "sexual offence" for the purposes of the Reportable Conduct Scheme means a serious sexual offence as set out in clause 1 of Schedule 1 of the Sentencing Act 1991 (Vic), and is defined in *Student Safety Definitions and Additional Resources*.
    - 3.1.7 "Sexual misconduct" includes:
      - 3.1.7.1 Behaviour, physical contact or speech or other communication of a sexual nature, for example 'sexting';
      - 3.1.7.2 Inappropriate touching or physical contact;
      - 3.1.7.3 Grooming behaviour; and
      - 3.1.7.4 Voyeurism.
    - 3.1.8 "Significant" means in relation to emotional or psychological harm or neglect, that the harm is more than trivial or insignificant, but need not be as high as serious and need not have a lasting permanent effect.
    - 3.1.9 The Commission has provided guidance on how to identify physical violence, behaviour that causes emotional or psychological harm to a child and neglect.
    - 3.1.10 **Physical violence** includes an act that causes physical injury or pain, and is defined above.
    - 3.1.11 **Behaviour that causes emotional or psychological harm to a child** (defined in *Student Safety Definitions and Additional Resources*) requires a clear link between the



alleged conduct and the significant harm suffered (significant as defined in *Student Safety Definitions and Additional Resources*).

- 3.1.11.1 Signs that a child may have been emotionally or psychologically harmed may include:
  - 3.1.11.1.1 Patterns of out-of-character behaviour;
  - 3.1.11.1.2 Regression in behaviour;
  - 3.1.11.1.3 Distress and anxious behaviours; and
  - 3.1.11.1.4 Other physical symptoms, such as self-harm.
- 3.1.11.2 The exacerbation or aggravation of an existing mental health disorder may also cause emotional psychological harm.
- 3.1.11.3 It will not be reportable conduct if:
  - 3.1.11.3.1 A person takes reasonable steps to protect a child from immediate harm;
  - 3.1.11.3.2 A person with responsibility for discipline takes lawful and reasonable disciplinary action, such as sending a child to sit in “time out” for a period of time (refer to our *Student Discipline* policy); or
  - 3.1.11.3.3 An appropriately qualified person gives medical treatment in good faith such as a first aid officer administering first aid.
- 3.1.11.4 **Neglect** (as defined in *Student Safety Definitions and Additional Resources*) occurs when a person does not meet their obligations and responsibilities to keep a child safe and well. The neglect:
  - 3.1.11.4.1 Must be more than minor and insignificant
  - 3.1.11.4.2 Does not need to have a lasting or permanent effect; and
  - 3.1.11.4.3 May be an ongoing situation or a one-off incident, as long as it is not minor in nature.
- 3.1.11.5 Refer to the *Student Safety Definitions and Additional Resources* document for more information about sexual offences, grooming, physical violence, emotional or psychological harm and neglect.
- 3.1.11.6 Our *Student Safety Code of Conduct* outlines expected standards of behaviour of staff members at the School when interacting with children and young people. The commission of conduct which breaches the *Student Safety Code of Conduct* with constitute reportable conduct under this policy.
- 3.1.11.7 Our *Professional Boundaries* policy explains the importance of staff members maintaining professional boundaries with children. If a professional boundary is crossed, the conduct involved will constitute reportable conduct under this policy.

#### 4. What Must be Notified?

- 4.1 Under the Act, the School must notify the Commission of a reportable allegation against a staff member.
- 4.2 Reportable allegation is defined in the Act to mean any information that leads a person to form a reasonable belief that an employee (member of staff) has committed:
  - 4.2.1 Reportable conduct or
  - 4.2.2 Misconduct that may involves reportable conduct;Whether or not the conduct/misconduct is alleged to have occurred in the course of the person’s employment at the School.
- 4.3 Guidance from the Commission states that reasonable belief is more than a suspicion. There must be some objective basis for the belief. However, it is not the same as proof and does not require certainty.

#### 5. Who Must Notify?

- 5.1 Under the Act, any person may disclose a reportable allegation to the Commission (section 16L). a disclosure can be made using an online form available from the Commissions website, by phone or by letter: <https://ccyp.vic.gov.au/reportable-conduct-scheme/>





- 5.2 At the School, the “head” of the School must notify the Commission (section 16M). It is a criminal offence if the head fails, without reasonable excuse, to comply with this obligation. The Act does not define what would be a “reasonable excuse” however section 16M(5) provides an exception if the head honestly and reasonably believed that another person had notified the Commission.
- 5.3 The “head” is defined in the Act to include the chief executive officer or principal officer of the entity.
- 5.4 The definition of an “entity” in the Act requires the School to consider its governance structure and operations to determine who the “head” will be.
- 5.5 The head of the School must make a report using an online form available from the Commission’s website: <https://ccyp.vic.gov.au/reportable-conduct-scheme/>
- 5.6 In practice, the head is the person who is primarily responsible for the School’s compliance with the reportable conduct obligations under the Act. Guidance from the Department of Families, Fairness and Housing states that a school principal may be a head.
- 5.7 At Ballarat Grammar, the head is the Headmaster.
6. Headmaster and Delegation:
  - 6.1 The Headmaster is responsible for ensuring the School complies with the reportable conduct obligations under the Act however the Headmaster may delegate parts of their responsibility to facilitate the implementation of this policy. Guidance from the Commission supports the introduction of systems to assist the Headmaster to fulfill their obligations under the Act.
  - 6.2 It is important to note that while the Student Safeguarding Officer does not have a formal role under the Act (unless they are the “head” of the school), the Headmaster may seek their assistance in the administration of the procedures in this policy. For example: the Student Safeguarding Officer may assist the Headmaster to compile the information required to report to the Commission.
  - 6.3 The Headmaster must ensure that delegation procedures are in place if the Headmaster knows they will be absent or is unexpectedly absent from School. If a person has information supporting a reportable allegation while the Headmaster is away, the School must be able to notify the Headmaster to ensure that the Headmaster is made aware of the reportable allegation so that they can respond as soon as practicable.
  - 6.4 Despite any allegation which may occur, the Headmaster will remain responsible and accountable for the responsibilities under the Act.
7. Reportable Conduct and Other Reporting Obligations:
  - 7.1 The Reportable Conduct obligation covered in this section is separate and distinct from the:
    - 7.1.1 Mandatory Reporting obligation under the Children, Youth and Families Act 2005 (Vic);
    - 7.1.2 Obligation to Report a Sexual Offence obligation under the Crimes Act 1958 (Vic); and
    - 7.1.3 Conduct that is Reportable to the VIT under the Education and Training Reform Act 2006 (Vic).
  - 7.2 The threshold for reporting allegations of reportable conduct is much lower than these other reporting obligations.
  - 7.3 **Any allegations of criminal conduct, including physical violence, significant emotional or psychological abuse, sexual offences and significant neglect must be reported to the Victorian Police as the first priority. A Police investigation will take priority over any investigation conducted by the School under this policy.**
8. Internal Reporting of Reportable Allegations:
  - 8.1 As soon as a person, including a staff member, forms a reasonable belief that a staff member at the School has engaged in reportable misconduct that may involve conduct (the reportable allegation), the person must notify the Headmaster.
  - 8.2 The report may be verbally or in written form using the Responding to Suspected Child Abuse Template available below (Annexure 4).
  - 8.3 While this Template was made for reporting abuse, rather than reportable conduct, it is an excellent way to record as much information about the incident/s as is available.



- 8.4 Where the reportable allegation involves the Headmaster, the staff member must notify the Chair of the Board or the Commission using an online form from the Commission's website, by phone or by letter.
- 8.5 Where a verbal report is made by a staff member, it should be followed up with a written report provided to the Headmaster within 48 hours of the verbal report.
- 8.6 Where a staff member has a reasonable belief that the Headmaster has engaged in reportable conduct, verbal and written reports should be given to the Chair of the Board or the Commission using an online form available from the Commission's website, by phone or by letter.
9. Reporting to the Commission: The Headmaster or Chair of the Board:
- 9.1 Where the Headmaster receives a reportable allegation from any person, including a staff member, they must notify the Commission within three business days.
- 9.2 Where the reportable allegation involves the Headmaster, the person must notify the Chair of the Board who will become the 'head of the School' for the purposes of reporting the reportable allegation.
- 9.3 There are two stages of reporting. The Commission must be notified by the Headmaster in writing of:
- 9.3.1 The reportable allegation as soon as possible, and in any event within three business days of the Headmaster being notified of the reportable allegation (*Stage One Report*); and
- 9.3.2 The proposed next course of action (see below), as soon as practicable, and within 30 days of being made aware of the reportable allegation (*Stage Two Report*).
10. *Stage One Report*
- 10.1 The report to the Commission must state:
- 10.1.1 That a reportable allegation has been made against a staff member;
- 10.1.2 The name (including any former name and alias, if known) and date of birth, if known, of the staff member;
- 10.1.3 Whether Victoria Police has been contacted about the reportable allegation;
- 10.1.4 The name, address and telephone number of the School; and
- 10.1.5 The name of the Headmaster.
- 10.2 An online form available on the Commission's website must be used for the *Stage One Report*: <https://ccyp.vic.gov.au/reportable-conduct-scheme/>
- 10.3 If the staff member is a registered teacher and the misconduct involves a charge, conviction or finding of guilt of a sexual offence, the School must notify the VIT immediately under Conduct that is Reportable to the VIT, below. The timing of making a *Stage One Report* to the Commission under this policy will coincide with the timing of a report made to the VIT.
11. *Stage Two Report*
- 11.1 The report to the Commission must state:
- 11.1.1 Detailed information about the reportable allegation;
- 11.1.2 Whether or not the School proposes to take any disciplinary or other action in relation to the staff member and the reasons why it intends to take, or not take, that action; and
- 11.1.3 Any written submissions made to the Headmaster concerning the reportable allegation that an employee wished to have considered in determining what, if any disciplinary or action should be taken in relation to the staff member.
- 11.2 **Any allegation of child abuse, including physical violence, significant emotional or psychological abuse, sexual offences or significant neglect, must be reported to the Victorian Police. A Police investigation will take priority over any investigation conducted by the School under this policy.**
12. What Happens After a Report to the Commission is Made?
- 12.1 After the Headmaster or the Chair of the Board has made a report to the Commission, they must ensure that an appropriate investigation of the reportable allegation is conducted.
- 12.2 The investigation can be conducted by the Headmaster or the Chair of the Board (if the allegation involves the Headmaster) or the School can appoint a regulator (for example the VIT) or an independent investigator. A regulator engaged by the School for the purposes of an investigation may also appoint an independent investigator.



- 12.3 The Headmaster must notify the Commission of who will be conducting the investigation.
- 12.4 The investigation must be concluded in accordance with the rules of procedural fairness and natural justice. For example, the investigation should be concluded without bias and the person against whom the allegation is made should be given the right to respond. Refer to the Commission's Information Sheet 4 Investigation overview for more information on what to consider then conducting an investigation:  
<https://ccyp.vic.gov.au/assets/resources/Investigation-overview.pdf>
- 12.5 A Police investigation into any matter take priority over an investigation by the School. On becoming aware that the Police are investigating a reportable allegation:
- 12.5.1 The Headmaster should consult with the Police before commencing an investigation to find out if the Police are, or will be, conducting an investigation; or
- 12.5.2 The School's investigation should be put on hold until the Police Investigation is complete.
- 12.6 The Headmaster or Chair must give the Commission:
- 12.6.1 A copy of the findings of the investigation and the reasons for the findings;
- 12.6.2 Details of any disciplinary or other action that the Headmaster (or Chair) proposes to take in relation to the staff member and the reasons for that action; and
- 12.6.3 If the Headmaster (or Chair) does not propose to take any disciplinary or other action in relation to the staff member, the reasons why no action is being taken.
- 12.7 Under the Act, a staff member may see a review by the Commission of a finding made at the conclusion of an investigation.
13. Information Sharing: Children and Parents/Carers
- 13.1 Under the Act, the Headmaster may disclose:
- 13.1.1 Information about the progress of the investigation;
- 13.1.2 The findings, reasons for the findings and the recommendations made at the conclusion of the investigation; or
- 13.1.3 An action taken in response to those findings;
- 13.2 To:
- 13.2.1 The child who is the subject of the reporting allegation;
- 13.2.2 A parent;
- 13.2.3 A carer; or
- 13.2.4 The Department of Families, Fairness and Housing if the child is under its care.
14. Information Sharing: Schools, the Commission and Others
- 14.1 Under the Act, the Headmaster may disclose information in relation to:
- 14.1.1 A reportable allegation;
- 14.1.2 A concern that reportable conduct has been committed;
- 14.1.3 The investigation of a reportable allegation or concern about reportable conduct;
- 14.1.4 The findings of an investigation and the reasons or recommendations made at the conclusion of the investigation; or
- 14.1.5 Any action taken in response to those findings;
- 14.2 To:
- 14.2.1 The Commission;
- 14.2.2 The head of another entity governed by the Act, such as another school;
- 14.2.3 A regulator;
- 14.2.4 The Chief Commissioner of Police;
- 14.2.5 If necessary for the purposes of an investigation, an independent investigator;
- 14.2.6 If necessary for the purposes of a Working with Children Check, the Secretary to the Department of Justice and Community Safety; and
- 14.2.7 A relevant Minister.
15. Publication of Information
- 15.1 The School must not publish information that would enable the identification of:
- 15.1.1 A person or who notified the Commission; or



15.1.2 A child in relation to whom a reportable allegation was made or a finding of reportable conduct was made.

15.2 The Act provides more information on the meaning of 'publish', which includes making the information publicly available in writing or email.

## 16. Powers of the Commission

16.1 The Commission has broad powers under the Act in relation to investigating a reportable allegation at the School. The Commission may visit the School, inspect documents and interview staff members or children involved in reportable allegation.

16.2 The School must assist the Commission in all reasonable aspects of its investigation.

## Part 7- Responding to Other Concerns About the Wellbeing of a Student

### 1. Responding to Other Concerns About the Wellbeing of a Student:

1.1 If you have any concern about the wellbeing of a child or young person, regardless of whether or not it has been caused by abuse or neglect, your concern should be taken seriously and acted upon.

1.2 The School and its staff (as defined in *Student Safety Definitions and Additional Resources*) owe a duty of care to all students at the School to ensure that they feel safe and are supported at School.

1.3 Concerns about the wellbeing of a student, that do not appear to be the result of abuse or neglect, may be reported to:

1.3.1 Child FIRST; and

1.3.2 The Victorian Police.

1.4 Child Protection should also be contacted if you believe a student is in need of protection.

### 2. Child FIRST:

2.1 Child FIRST is a community-based referral point to Family Services in Victoria. In addition to reporting suspected abuse to the appropriate authorities in accordance with the procedures set out in this policy, all staff should make a referral to Child FIRST if:

2.1.1 You have significant concern for a student's wellbeing;

2.1.2 Your concerns have a low-to-moderate impact on the student;

2.1.3 The student's *immediate* safety is not compromised; and

2.1.4 You, or the School, have discussed the referral with the student's family and they are supportive of it.

2.2 Examples of concerns that staff should refer to Child FIRST include instances where a student's care or development is significantly impacted by:

2.2.1 Parenting problems;

2.2.2 Family conflict or breakdown;

2.2.3 Pressure due to family member's physical/mental illness; or

2.2.4 Significant social or economic disadvantage.

### 3. Victoria Police:

3.1 In addition to reporting suspected abuse to the appropriate authorities in accordance with the procedures set out in this policy, all staff **must contact Victoria Police on 000** if:

3.1.1 A student's immediate safety is compromised; or

3.1.2 A student is partaking in any risk-taking activity that is illegal or extreme in nature or poses a high risk to the student.

### 4. Department of Families, Fairness and Housing Child Protection:

4.1 In addition to reporting suspected abuse to Child FIRST or the police, in accordance with the procedures set out in this policy, all staff should contact Child Protection if you believe **a student is in need of protection**.

4.2 Common grounds for protection include instances where:

4.2.1 A student's parents have abandoned the student and after reasonable inquiry, the parents cannot be found and no other suitable person can be found who is willing and able to care for the student;



- 4.2.2 A student's parents are dead or incapacitated and there is no other suitable person willing and able to care for the student;
- 4.2.3 A student is displaying extreme risk-taking behaviour, which has potentially severe or life-threatening consequences. For example: severe alcohol or drug use, unsafe sexual activity including prostitution, or violent or dangerous peer group activity. Staff should also report extreme risk-taking behaviour that is illegal to the Police; or
- 4.2.4 There is a threat of harm to an unborn child, including circumstances where a parent has previously demonstrated an inability to safely parent.

## **Part 8- Conduct that is Reportable to the VIT**

1. Reportable Conduct:
  - 1.1 The School has a duty of care to investigate and act on allegations of employee misconduct or conviction which relate to their ability to perform their functions.
  - 1.2 Under the Education and Training Reform Act 2006 (Vic), the School must notify the Victorian Institute of Teaching (VIT) once the School has taken action against a registered teacher. The VIT then has the powers to investigate and take further action.
2. VIT Reporting, Mandatory Reporting & Reporting to the Commission:
  - 2.1 The reportable conduct obligation covered in this policy is separate and distinct from the Mandatory Reporting obligation under the Children, Youth and Families Act 2005 (Vic) (refer to the section on *Mandatory Reporting*, above) and the Reportable Conduct obligation under the Child Wellbeing and Safety Act 2005 (Vic) (refer to the section on *Reportable Conduct of Staff, Volunteers and Others*, above).
3. Internal Reporting of Allegations of Staff Misconduct:
  - 3.1 Any allegation of staff misconduct must be immediately reported to the Headmaster, or the Chair of the Board of Directors should the allegation involve the Headmaster.
4. Internal Investigation of Allegations of Misconduct:
  - 4.1 Once an allegation of misconduct has been made (which does not require reporting to Child Protection under the Mandatory Reporting obligations outlined above) an internal investigation, led by the Headmaster, or the Chair of the Board of the allegation relates to the Headmaster, will be conducted in such a manner as the particular circumstances demand.
  - 4.2 It is important to note that an internal investigation must not be conducted in relation to an allegation that is the subject of Mandatory Reporting until clearance is given by the relevant authorities (the Police or Child Protection).
5. Reporting Obligations to the VIT:
  - 5.1 The School must notify the VIT if the School has taken action against a registered teacher in response to:
    - 5.1.1 Allegations of serious misconduct;
    - 5.1.2 Serious incompetence;
    - 5.1.3 Fitness to teach (which relates to character, reputation and conduct, and whether the teacher is physically and mentally able to teach); or
    - 5.1.4 A registered teacher's ability to practice as a teacher is seriously detrimentally affected or likely to be seriously affected because of an impairment.
  - 5.2 The School must immediately notify the VIT if the School becomes aware that a teacher:
    - 5.2.1 Has been charged with or committed for trial for a sexual offence (including grooming, encouragement and child pornography offences); or
    - 5.2.2 Has been convicted or found guilty of an indictable offence (offences detailed in the Crimes Act 1958 (Vic) and the Wrongs Act 1958 (Vic), including offences which carry prison sentences of 5 years or more or penalties over a threshold level).
  - 5.3 The School should also notify the VIT if a teacher takes action against them in another forum such as the Fair Work Commission.
6. What "Action" Must Be Reported:
  - 6.1 "Actions" which will be reported by the School to the VIT include, but are not limited to:



- 6.1.1 Disciplinary action taken by the School; or
- 6.1.2 Where a teacher resigns after being advised by the School that it is inquiring into allegations.
- 7. When to Notify the VIT:
  - 7.1 The VIT should be notified of the action taken against a teacher once the process initiated by the School has been initiated.
- 8. VIT Response:
  - 8.1 On receiving the notification, the VIT has the power to:
    - 8.1.1 Ensure that it has obtained all relevant information from the School, and may request further information;
    - 8.1.2 Decide whether the matter does not reach the threshold required for it to proceed;
    - 8.1.3 Conduct an investigation, an informal hearing, or a formal hearing; or
    - 8.1.4 Summarily suspend the teacher on an interim basis pending an investigation, if the VIT forms a reasonable belief that the teacher poses an unacceptable risk of harm to students and believes that suspension is necessary to protect students.
  - 8.2 A formal hearing may result in findings which can result in cautions, reprimands, conditions imposed including counselling and further education, suspension, cancellation of registration and/or a period of disqualification.
- 9. Impact on WWC Check:
  - 9.1 Where an employee, volunteer, or contractor has been charged with or found guilty of serious sexual, violent or drug-related offence (including grooming and child pornography offences) (Category A or Category B offence in the Worker Screening Act 2020 (Vic)) their WWC Check card will be revoked and they will not be able to work, or volunteer to work with children.
- 10. International Students:
  - 10.1 The School must notify the VRQA if an alleged student safety incident, suspension or disclosure relates to an international student and the School has issued a CAAW letter in relation to that student thereby assuming responsibility for approving the student's accommodation, support and general welfare.

## Part 9- Communication with Parents/Carers

- 1. In many cases of suspected child abuse, or where it is suspected that a student is at risk of being abused, it is critical that the student's parents/carers are notified as soon as practicable after a notification has been made to the appropriate external authority. This enables the student's parents/carers to take steps to:
  - 1.1 Prevent or limit their child's exposure to further abuse; and
  - 1.2 Ensure that their child receives the support that is needed.
- 2. It is the School's policy that any notification made to parents/carers of a student suspected to have been abused, or is at risk of being abused, is made by the Headmaster or a Student Safeguarding Officer after a notification to either Child Protection or the Police has been made. The Headmaster may delegate this duty to the Assistant Head – Student Care and Wellbeing, the Director of Care, or a Psychologist employed by the School, if deemed appropriate.
- 3. **Before contacting the parents/carers** the School's Headmaster or a Student Safeguarding Officer **must** seek advice from Child Protection or the Police, depending on who the report was made to. The Headmaster or a Student Safeguarding Officer will be advised by an external authority not to contact the parents in circumstances where:
  - 3.1 The parents/carers are alleged to have engaged in the abuse;
  - 3.2 A disclosure to the parents/carers may subject the student to further abuse;
  - 3.3 The child is a mature minor (assessed to be sufficiently intelligent and mature to make such decisions on their own behalf) and had requested that the parents/carers not be contacted; or
  - 3.4 The notification is likely to have an adverse effect on an ongoing investigation into the incident.



4. The Headmaster may disclose information about an investigation into a reportable allegation to a parent or carer of the student in relation to which a reportable allegation has been made. Refer to Reportable Conduct for Staff, Volunteers and Others, above.

#### **Part 10- Support for Students Interviewed at the School**

1. The School has certain legal requirements when a request is made by the Police or Child Protection workers to interview students regarding student safety incidents at the School. Students to be interviewed may include victims, witnesses or those alleged to have perpetrated abuse.
2. Support for students:
  - 2.1 All students interviewed by the Police or Child Protection at the School must be supported. Where possible, the student's parents/carers should be present for any interview. Where this is not practicable, or the Police or Child Protection to not allow it one of the following persons may provide support to the student during the interview, as appropriate:
    - 2.1.1 The Headmaster;
    - 2.1.2 A Student Safeguarding Officer;
    - 2.1.3 The Assistant Head – Student Care and Wellbeing;
    - 2.1.4 The Director of Care; or
    - 2.1.5 In the case of Police interviews, an independent supportive adult (as defined in *Student Safety Definitions and Additional Resources*).
  - 2.2 Consideration should be given as to whether there may be a conflict of interest between the independent supportive adult and the student being interviewed. For example, a situation may arise where the Headmaster or Student Safeguarding Officer is related to the perpetrator of the student safety incident, the student is a family member, of the Headmaster or Student Safeguarding Officer may be the perpetrator.
3. General Protocols:
  - 3.1 The School's Headmaster must:
    - 3.1.1 Facilitate interviews requested by the Police or Child Protection workers;
    - 3.1.2 Advise students of their right to have an independent supporting adult, parent or carer present at such an interview;
    - 3.1.3 Arrange for the student to choose an independent supportive adult to be present;
    - 3.1.4 Balance their obligation to protect the rights of students with their obligation to assist the Police and Child Protection workers; and
    - 3.1.5 Observe confidentiality at all times in the management of a mandatory reporting or criminal case.
4. Contacting Parents/Carers:
  - 4.1 Before contacting a student's parents/carers, the Headmaster must seek advice from the Police or Child Protection to determine if parents/carers should be present at the interview.
  - 4.2 Where appropriate, parents/carers must be advised of the scheduling of an interview with the Police. Parents/carers should also be advised of interviews that have been scheduled with Child Protection where it is deemed to be appropriate, however Child Protection may conduct interviews with students without parental/carer knowledge or consent in exceptional circumstances.
5. Student as a Victim/Witness:
  - 5.1 When the Headmaster allows interviews involving students who may be victims or witnesses, they should:
    - 5.1.1 Support and encourage the student to provide as much information as possible; and
    - 5.1.2 Inform the student that a note of the circumstances and the content of the interview will be made and communication to their parents/carers as soon as possible, unless doing so causes a risk of abuse.
6. Student as a Suspect:



- 6.1 If Police need to speak with a student who has allegedly abused another child, or student at the School, this should preferably be done in the presence of the student's parents/carers, or another **independent supportive adult**.
7. Complying with Court Orders:
  - 7.1 A subpoena or witness summons is a court order that compels the School to produce documents or attend court and give evidence, or both. The Headmaster or a staff member will usually be issued with a subpoena or witness summons because a party to legal proceedings believes that the School, the Headmaster or a staff member has information or documents that are relevant to the proceeding.
  - 7.2 The School will seek legal advice and support relating to complying with subpoenas or witness summons.

### **Part 11- Making Additional Reports**

1. There are some circumstances in which you will be required to make an additional report to an appropriate external authority.
2. Reporting Further Grounds for Belief or Suspicion:
  - 2.1 If you hold a reasonable belief that a student has been, or is at risk of being abuse, you must still make a report to the relevant external authority about a student even if:
    - 2.1.1 Child Protection or the Police have been previously involved or are currently involved with the student and/or their family; or
    - 2.1.2 You are aware that another party, such as another staff member, volunteer, or family member, has raised concerns with the relevant authorities.
  - 2.2 Every report is critical to protecting a student by building evidence and enabling external authorities to gain a clear understanding of the risks posed to the student.
3. Another Person Has Made a Report:
  - 3.1 There may be times when two or more staff members at the School (for example the Headmaster and a Student Safeguarding Officer) have formed a belief about the same student on the same occasion and based on the same information.
  - 3.2 In this situation, it is sufficient that only one of the staff members make a report to the relevant external authority, as the belief is based on the same information. However, the other staff member, who does not make the report, is obliged to ensure that the report has been made and that all grounds for their own belief were included in the report made to the authority.
  - 3.3 If staff members do not agree on what should be reported, for example a staff member does not agree with the Headmaster's decision to make a to make a report to an external authority, the staff member is legally obliged to make a report anyway.
4. Other Concerns About the Wellbeing of a Student:
  - 4.1 If you believe that a student has not been subjected to abuse or neglect but still hold significant concerns about the student's wellbeing, you still may be required to report your concerns to Child Protection, the Police or Child FIRST. For more information about reporting wellbeing concerns refer to the Responding to Other Concerns About the Wellbeing of a Student section above.

### **Part 12- Student Safety Complaints Management**

1. The School has developed a Complaints Handling policy to ensure that any student safety-related feedback, comments or complaints from School community members and relevant stakeholders are captured, analysed and acted upon where appropriate. The School also has a student friendly process.
  - 1.1 This may include feedback about certain staff members or volunteers, or the School's *Student Safety* policies and procedures.



- 1.2 Students are encouraged to speak or make contact with their Mentor/Homeroom Teacher, Year Level Co-ordinator/Pastoral Care Co-ordinator or Head of House regarding any concerns that they may have.
- 1.3 Students are made aware of the School's Student Safety email address ([Studentsafety@bgs.vic.edu.au](mailto:Studentsafety@bgs.vic.edu.au)) and Incident Reporting system – New Safety Incident (Accident/Incident/Near Miss Notification) | Assurance by CompliSpace (csassurance.com).
- 1.4 When a complaint is made to the School it is important for the School to consider whether the complaint raises any concerns about unreported abuse and/or risk of abuse at the School.
- 1.5 All Board directors, staff including the Headmaster, volunteers, Third Party Contractors and External Education Providers must follow the School's *Procedures for Responding to and Reporting Allegations of Child Abuse* as detailed in this document, if any information received with a complaint leads to new grounds for a reasonable belief or suspicion that a student may be subject to, or at risk of, any unreported abuse.

### **Part 13- Confidentiality and Privacy**

1. Confidentiality of Information Relating to Student Safety Matters:
  - 1.1 Anyone who has access to information regarding a case of suspected child abuse must keep such information confidential and secure and must only disclose or discuss this information with those involved in managing the situation.
  - 1.2 You must not provide undertakings that are inconsistent with their reporting obligations in the School's *Student Safety* policies and procedures. In particular, you must not promise a student that you will not tell anyone about a student's disclosure.
  - 1.3 Students and any other parties who became involved in the investigation (this may include other students) should be informed of the reporting process and be required to maintain confidentiality.
  - 1.4 Inappropriate disclosure will be subject to disciplinary action.
2. Protection of Reporter's Identity:
  - 2.1 Reports or referrals made to Child Protection or Child FIRST are confidential and the reporter's identity is generally protected by law. Exceptions include if:
    - 2.1.1 The reporter chooses to inform the student or family of the report;
    - 2.1.2 The reporter consents in writing to their identity being discussed;
    - 2.1.3 A court or tribunal decides it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the student; or
    - 2.1.4 A court or tribunal decided the reporter is required to attend court to provide evidence.
  - 2.2 The identity of the person who makes a report to the Police, including reports under s327 of the Crimes Act 1958 (Vic) (Obligation to Report a Sexual Offence), will remain confidential unless:
    - 2.2.1 The person themselves discloses their identity or they consent in writing to their identity being disclosed; or
    - 2.2.2 A court of decides that it is necessary in the interests of justice for the person's identity to be disclosed.
3. Reporter Liability:
  - 3.1 A person who makes a mandatory report in accordance with CYFA, or a report under the Child Wellbeing and Safety Act 2005 (Vic) (reportable conduct scheme) will not be held liable for the eventual outcome of any investigation.
  - 3.2 If a report is made in good faith, it does not constitute a breach of professional ethics on the part of the reporter and the reporter cannot be held legally liable in respect of the report.
4. Protection of Staff's WWC Check Status:
  - 4.1 The School will only be informed of whether an individual passes or fails the Check. None of the information gathered for the Check, such as criminal or professional records, will be passed on to Ballarat Grammar.
5. Protection of Personal Information:
  - 5.1 How Ballarat Grammar handles the information we collect about individuals (referred to in Privacy Act 1988 (Cth) as personal information) is very important, as the people we deal with



expect us to handle their personal information properly and we have a legal obligation to do so. Personal information is information, or an opinion, about an identified individual, or an individual who is reasonably identifiable:

5.1.1 Whether the information, or opinion, is true or not; and

5.1.2 Whether the information, or opinion, is recorded in a material form or not.

5.2 The Privacy Act 1988 (Cth) only applies to personal information that is captured in a record.

6. Requests for Information:

6.1 If you receive a request from the Police, the Commission or Child Protection for information relating to a student who has been impacted (or is suspected to have been impacted) by child abuse, you should:

6.1.1 Obtain the request for information in writing; and

6.1.2 Ensure that the written request includes:

6.1.2.1 The name of the Police, representative of the Commission or Child Protection Officer, the organisation they work for and their contact details;

6.1.2.2 A description of the information and/or documents being sought;

6.1.2.3 The reasons why the information and/or documents are being sought; and

6.1.2.4 What authority the officer or the organisation believed that they have to access the requested information and documents.

6.2 When information and/or documents are requested in this way, you may be permitted to share the information. However, **you are not compelled** to do so.

7. Information Sharing with the School Community:

7.1 The School takes great care to assess the relevance and appropriateness of sharing information about a student safety incident before providing any information about child abuse to the School community because even the confirmation of an incident or allegation can lead to the identification of a victim.

## Part 14- Student Safety Record Keeping

1. Effective student safety record keeping is one of the School's key strategies in the management of its student safety obligations, including the fulfillment of our duty of care.
2. It is through such record keeping that the School can ensure that, should there ever be a need for evidence of the School's student safe culture or precautions and preventative measures taken in response to the risk of child abuse, the School has well-documented and easily accessible records.
3. Documenting a suspicion or belief of abuse:
  - 3.1 Where a staff member, Board director, Direct Contact Volunteer or other member of the School community forms the belief in reasonable grounds that a student is in need of protection, written and dated notes of their observations and concerns should be recorded to assist in a referral/report of child abuse.
  - 3.2 All verbal and written communications regarding student safety matters (including notes of observations, student disclosures, meeting and telephone calls) must be properly documents. The documents records should indicate dates, times, location, and those in attendance and enough detail to record key conversations, especially those relating to the student's disclosure.
  - 3.3 The record of student safety must be stored securely in the Student Safety Register.
4. How to Record Observations, Disclosures or Allegations of Abuse:
  - 4.1 The School requires all staff to use the Responding to Suspected Child Abuse Template form (Annexure 4) to record all observations, beliefs, suspicions, disclosures or allegations of abuse.
  - 4.2 The Template is provided by the DET and Child Protection for all Victorian schools and is made available by the Student Safeguarding Officers, support officers and the Director of Care. Copies of the Template are also available in this policy as Annexure 4.



- 4.3 A review will be completed between 4-5 weeks after the incident, suspicion or disclosure of abuse in conjunction with the School's Headmaster, a Student Safeguarding Officer or a senior member of staff.
- 4.4 All completed Template reporting forms are to be given to the School's Headmaster or a Student Safeguarding Officer. The School maintains records of all child abuse observations, disclosures, allegations, incidents and subsequent investigations in electronic form indefinitely.
5. Working with Children Check Documentation:
  - 5.1 Please see the *Standard Operating Procedures – Working with Children Check* document for further information relating to the School's procedures regarding the checking of WWC Check information and the responsibilities of Area Supervisors.
  - 5.2 In line with the School's risk-based approach to student safety and protection, where parent/carer volunteers are direct contact volunteers the School requires that these parent/carer volunteers undergo a WWC Check clearance as a matter of best practice. They also require anyone attending overnight to produce a National Criminal Record Check obtained within the last three (3) months.
  - 5.3 Ballarat Grammar maintains records (electronic or hard copy format) of child-related workers including:
    - 5.3.1 Full name;
    - 5.3.2 WWC Check Application Receipt Number;
    - 5.3.3 WWC Check Card Number;
    - 5.3.4 Date and outcome of WWC Check clearance;
    - 5.3.5 Notices sent by the Department of Justice and Community Safety; and
    - 5.3.6 Expiry date.
  - 5.4 Records must be readily available if required for audit and monitoring purposes.
  - 5.5 It is the responsibility of the employee to ensure they have a valid WWC Check.
6. Recording Student Safety Actions:
  - 6.1 Section 91 of the Wrongs Act imposes a duty of care on schools to take reasonable precautions to prevent the physical or sexual abuse of a child under its care, supervision or authority by an individual associated with the School. If the School is involved in a proceeding under the Wrongs Act, the school is presumed to have breached its duty of care unless it can prove, on the balance of probabilities, that it took reasonable precautions to prevent the abuse.
  - 6.2 Whether or not a school took reasonable precautions will be assessed by a court in accordance with considerations set out in the Wrongs Act and case law. The effective implementation of the School's risk management strategies in *Student Safety Risk Management* policy is an example of taking reasonable precautions to prevent the physical or sexual abuse of a student.
  - 6.3 It is critical that the School maintains accurate and comprehensive records of these policies, procedures, work systems and strategies should the courts ever call on such evidence in relation to a claim against the School for damages in respect of child abuse.

## Part 15- Documenting Your Observations and Actions

1. All staff must keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse. This information may be sought at a later date if the matter is the subject of court proceedings. Your notes may also assist you later if you're required to provide evidence to support your decisions regarding the handling of student safety incidents.
2. For more information about how to record observations, disclosures or allegations refer to the Student Safety Record Keeping section of this document.

## Part 16- Preserving Evidence

1. When an incident of suspected child abuse occurs at the School, consider all of the following:





- 1.1 Environment: do not clean up the area and preserve the sites where the alleged incident occurred;
- 1.2 Clothing: take steps to ensure that the person who has allegedly committed the abuse and the student who has allegedly been abused remain in their clothing. If this is not possible, ensure the clothes are not washed, handled as little as possible and stored in a sealed bag;
- 1.3 Other physical items: ensure that items such as weapons, bedding and condoms are untouched; and
- 1.4 Potential witnesses: reasonable precautions must be taken to prevent discussion of the incident between those involved in the alleged incident.

### **Part 17- Review**

1. Ballarat Grammar is committed to the continuous review and improvement of all its operations, including this policy.
2. It is the responsibility of the Senior Student Safeguarding Officer to regularly monitor and annually review the effectiveness of the Student Safety policies to ensure they are working in practice and revise the policy when required.
3. It is the responsibility of the Senior Student Safeguarding Officer along with the Director of Risk, Compliance and Legal Services to engage with students, parents and the broader community in relation to the review of the School's Student Safety policies.

### **Part 18- Breach of Policy**

1. All staff, volunteers and those engaged by Ballarat Grammar are expected to enact this policy in support of student and community learning, health, safety and wellbeing.
2. Any breach of a Student Safety policy will be taken seriously and immediately actioned and followed up by the School, this includes any necessary advice and/or notification to external bodies.

**Ballarat Grammar is committed to zero tolerance of child abuse in every form and all allegations and safety concerns will be treated very seriously and consistently with our robust policies and procedures. All staff, volunteers and members of our community have a duty of care to protect the safety, health and wellbeing of all children in their care.**

**As a school with a diverse population, this includes students with a disability, Aboriginal and Torres Strait Islander children and children from culturally and linguistically diverse backgrounds.**

# BALLARAT GRAMMAR

## RESPONDING TO STUDENT SEXUAL OFFENDING

As a school staff member, you play a critical role in protecting children in your care.

- You must act by following the 4 critical actions as soon as you witness an incident, receive a disclosure or form a suspicion that a student is a victim of a student sexual offending and/or a student has engaged in sexual offending
- You must act even if you are unsure and have not directly observed student sexual offending (e.g. if a victim, or another person tells you about the offence)
- You must use the Responding to Student Sexual Offending template to keep clear and comprehensive notes.



If there is no risk of immediate harm go to Action 2

As soon as immediate health and safety concerns are addressed you must report incidents, suspicions and disclosures of student sexual offending as soon as possible: Please remember that a Child Protection Officer is able to assist you with this reporting process.

**CONTACTING PARENTS/CARERS**

**PROVIDING ONGOING SUPPORT**

**IMMEDIATE RESPONSE TO AN INCIDENT**

If a child is at immediate risk of harm you must ensure their safety by:

- Separating alleged victims and others involved
- Administering first aid
- Calling 000 for urgent medical and/or police assistance to respond immediate health or safety concerns
- Identifying a contact person at the school for future liaison with Police.

**VICTORIA POLICE**

All instances on 000

**DHHS CHILD PROTECTIONS**

If you believe that:

- The victim's parents/carers are unable or unwilling to protect the child
- The student who is alleged to have engaged in the student sexual offending is:
  - Aged over 10 and under 15 years and may be in need of therapeutic treatment to address these behaviours
  - May be displaying physical and behavioural indicators of being the victim of child abuse\*.

**INTERNALLY**

ALSO report internally to:

- School principal and/or leadership team (all instances)

You must identify a contact person at the school for future liaison with Victoria Police and/or Child Protection and seek advice about contacting parents/carers (see Action 3).

\*See the Four Critical Steps for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse for further guidance in these circumstances.

Your Principal must consult with Victoria Police or DHHS Child Protection to determine what information can be shared with parents/carers of all impacted students. They may advise:

- Not to contact the parents/carers (e.g. in circumstances where contacting the parents/carers is likely to adversely affect a Victoria Police investigation or where the student is a mature minor and has requested that their parent/carer not be notified)
- To contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

Your school must provide support for students who are victim to a student sexual offence AND students who have engaged in a student sexual offence. This is part of your duty of care requirements.

This support should include the development of a Student Support Plan in consultation with wellbeing professionals, outlining support strategies.

Strategies may include the development of a safety plan, direct support and referral to wellbeing professionals.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

You must identify a contact person at the school for future liaison with Victoria Police and/or Child Protection and seek advice about contacting parents/carers (see action 3)

- STUDENT INCIDENT AND RECOVERY UNIT (03) 9651 3622
- EMPLOYEE CONDUCT BRANCH (03) 9637 2595
- INDEPENDENT SCHOOLS VICTORIA (03) 9825 7200



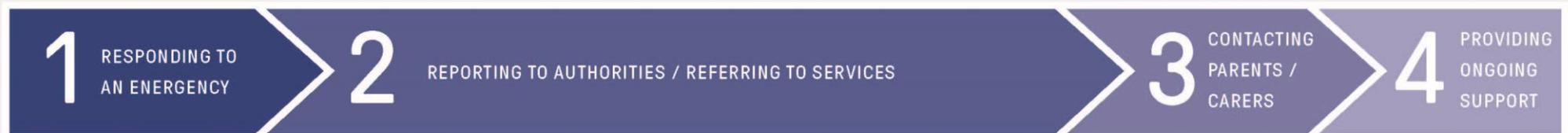
**BALLARAT GRAMMAR**

# BALLARAT GRAMMAR

## RESPONDING TO INCIDENTS, DISCLOSURES AND SUSPICIONS OF CHILD ABUSE

As a school staff member, you play a critical role in protecting children in your care.

- You must act by following the 4 critical actions as soon as you witness an incident, receive a disclosure or form a suspicion that a student is a victim of a student sexual offending and/or a student has engaged in sexual offending
- You must act even if you are unsure and have not directly observed student sexual offending (e.g. if a victim, or another person tells you about the offence)
- You must use the Responding to Student Sexual Offending template to keep clear and comprehensive notes.



If there is no risk of immediate harm go to Action 2

As soon as immediate health and safety concerns are addressed you must report incidents, suspicions and disclosures of student sexual offending as soon as possible:  
Please remember that a Child Protection Officer is able to assist you with this reporting process.

Q: Where does the source of suspected abuse come from?

### IMMEDIATE RESPONSE TO AN INCIDENT

If there is no risk of immediate harm go to Action 2.

If a child is at immediate risk of harm you must ensure their safety by:

- Separating alleged victims and others involved
- Administering first aid
- Calling 000 for urgent medical and/or police assistance to respond immediate health or safety concerns
- Identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

### WITHIN THE SCHOOL

#### VICTORIA POLICE

You **must** report all instances of suspected child abuse involving a school staff member, contractor, volunteer or visitor to Victoria Police.

### WITHIN THE FAMILY OR COMMUNITY

#### DHHS CHILD PROTECTION

You **must** report to DHHS Child Protection if a child is considered to be:

- In need of protection from child abuse
- At risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

#### VICTORIA POLICE

You **must** also report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You must also report internally to: School principal and/or chairperson.

### OTHER CONCERNS

If you believe that a child is not subject to abuse, but you still hold **significant concerns** for their wellbeing you **must** still act. This may include making a referral or seeking advice from:

- Child FIRST/The Orange Door (in circumstances where the family are open to receiving support)
- DHHS Child Protection
- Victoria Police.

### CONTACTING PARENTS/CARERS

Your principal must consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- Not to contact the parents/carer (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the student is a mature minor and does not wish for their parent/carer not be notified)
- To contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).
- How to communicate with all relevant parties with

### PROVIDING ONGOING SUPPORT

Your school **must** provide support for children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professional.

This is an essential part of your duty of care requirements.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support.

You **must** follow the Four Critical Actions every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

CONTACT DHHS CHILD PROTECTION AREA West Division (Rural) 1800 075 599 After hours, weekends, public holidays 13 12 78

CHILD FIRST <https://services.dhhs.vic.gov.au/referral-and-support-team>  
ORANGE DOOR <https://www.vic.gov.au/familyviolence/the-orange-door.html>

VICTORIA POLICE 000 or contact your local police station

DET INCIDENT SUPPORT AND OPERATIONS CENTRE 1800 126 126

INCIDENT MANAGEMENT AND SUPPORT UNIT 1800 126 126

EMPLOYEE CONDUCT BRANCH (03) 9637 2595

INDEPENDENT SCHOOLS VICTORIA (03) 9825 7200

THE LOOKOUT A service directory, information, and evidence based guidance to help you respond to family violence: <http://www.lookout.org.au>. Family violence victims/survivors can be referred to 1800 Respect for counselling, information and a referral service: 1800 737 732.

## A step-by-step guide to making a report to Child Protection or Child FIRST

### Protective concerns

You are concerned about a child because you have:

- received a disclosure from a child about abuse or neglect
- observed indicators of abuse or neglect
- been made aware of possible harm via your involvement in the community external to your professional role.

### At all times remember to:

- record your observations
- follow appropriate protocols
- consult notes and records
- consult with appropriate colleagues if necessary
- consult with other support agencies if necessary

| STEP 1 | RESPONDING TO CONCERNS   | STEP 2 | FORMING A BELIEF ON REASONABLE GROUNDS   | STEP 3 | MAKING A REFERRAL TO Child FIRST   | STEP 4 | MAKE A REPORT TO CHILD PROTECTION  |
|--------|--|--------|--|--------|--|--------|--|
|        | <ol style="list-style-type: none"> <li>1. If your concerns relate to a child in need of immediate protection; or you have formed a belief that a child is at significant risk of harm*.<br/><b>Go to Step 4</b></li> <li>2. If you have significant concerns that a child and their family need a referral to Child FIRST for family services.<br/><b>Go to Step 3</b></li> <li>3. In all other situations<br/><b>Go to Step 2.</b></li> </ol> <p>* Refer to Appendix 2: Definitions of child abuse and indicators of harm in the Protocol – <i>Protecting the safety and wellbeing of children and young people</i></p> |        | <ol style="list-style-type: none"> <li>1. Consider the level of immediate danger to the child.<br/>Ask yourself:                             <ol style="list-style-type: none"> <li>a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm?<br/><b>YES / NO</b><br/>and</li> <li>b) Am I in doubt about the child's safety and the parent's ability to protect the child?<br/><b>YES / NO</b></li> </ol> </li> <li>2. If you answered yes to a) or b)<br/><b>Go to Step 4</b></li> <li>3. If you have significant concerns that a child and their family need a referral to Child FIRST for family services.<br/><b>Go to Step 3</b></li> </ol> |        | <p><b>Child Wellbeing Referral</b></p> <ol style="list-style-type: none"> <li>1. Contact your local Child FIRST provider.                             <ul style="list-style-type: none"> <li>• See over for contact list for local Child FIRST phone numbers.</li> </ul> </li> <li>2. Have notes ready with your observations and child and family details.</li> </ol> |        | <p><b>Mandatory/Protective Report*</b></p> <ol style="list-style-type: none"> <li>1. Contact your local Child Protection Intake provider immediately.                             <ul style="list-style-type: none"> <li>• See over for contact list for local Child Protection phone numbers.</li> <li>• For <b>After Hours Child Protection</b> Emergency Services, call <b>131 278</b>.</li> </ul> </li> <li>2. Have notes ready with your observations and child and family details.</li> </ol> <p>* <i>Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection</i></p> |

For further information refer to *Protecting the safety and wellbeing of children and young people – A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools*

## Contact Numbers

### Department of Education and Early Childhood Development

| METROPOLITAN REGIONS |                |
|----------------------|----------------|
| Eastern              | (03) 9265 2400 |
| Northern             | (03) 9488 9488 |
| Western              | (03) 9291 6500 |
| Southern             | (03) 9794 3555 |
| RURAL REGIONS        |                |
| Barwon South Western | 5225 1000      |
| Gippsland            | 5127 0400      |
| Grampians            | 5337 8444      |
| Hume                 | 5761 2100      |
| Loddon Mallee        | 5440 3111      |

### Office for Children and Licensed Children's Services:

| METROPOLITAN REGIONS |                |
|----------------------|----------------|
| Eastern              | (03) 9265 2400 |
| Northern             | (03) 9412 5333 |
| Western              | (03) 9275 7000 |
| Southern             | (03) 9096 9555 |
| RURAL REGIONS        |                |
| Barwon South Western | 5225 1000      |
| Gippsland            | 5127 0400      |
| Grampians            | 5337 8444      |
| Hume                 | 5761 2100      |
| Loddon Mallee        | 5440 3111      |

### Important information for government schools

Principals of Victorian Government schools must report all incidents to the Emergency and Security Management Unit on **03 9589 6266**.

Victorian Government schools should contact the Student Critical Incident Advisory Unit (SCIAU), Student Wellbeing Division, for advice and support when responding to allegations of student sexual assault or inappropriate sexual behaviours.

The SCIAU can be contacted on **03 9637 2934** or **03 9637 2487**.

Victorian Government School Principals should refer to the flowchart – *Responding to Allegations of Student Sexual Assault Compulsory Actions for Principals* at:

<http://www.education.vic.gov.au/healthwellbeing/safety/childprotection/childprotection.htm>

### Department of Human Services Child Protection

| METROPOLITAN REGIONS |              | METROPOLITAN REGIONS |                |
|----------------------|--------------|----------------------|----------------|
| Intake Unit          |              | Regional Office      |                |
| Eastern              | 1300 360 391 | Box Hill             | (03) 9843 6000 |
| North and West       | 1300 664 977 | Preston              | 1300 664 977   |
|                      |              | Footscray            | 1300 360 462   |
| Southern             | 1300 655 795 | Dandenong            | (03) 9213 2111 |

| RURAL REGIONS               |              |                 |                |
|-----------------------------|--------------|-----------------|----------------|
| Intake Unit                 |              | Regional Office |                |
| <b>Barwon South Western</b> |              |                 |                |
|                             | 1800 075 599 | Geelong         | (03) 5226 4540 |
| Gippsland                   | 1800 020 202 | Traralgon       | (03) 5177 2500 |
| Grampians                   | 1800 000 551 | Ballarat        | (03) 5333 6530 |
| Hume                        | 1800 650 227 | Wangaratta      | (03) 5722 0555 |
|                             |              | Wodonga         | (02) 6055 7777 |
| Loddon Mallee               | 1800 675 598 | Bendigo         | (03) 5434 5555 |

### After hours Child Protection Emergency Services (AHCPEs)

Statewide number for all emergency child protection matters outside of normal business hours (24 hours, 7 days a week): **131 278**

**Victoria Police 000**

### Catholic Education Offices

|  |                |
|--|----------------|
| Catholic Education Office, Melbourne         | (03) 9267 0228 |
| Catholic Education Office, Ballarat Diocese  | 5337 7135      |
| Catholic Education Office, Sale Diocese      | 5622 6600      |
| Catholic Education Office, Sandhurst Diocese | 5443 2377      |

**Independent Schools Victoria (03) 9825 7200**

### Other

|   |                |
|---|----------------|
| Victorian Aboriginal Education Association, Inc.  | (03) 9481 0800 |
| Victoria Police Sexual Offences and Child Abuse Unit  | (03) 9247 6666 |
| Centre Against Sexual Assault   | 1800 806 292   |
| Gatehouse Centre, Royal Children's Hospital (for specialist counselling and medical assistance) | (03) 9345 6391 |
| Child Safety Commissioner   | (03) 8601 5884 |
| Victorian Aboriginal Child Care Agency  | (03) 8388 1855 |

### CHILD FIRST

| Local Catchment Area               | Contact   |
|------------------------------------|---|
| <b>Barwon South Western</b>        | Greater Geelong, Queenscliff, Surf Coast 1300 551 948   |
|                                    | Colac – Otway, Corangamite 5232 5500  |
|                                    | Warrnambool, Moyne, Glenelg, Southern Grampians 1300 889 713  |
| <b>Gippsland</b>                   | East Gippsland 5152 0052  |
|                                    | Wellington 5144 7777  |
|                                    | La Trobe, Baw Baw 1800 339 100  |
|                                    | South Gippsland, Bass Coast 5662 5150   |
| <b>Grampians</b>                   | Northern Grampians, West Wimmera, Hindmarsh, Yarrambat, Horsham 1800 195 114                        |
|                                    | Ararat, Pyrenees, Hepburn, Ballarat, Golden Plains, Moorabool 1300 783 341                          |
| <b>Hume</b>                        | Wodonga, Towong, Indigo 1800 705 211  |
|                                    | Alpine, Benalla, Mansfield, Wangaratta 1800 705 211   |
|                                    | Greater Shepparton, Strathbogie, Moira 1300 854 944   |
|                                    | Mitchell, Murrindindi 1800 663 107  |
| <b>Loddon Mallee</b>               | Greater Bendigo, Campaspe, Central Goldfields, Loddon, Macedon Ranges, Mount Alexander 1800 260 338 |
|                                    | Buloke, Goonawarra, Swan Hill, Mildura 1800 625 533   |
|                                    | 1800 MALLEE   |
| <b>Eastern Metropolitan</b>        | Yarra Ranges, Knox, Maroondah 1300 369 146  |
|                                    | Monash, Whitehorse, Manningham, Booroondarra 1300 762 125   |
| <b>North and West Metropolitan</b> | Nillumbik, Whittlesea, Banyule, Yarra and Darebin (03) 9450 0955                                    |
|                                    | Brimbank, Melton 1300 138 180   |
|                                    | Hume, Moreland 1300 786 433   |
|                                    | Hobson's Bay, Maribymong, Melbourne, Moonee Valley and Wyndham 1300 786 433                         |
| <b>Southern Metropolitan</b>       | Casey, Cardinia, Greater Dandenong (03) 9705 3939   |
|                                    | Aboriginal children and families (Casey, Cardinia and Great Dandenong) (03) 9794 5973               |
|                                    | Frankston, Mornington Peninsula 1300 721 383  |
|                                    | Kingston, Bayside, Glen Eira, Stonington, Port Phillip 1300 367 441                                 |



# INCIDENT REPORT

Annexure 4

## Child Safe Standards

**Ballarat Grammar is committed to zero tolerance of child abuse. All staff and members of our community have a duty of care to protect the safety, health and wellbeing of children in their care.**

All incident reports must be stored securely.

## Incident Details

|  |  |
|--|--|
| <b>Date of incident:</b>                   |  |
| <b>Time of incident:</b>                   |  |
| <b>Location of incident:</b>               |  |
| <b>Name/s of child/children involved:</b>  |  |
| <b>Name/s of staff/volunteer involved:</b> |  |
| <b>What did you see?</b>                   |  |
| <b>Other information</b>                   |  |

If you believe a child is at immediate risk of abuse phone 000.

Does the child identify as Aboriginal or Torres Strait Islander?

Aboriginal  Yes  No

Torres Strait Islander  Yes  No

Please categorise the incident

- Physical violence
- Sexual offence
- Serious emotional or psychological abuse
- Serious neglect





## Parent/Carer/Child use

|  |  |
|--|--|
| <b>Date of incident:</b>                   |  |
| <b>Time of incident:</b>                   |  |
| <b>Location of incident:</b>               |  |
| <b>Name/s of child/children involved:</b>  |  |
| <b>Name/s of staff/volunteer involved:</b> |  |

## Office Use

|  |  |
|--|--|
| <b>Date incident report received:</b>  |  |
| <b>Staff member managing incident:</b> |  |
| <b>Follow-up date:</b>                 |  |
| <b>Incident Ref. Number:</b>           |  |

## Has the incident been reported?

|  |  |
|--|--|
| <b>Child Protection</b>                        |  |
| <b>Police</b>                                  |  |
| <b>Another third party</b><br>(please specify) |  |

Incident reporter wishes to remain anonymous?

Yes     No    Reported by: \_\_\_\_\_