



Part 5: Procedures for Reporting and Responding

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1. Overview

The College will take appropriate, prompt action in response to all allegations or disclosures of abuse, neglect, inappropriate behaviour or concerns about child safety by reporting all matters to DFFH Child Protection, the Commission for Children and Young People (CCYP), or the Police, depending on the allegation or disclosure made.

MLC has established simple and accessible procedures for anyone to report, if appropriate, a child safety and protection concern internally to one of the College's Child Protection Officers. Please be aware that if the CPO does not report the incident to an external authority and you feel it should be reported, you have an obligation to report yourself. Consulting with a Child Protection Officer does not change any obligation you have under legislation to report to an external authority.

MLC has developed and implemented procedures for staff, members of the MLC Board 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.

Reporting procedures for Third-Party Contractors, External Education Providers, Indirect Contact Volunteers, parents/carers and other community members are also included in our MLC Child Safety and Wellbeing Policy which is available on our public website.

Age-appropriate reporting procedures for students are developed through our student wellbeing program.

This section describes our work systems, practices, policies and procedures for responding to and reporting allegations of child abuse both internally and externally.

The College'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 College community through and by request.

All of the College's procedures for reporting and responding to allegations of child abuse are designed and implemented taking into account the diverse characteristics of the College community.

A summary of these procedures is made publicly available on the College's website through our MLC Child Safety and Wellbeing Policy and is accessible to all students, College staff and the wider community.

The College will respond to all allegations of child abuse in an appropriate manner including:

- informing the appropriate authorities and fully cooperating with any resulting investigation
- protecting any child connected to the allegation until it is resolved and providing ongoing support to those affected
- taking particular measures in response to an allegation that concerns a culturally diverse child or a child with a disability
- securing and retaining records of the allegation and the College's response to it.

2. Legal Obligations to Report

All staff working with students or in schools have a moral and legal obligation and a duty of care to protect any child under their care from reasonably foreseeable harm (not just staff who are classified as mandatory reporters).

The easiest way to comply with your legal and moral obligations is to remember that you must respond to and report any reasonable suspicion or belief that a child has been abused or is at risk of being abused by following the Four Critical Actions (see page 9). This includes abuse that has, or is suspected to have, taken place within or outside of school grounds and hours.

Legal obligations are summarised below:

| | |
|--|---|
| Mandatory Reporting | <p>The <i>Children, Youth and Families Act 2005</i> places a legal obligation on principals, teachers and others working in schools to make a report to Child Protection (DFFH) if they believe, on reasonable grounds, that a child has been physically or sexually abused or a child is in need of protection from significant harm because of physical or sexual abuse.</p> <p>Refer to: Mandatory Reporting Policy</p> |
| Reportable Conduct | <p>The <i>Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)</i> requires principals to have systems in place to prevent child abuse and to investigate and respond to such allegations. Principals are required to report allegations of child abuse against any adult including adults who are employees or who are in some way connected with the school to the Commission for Children and Young People (CCYP).</p> <p>Refer to: Reportable Conduct Policy</p> |
| Obligation to Report a Sexual Offence (Failure to Disclose) | <p>Any adult (not just those who work with children) who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child must report that information to Victoria Police. This offence is legislated in the <i>Crimes Amendment (Protection of Children) Act 2014</i>.</p> <p>Refer to: Obligation to Report a Sexual Offence (Failure to Disclose)</p> |
| Failure to Protect | <p><i>The Crimes Act 1958 (Vic)</i> provides that people in positions of authority such as principals must take action to protect children and young people where they know that a person associated with their organisation poses a substantial risk of sexually abusing children.</p> <p>Refer to: Failure to Protect</p> |
| Conduct Reportable to VIT | <p>Schools must notify the VIT if a registered teacher is charged with, been convicted or found guilty of a category A or category B sexual offence.</p> <p>Refer to: Conduct Reportable to VIT</p> |

For MLC Kindle, if an incident, disclosure or suspicion of child abuse is formed within this service setting, the National Quality Framework and its corresponding legislation must also be complied with.



Mandatory Reporting Policy

1. Purpose

Methodist Ladies' College (MLC) is committed to preventing harm to children through the reporting of child abuse and neglect under the Children, Youth and Families Act 2005 (VIC) (CYFA). This Policy sets out how the College will enact the mandatory reporting requirements which aim to keep all children safe from harm.

2. Scope

This policy applies to all members of the MLC Community, including all staff (teaching, non-teaching and boarding premises staff), Board members, volunteers, parents/carers, and all students over the age of 18 years.

Mandatory Reporters are defined by the CYFA in section 182, and include:

- registered teachers and early childhood teachers
- school principals
- registered medical practitioners
- nurses
- midwives
- registered psychologists
- police officers
- school counsellors
- early childhood workers
- out of home care workers (excluding voluntary foster and kinship carers)
- youth justice workers
- persons in religious ministry.

"Person in religious ministry" is defined by the CYFA to mean "a person appointed, ordained or otherwise recognised as a religious or spiritual leader in a religious institution." This definition includes a chaplain, priest, pastor, minister, brother and nun.

It is the responsibility of other staff, Volunteers or members of the College community to check whether they are Mandatory Reporters under child protection legislation.

3. Policy Statement

3.1. Principles

The College, those that work in it and the wider community together have a duty to care and protect children from harm through abuse or neglect. The College is committed to implementing clear procedures for reporting and recording reports of suspected child abuse and grooming.

The College will create a supportive culture in which children, staff, volunteers and families feel confident and comfortable in discussing any allegations of abuse, grooming or child safety concerns.

3.2. Mandatory Reporting Obligation

The Children, Youth and Families Act 2005 (Vic) (CYFA) (section 184) requires Mandatory Reporters to make a report to Department of Families, Fairness and Housing (DFFH), formerly known as DHHS Child Protection if:

- in the course of their professional work or carrying out duties of their office, position or employment,
- they form a belief on reasonable grounds that a child (aged under 17) is in need of protection because:
 - the child has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse; and
 - the child's parents have not protected or are unlikely to protect the child from harm.

If a Mandatory Reporter makes a report in accordance with their Mandatory Reporting obligations under the CYFA, an additional report to the Police under section 327 Crimes Act 1958 (Vic) may not be required unless you have further information.

Failure to make a report is an offence.

This Policy must be read in conjunction with the College's Child Safe Program, particularly Key Legal Definitions, Identifying Child Abuse and Procedures for Responding and Reporting. Fulfilling the roles and responsibilities contained in this Policy does not displace or discharge any of these other obligations that arise if a person reasonably believes that a child is at risk of child abuse or other harm.

3.3. Application to Students Aged 17 or Over

The legislative requirements for Mandatory Reporting to Child Protection apply only with respect to students aged 16 or under. Therefore, a reasonable belief that a student aged 17 or over is in need of protection as a result of physical or sexual abuse cannot be reported to Child Protection.

A reasonable belief that a student aged 17 years or older has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse should instead be reported to the Police. Reporting to Police for students aged over 18 can only occur if the student consents to the report.

It is the College's policy that all child safety incidents and concerns involving a student, including those involving students aged 17 and over, must be reported internally. Therefore, even if an external report is not possible, staff members have the same internal reporting obligations with respect to a reasonable belief of physical or sexual abuse of a student aged 17 or over as they do for students aged 16 or under.

3.4. Reporting by Non-Mandated Staff

If you are not a Mandatory Reporter, you still have the option of making a report to DFFH Child Protection under the CYFA if you believe on reasonable grounds that a child is in need of protection.

The CYFA states that any person who believes on reasonable grounds that a child is at risk of harm should report their concerns to DFFH Child Protection.

All College 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 College Child Protection Officer as soon as possible to discuss their concerns.

3.5. When to make a Mandatory Report

A Mandatory Report must be made when, in the course of your professional work or when carrying out the duties of your office, position or employment you 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,**

and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

These key terms are defined in the sub-sections below.

3.5.1. In the course of professional work or when carrying out their office, position or employment

The meaning of this phrase is not defined in the CYFA. It likely means that the belief that the child is in need of protection must arise as a result of the Mandatory Reporter's duties at or for the College. This includes duties that occur at College events that take place outside College grounds, such as sporting competitions, excursions and camps.

Incidents or concerns that arise outside of these duties (for example, while doing personal shopping outside school hours, a teacher witnesses a child being physically injured by their parent) do not fall into Mandatory Reporting requirements. The teacher can still make a non-mandatory report to Child Protection but would not be subject to criminal charges if they fail to do so.

3.5.2. Reasonable Grounds

The concept of "reasonable grounds" requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well founded and based on information from a reliable source. There may be reasonable grounds for forming such a belief if:

- a child states they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused
- someone who knows the child states that the child has been physically or sexually abused
- a child shows signs of being physically or sexually abused
- 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
- the staff member observes signs of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- a child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child.

3.5.3. Significant

"Significant" means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is "significant" is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare, or wellbeing.

Significant harm can result from a single act or omission or an accumulation of these.

3.5.4. Physical Injury or Sexual Abuse

To assist in identifying physical injury or sexual abuse, refer to the College's information relating to the definition of key risk indicators of abuse in the Child Safe Program.

3.5.5. Parents have not protected, or are unlikely to protect

The meaning of this phrase is not defined by legislation, but some examples may assist.

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 from harm but lacks the means to.

It also includes a parent who has the means to protect their child from harm but does not want to.

A parent may be rendered "unlikely to protect" that child for many reasons. For example:

- that parent does not, or refuses to recognise that harm is occurring

- that parent or child may be subject to domestic violence
- that parent's partner may be abusive or harmful to the child.

“Parent” includes:

- the child's father
- the child's mother
- the spouse of the mother or father of the child
- the domestic partner of the father or mother of the child
- a person who has custody of the child
- a person who is named as the father on the child's birth certificate
- a person who acknowledges that he is the father of the child by an instrument under the Status of Children Act 1974 (Vic)
- a 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.

3.6. What to report and when

A report becomes mandatory as soon as is practicable after forming the belief.

A report must include details of the belief, and the reasonable grounds of that belief.

Additional reports must be made on each occasion where you become aware of any further reasonable grounds for the belief.

A Mandatory Reporter must still make a report if:

- the Mandatory Reporter has discussed the matter with a Child Protection Officer and the Child Protection Officer does not share the Mandatory Reporter's belief that a report must be made; or,
- another Mandatory Reporter, such as a Child Protection Officer or the Principal has undertaken to make the report but has not done so (for more information, refer to *Making Additional Reports*).

3.7. What if my concern is not about physical or sexual abuse or if I am unsure if I have a 'reasonable belief'?

It is the College's policy that if you are a Mandatory Reporter and you have a reasonable belief that a child is in need of protection for reasons other than physical or sexual abuse, you must still make a report to Child Protection. For more information, refer to Non-Mandatory Reporting to Child Protection.

If a child safety incident or concern does not meet the requirements for Mandatory Reporting to Child Protection (for example because the concern is not about physical or sexual abuse or because the child's parents have protected or are likely to protect the child from the harm), you must still follow other relevant procedures set out in this Child Safe Program, including Responding to Incidents, Disclosures and Suspicions of Child Abuse, and keeping records of observations .

If you are concerned that a student may be experiencing physical or sexual abuse, but you are unsure whether your concern rises to the level of 'a belief on reasonable grounds' that the child is in 'need of protection', you should immediately raise your concerns with one of the College's Child Protection Officers.

Our Child Protection Officers are able to assist you in clarifying your concerns and managing the next steps.

For more information, refer to *Responding to Other Concerns About the Wellbeing of a Student*.

3.8. How to make a report/referral

Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

Reports should be made to an MLC Child Protection Officer who will coordinate the reporting of any incidents, disclosures or suspicions to the external authorities.

A report to DFFH Child Protection should be considered if the staff member forms the view the child is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability and development
- the child's parents cannot or will not protect the child from harm.

To report concerns about the immediate safety of a child within their family unit, call the 24-hour Child Protection Crisis Line 13 12 78.

Concerns that require immediate attention should be made to the local or regional Human Services Child Protection office, or the After Hours Child Protection Emergency Services on 13 12 78.

3.9. After a report/referral is made

After receiving a report, DFFH 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, DFFH Child Protection will inform the reporter of the outcome of the report.

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.

Child FIRST must report the matter to DFFH Child Protection if they form the view the child is in need of protection.

Reports made to the Police will be dealt with in accordance with Police practice.

3.10. Mandatory Reporting to Child Protection and Other Reporting Obligations

Although a reasonable belief that a child aged under 16 has been sexually abused would normally require reporting to police, you do not need to report to Police if you make a Mandatory Report to Child Protection. This is because Child Protection notifies the Police of all allegations of child sexual abuse that it receives. However, you may still need to make a Report to Police if you have further information. You will also need to report this internally.

A reasonable belief that a child has been physically or sexually abused by a staff member, Volunteer or Contractor must be reported both internally and externally in accordance with Reportable Conduct. If the staff member is a teacher, the College must also report to the Victorian Institute of Teaching. For more information, refer to *Reporting Teacher Misconduct to the Victorian Institute of Teaching*.

3.11. Record keeping obligations

For the College's record keeping obligations relating to child safety incidents, refer to [Child Information Sharing and Record Keeping](#).

4. Related Documents

- Child Safety and Wellbeing Policy
- MLC Child Safe Code of Conduct
- MLC Child Safe Program
- MLC Staff Code of Conduct
- MLC Child Protection Incident Report Form

Section 2B: Non-Mandatory Reporting

This section deals with the reporting of child safety incidents or concerns to the Department of Families, Fairness and Housing (Child Protection) when that reporting is not legally required under the Children, Youth and Families Act 2005 (Vic) (CYFA).

Non-Mandatory Reports should only be made where there is no obligation to report under *Mandatory Reporting* to Child Protection. Staff should consult with a Child Protection Officer where they have concerns for a student's wellbeing and believe a non-mandatory report is warranted.

Source of Obligation

Under section 28 of the CYFA, any person can make a report to Child Protection if they have a **significant concern** for the wellbeing of a child (aged under 17). We call this a "wellbeing report".

Under section 183 of the CYFA, any person can make a report to either Child Protection or the Police if they **believe on reasonable grounds** that a child (aged under 17) **is in need of protection**. We (and the CYFA) call this a "protective intervention report".

Under section 185 of the CYFA, any person can make a report to Child Protection if they **believe on reasonable grounds** that a child (aged under 18) **is in need of therapeutic treatment** because they are exhibiting **sexually abusive behaviours**. We call this a "therapeutic treatment report".

Together, these are all referred to as Non-Mandatory Reports to Child Protection.

These reports are all voluntary under the CYFA (except for reporting by Mandatory Reporters).

However, although these reports are voluntary under the law, the Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria's PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse (Four Critical Actions) sets out circumstances in which these reports **must** be made by Staff.

Fulfilling the roles and responsibilities contained in this Non-Mandatory Reporting section does not displace or discharge any of these other obligations that arise if a person reasonably believes that a child is at risk of child abuse or other harm.

Policy Regarding Non-Mandatory Reporting to Child Protection

All Staff **must** comply with the Four Critical Actions.

In effect, the Four Critical Actions require that all Staff (including those who are not Mandatory Reporters) **must**, in particular circumstances, make wellbeing reports, protective intervention reports and therapeutic treatment reports to Child Protection or take such other action as may be necessary to respond.

It is therefore the College's policy that:

1. All staff members **must** either make a report to Child Protection under sections 28, 183 or 185 of the CYFA, or take specific alternative action, in the following circumstances:

| Type of Report | What must be reported | Action required |
|---------------------------------------|---|--|
| Wellbeing Report | Significant concerns, formed in the course of your work, for the wellbeing of a student aged under 17. | Report to Child Protection or follow the procedures in Responding to Other Concerns About the Wellbeing of a Student |
| Protective Intervention Report | Belief on reasonable grounds, formed in the course of your work, that a student aged under 17 is in need of protection for any reason. | Report to Child Protection or Police |
| Therapeutic Treatment Report | Belief on reasonable grounds, formed in the course of your work, that a student aged under 18 is in need of therapeutic treatment because they are exhibiting sexually abusive behaviour. | Report to Child Protection |

Each type of report, and when/why it should be made, is described further below.

2. Child Protection Officers **must** make all of the above reports regardless of whether they form the required belief or concern in the course of their work or otherwise.
3. Concerns or beliefs that do not fall into these requirements (for example, because the relevant child is not a student or because – for Staff other than Child Protection Officers – the concern or belief did not arise in the course of their work), **may** still be reported following the procedures set out in this Policy.

Application to Students Aged 17 or Over

The legislative provisions that enable non-mandatory reporting to Child Protection apply only with respect to children aged 16 or under (except for children who may require therapeutic treatment due to exhibiting sexually abusive behaviours or children who are under a child protection order).

Therefore, a reasonable belief that a student aged 17 years or older has suffered or is likely to suffer significant harm, even as a result of physical injury or sexual abuse, cannot be reported to Child Protection and should instead be reported to the Police. Reporting to Police for students aged 18 and over can only occur, however, if the student consents to the report, or if they do not consent, to lessen or prevent a serious or imminent threat to an individual's life, health safety or welfare. For more information, refer to *Information Sharing with Consent* and *Reporting to Police*.

You should also consider whether a referral to a support service is required. For more information, refer to *Responding to Other Concerns About the Wellbeing of a Student*.

It is the College's policy that all child safety incidents and concerns involving a student, including those involving students aged 17 and over, must be reported internally. Therefore, even if an external report is not required, staff members have the same internal reporting obligations with respect to a reasonable belief of significant harm to a student aged 17 or over as they do for students aged 16 or under. For more information, refer to *Reporting a Child Safety Incident or Concern Internally*.

When to Make a Wellbeing Report

A wellbeing report may be made when you form a **significant concern** for the wellbeing of a child.

This may occur if you have concerns that a child is 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. These concerns could include:

- significant parenting problems that may be affecting the child's development
- family conflict, including family breakdown
- families under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- young, isolated and/or unsupported families
- significant social or economic disadvantage that may adversely impact on a child's care or development.

A wellbeing report can be made even if the child is not in need of protection (for example because the child's parent is likely to protect the child from the harm).

Instead of making a wellbeing report you may follow the procedures for making a referral to a community support service (such as Child FIRST or the Orange Door) or take other action as set out in *Responding to Other Concerns About the Wellbeing of a Student*.

To help you decide whether or not you should make a wellbeing report or instead make a referral to a community support service or take other action, you should discuss your concerns with a Child Protection Officer or you may contact Child Protection or Child FIRST for advice.

When to Make a Protective Intervention Report

A protective intervention report may be made when you form a **belief on reasonable grounds** that:
a child (under the age of 17) **is in need of protection**; and
the child's parents have not protected, or are unlikely to protect, the child from harm.

A protective intervention report should be considered if you form the view that a child is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development; or
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability and development; and
- the child's parents cannot or will not protect the child from harm.

It is the College's policy that, where a protective intervention report is to be made, it must be made without delay as soon as the belief on reasonable grounds that a child is in need of protection has been formed. This must be done regardless of any other action you take in relation to the child.

To help you decide whether or not you should make a protective intervention report, you should discuss your concerns with a Child Protection Officer or you may contact Child Protection for advice. You may also refer to:

- the Victorian Department of Education's [Step-by-Step Guide to Making a Report to Child Protection or Child FIRST](#)
- the joint protocol published by Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools [Protecting the Safety and wellbeing of children and young people](#).

When to Make a Therapeutic Treatment Report

A therapeutic treatment report may be made when you form a **belief on reasonable grounds** that a child is in need of therapeutic treatment because they are exhibiting **sexually abusive behaviours**.

It is the College's policy that, where a therapeutic treatment report is to be made, it must be made without delay as soon as the belief on reasonable grounds that a child is in need of therapeutic treatment has been formed. This must be done regardless of any other action you take in relation to the child (and in particular, any *Reporting to Police* under *Responding to Incidents of or Concerns About Student Sexual Offending*).

To help you decide whether or not you should make a therapeutic treatment report, you should discuss your concerns with a Child Protection Officer or you may contact Child Protection for advice. You may also refer to Child Protection's publication [Problem Sexual Behaviour or Sexually Abusive Behaviour](#).

For more information, refer to [Responding to Sexual Behaviour in Children and to Student Sexual Offending](#).

Protective Intervention Reports - What if I don't have or I am unsure if I have a belief on reasonable grounds that the child is in need of protection?

If a child safety incident or concern does not meet the threshold for a protective intervention report (for example, because the child's parent has protected or is likely to protect the child), you must still follow other relevant procedures set out in the Child Safety Program, including *Reporting a Child Safety Incident or Concern Internally* and *Child Safety Record Keeping*.

You should also consider whether a wellbeing report or a referral to a support service is required. For more information, refer to *Responding to Other Concerns About the Wellbeing of a Student*.

If you are concerned that a student may be experiencing abuse or other harm, or their safety may be at risk, but you are unsure whether your concern rises to the level of "belief on reasonable grounds" that a child is in need of protection, you should immediately raise your concerns with one of the College's Child Protection Officers.

Our Child Protection Officers are able to assist you in clarifying your concerns and managing the next steps.

If the matter does not need to be reported to Child Protection, the Child Protection Officer will consider whether referral to a support service is appropriate and, with the informed consent of the child and their parent/carer, may refer the matter. For more information, refer to *Information Sharing with Consent*.

How to Make a Non-Mandatory Report to Child Protection

Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

Wellbeing reports and therapeutic treatment reports must be made directly to Child Protection.

Under the CYFA, protective intervention reports must be made directly to a “protective intervenor”. Protective intervenors are defined in the CYFA as the Secretary of Child Protection (or their delegate) and all Police officers. Therefore, if you have contacted the Police, either as a result of Responding to an Emergency or Reporting to Police, then you have made your protective intervention report.

To make a Non-Mandatory Report to Child Protection:

- during business hours (8:45am-5:00pm, Monday to Friday), contact the Child Protection intake service for the local government area where the child resides, listed [here](#).
- after hours, telephone 13 12 78.

Reports cannot be made via the Child Protection website or email, as staff who monitor the Child Protection website are not delegated officers.

You should provide as much of the following information as you can:

- details – the child’s or young person’s name, age and address
- indicators of harm – the reason for believing that the injury or behaviour is the result of abuse or neglect
- reason for reporting – the reason why the call is being made now
- safety assessment – assessment of immediate danger to the child or children. For example, information may be sought on the whereabouts of the alleged abuser or abusers
- description – description of the injury or behaviour observed
- child’s whereabouts – the current whereabouts of the child or young person
- other services – your knowledge of other services involved with the family
- family information – any other information about the family
- cultural characteristics – any specific cultural or other details that will help to care for the child, for example, cultural origins, interpreter or disability needs.

What Happens After a Report is Made – Wellbeing Reports and Protective Intervention Reports

Protective intervention reports made to the Police will be dealt with in accordance with Police practice.

When wellbeing reports and protective intervention reports are made to Child Protection, after receiving the 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.

If the matter progresses to investigation, Child Protection officers will observe and speak with the child and their parents. They may also speak with relevant professionals, information holders and other significant people in the child’s life who can inform the investigation or provide information to assist Child Protection to assess if the child is in need of protection or if the child needs therapeutic treatment. In circumstances involving physical and sexual abuse and serious neglect, investigations may be conducted jointly with Victoria Police.

If the matter does not progress to investigation, Child Protection may provide advice to the Reporter, refer the family to support services in the community (such as Child FIRST/The Orange Door), or they may decide to take no further action.

In most cases, Child Protection will inform the reporter of the outcome of the report.

What Happens After a Report is Made – Therapeutic Treatment Reports

For therapeutic treatment reports, Child Protection is required by section 210 of the CYFA to investigate the matter to determine the nature and extent of the sexually abusive behaviours and the appropriateness of a therapeutic treatment order (a court order that requires the child to participate in an appropriate treatment program and that may require the child's parent or carer to take the necessary steps to enable the child to participate).

Child Protection may then make an application to the Children's Court for a therapeutic treatment order if it assesses that the child is in need of therapeutic treatment, and the child, or the child's parents/carers, are unable or unwilling to access treatment.

Non-Mandatory Reporting to Child Protection and Other Reporting Obligations

Although a reasonable belief that a child aged under 16 has been sexually abused would normally require Reporting to Police, you do not need to report to police if you make a protective intervention report or a therapeutic treatment report to Child Protection about a child who has been or may have been sexually abused. This is because Child Protection notifies the Police of all allegations of child sexual abuse that it receives. However, you may still need to make a Report to Police if you have further information. You will also need to report this internally.

A reasonable belief that a child has been physically or sexually abused or subjected to serious emotional/psychological harm or serious neglect by a staff member, Volunteer or Contractor must be reported both internally and externally in accordance with Reportable Conduct. If the staff member is a teacher, the College must also report to the Victorian Institute of Teaching. For more information, refer to *Reporting Teacher Misconduct to the Victorian Institute of Teaching*.

Record Keeping about Non-Mandatory Reports to Child Protection

When a Non-Mandatory Report to Child Protection is made in response to a child safety incident or concern, this must be recorded on a College Incident Form.

Key Definitions

Belief on reasonable grounds

The concept of a belief on reasonable grounds, or a reasonable belief, requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It is a low threshold.

A reasonable belief does not require proof but does require more than a mere rumour or suspicion. Reporters should ensure that their concerns are well founded and based on information from a reliable source.

There may be reasonable grounds for forming such a belief if:

- you witness the physical, sexual or emotional/psychological abuse or neglect of a child
- a child tells you about one or more incidents of physical, sexual or emotional/psychological abuse or neglect
- a child tells you that they believe someone else has been subjected to physical, sexual or emotional/psychological abuse or neglect
- someone who knows the child tells you that the child has been subjected to physical, sexual or emotional/psychological abuse or neglect
- a child shows physical or behavioural signs of physical, sexual, or emotional/psychological abuse or neglect.

In need of protection

When a child is in need of protection it means that the State should intervene in the life of the child and/or their family in order to protect the child from harm, regardless of whether or not the child or their family consent.

Section 162 of the CYFA states that a child is in need of protection if any of the following grounds exist:

- the child has been abandoned by his or her parents and after reasonable inquiries
 - the parents cannot be found; and
 - no other suitable person can be found who is willing and able to care for the child; or
- the child's parents are dead or incapacitated and there is no other suitable person willing and able to care for the child
- the child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm of that type (refer to *Physical Abuse and Physical Violence*)
- the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type (refer to *Sexual Abuse and Sexual Offences*)
- the child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged and the child's parents have not protected, or are unlikely to protect, the child from harm of that type (refer to *Significant Emotional or Psychological Harm and Serious Emotional and Psychological Harm*)
- the child's physical development or health has been, or is likely to be, significantly harmed and the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care or effective medical, surgical or other remedial care (refer to *Significant Neglect and Serious Neglect*).

For the purposes of subsections (c) to (f), the harm may be constituted by a single act, omission or circumstance or accumulate through a series of acts, omissions, or circumstances.

Sexually abusive behaviour

The Therapeutic Treatment Board in Victoria has defined the term sexually abusive behaviour as follows:

“A child has exhibited sexually abusive behaviours when they have used their power, authority or status to engage another party in sexual activity that is either unwanted or where, due to the nature of the situation, the other party is not capable of giving consent (for example animals, or children who are younger or who have a cognitive impairment). Physical force or threats are sometimes involved. Sexual activity may include exposure, peeping, fondling, masturbation, oral sex, penetration of a vagina or anus using a penis, finger or object, or exposure to pornography. This is not an exhaustive list.”

For the purposes of therapeutic treatment reports, the child must be aged 10 to 17.

For guidance on identifying sexually abusive behaviour, refer to Child Protection's publication [Problem Sexual Behaviour or Sexually Abusive Behaviour](#).

Significant harm

Significant harm is not defined in the CYFA. It has been defined in case law, and is defined in the Victorian [Child Protection Manual](#), as harm that:

- is more than trivial or insignificant, but need not be as high as serious
- is important or of consequence to the child's development
- need not have a lasting or permanent effect, nor necessarily be treatable.

Significant harm may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare, or wellbeing.

In general, it would mean harm that is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

Significant harm can result from a single act or omission or an accumulation of these.

Significant concern

Significant concern is not defined in the CYFA. It likely means concern that is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

Parents have not protected, or are unlikely to protect, the child from harm

The meaning of this phrase is not defined in the CYFA, but some examples may assist.

A parent who has not protected or is unlikely to protect that child from harm includes a parent who wants to protect their child from harm but lacks the means to.

It also includes a parent who has the means to protect their child from harm but does not want to.

A parent may be rendered unlikely to protect that child for many reasons. For example:

1. the parent does not, or refuses to, recognise that harm is occurring
2. the parent or child may be subject to domestic violence
3. the parent's partner may be abusive or harmful to the child.

Parent includes:

- the child's father
- the child's mother
- the spouse of the mother or father of the child
- the domestic partner of the father or mother of the child
- a person who has custody of the child
- a person who is named as the father on the child's birth certificate
- a person who acknowledges that he is the father of the child by an instrument under the Status of Children Act 1974 (Vic)
- a 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.



Reportable Conduct Policy

1. Purpose

Methodist Ladies' College (MLC) is committed to preventing harm to children through the reporting of child abuse and neglect under the Children, Youth and Families Act 2005 (VIC) (CYFA). This Policy sets out how the College will enact the reportable conduct requirements which aim to keep all children safe from harm.

2. Scope

The Child Wellbeing and Safety Act 2005 (Vic) (the Act) requires the College to investigate and report to the Commission for Children and Young People (CCYP) allegations of "employee" reportable conduct or misconduct that may involve reportable conduct.

Section 3 of the Act defines "employee" as a person aged 18 years or over who is:

- employed by the College whether or not that person is employed in connection with any work or activities of the College that relate to children; or
- engaged by the College to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to children.

A minister of religion or a religious leader is also an employee.

Of relevance to the College, the following people are considered to be employees:

- the Principal
- staff members (including teaching, non-teaching and boarding premises staff)
- Volunteers
- Third Party Contractors
- External Education Providers
- Directors and Stakeholder Members

For the purposes of this policy, all of the above are referred to collectively as "Staff" or "Staff Members".

3. Policy Statement

3.1. Definition of Reportable Conduct

Reportable conduct is defined in section 3 of the Act to mean:

- 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;
- sexual misconduct committed against, with or in the presence of, a child;
- physical violence committed against, with or in the presence of, a child;
- any behaviour that causes significant emotional or psychological harm to a child; or
- significant neglect of a child.

"Sexual misconduct" captures a broader range of inappropriate behaviours of a sexual nature

that are not necessarily criminal. The CCYP defines sexual misconduct as conduct that:

- amounts to misconduct; and
- is of a sexual nature; and
- occurred against, with or in the presence of, a child.

“Misconduct” is defined by the CCYP as conduct that is a departure from the accepted standards of the role and is intentional or seriously negligent.

Section 3 of the CWS Act says that sexual misconduct includes:

- behaviour, physical contact or speech or other communication of a sexual nature, for example 'sexting'
- inappropriate touching or physical contact
- grooming behaviour
- voyeurism.

“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), which includes rape, attempted rape, sexual assault, incest, indecent act with a child, persistent sexual abuse of a child, grooming and the production or possession of child pornography. An employee does not need to be charged with or convicted of a sexual offence for their behaviour to be reportable conduct.

“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.

The CCYP has provided guidance on how to identify **physical violence, behaviour that causes emotional or psychological harm** to a child and **neglect**.

“Physical violence” includes an act that causes physical injury or pain. Examples of physical violence can include:

- hitting/kicking/punching
- pushing/shoving/grabbing/throwing/shaking
- using an object to hit or strike
- using inappropriate restraint/excessive force.

Physical violence does not include:

- reasonable steps taken to protect a child from immediate harm, such as taking a child's arm to stop them from going into oncoming traffic
- medical treatment given in good faith by an appropriately qualified person, such as a first aid officer administering first aid.

“Behaviour that causes emotional or psychological harm” to a child requires a clear link between the alleged conduct and the significant harm suffered (significant is defined above).

Signs that a child may have been emotionally or psychologically harmed may include:

- patterns of out-of-character behaviour
- regression in behaviour
- distress and anxious behaviours
- other physical symptoms, such as self-harm.

The exacerbation or aggravation of an existing mental health disorder may also cause emotional or psychological harm.

Examples of emotional or psychological harm may include:

- exposure to violence or threats of violence
- self-destructive behaviour
- antisocial behaviour
- persistent hostility/rejection
- humiliation/belittling
- scapegoating.

It will not be reportable conduct if:

- a person takes reasonable steps to protect a child from immediate harm
- 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 Code of Behaviour and Discipline Policy)
- an appropriately qualified person gives medical treatment in good faith such as a first aid officer administering first aid.

“Significant Neglect” occurs when a person does not meet their obligations and responsibilities to keep a child safe and well. The neglect:

- must be more than minor and insignificant
- does not need to have a lasting or permanent effect
- may be an ongoing situation or a one-off incident, as long as it is not minor in nature.

Refer to ***Definition and Key Risk Indicators of Abuse*** for more information about sexual offences, grooming, physical violence, emotional or psychological harm and neglect.

Our [Child Safe Code of Conduct](#) and [Staff and Student Professional Boundaries Policy](#) outlines expected standards of behaviour for all Staff, Volunteers and Third Party Contractors at the College. It is important to note that a breach of this Policy will not always be reportable conduct. Such breaches can often be dealt with at the College level and don't need to be reported to the CCYP. For example, reasonable discipline of a student would not amount to behaviour that causes emotional or psychological harm to a child and therefore is not reportable conduct.

3.2. What to report to the CCYP

Under the Act, the College must notify the CCYP of a **reportable allegation** against a Staff Member.

Reportable allegation is defined in section 3 of the Act to mean any information that leads a person to form a reasonable belief that a Staff Member has committed:

- reportable conduct; or
- misconduct that may involve reportable conduct,

whether or not the conduct/misconduct is alleged to have occurred in the course of the person's employment at the College.

Guidance from the CCYP 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.

3.3. Who must make the notification

Any person may disclose a reportable allegation to the CCYP by using an online form available from the CCYP's [website](#), by phone or by letter (section 16L of the Act).

While any person *may* disclose a reportable allegation, the "head" of an entity to which the reportable conduct scheme applies **must** notify the CCYP of a reportable allegation (section 16M).

The "head" for the purposes of the Reportable Conduct Scheme is defined under section 3(1) of the Act as:

- the chief executive officer of the entity (however described); or
- if there is no chief executive officer, the principal officer of the entity (however described); or
- if there no chief executive officer or principal officer, a person, or the holder of a position in the entity nominated by the entity and approved by the CCYP.

At the College the "head" for the purposes of the Reportable Conduct Scheme is the Principal. The "head" of the College has distinct responsibilities under the Reportable Conduct Scheme.

It is a criminal offence for the "head" of the College to fail to disclose a reportable allegation to the CCYP without a reasonable excuse. The Act does not define what a reasonable excuse may be, but section 16M(5) provides an exemption if they honestly and reasonably believed that another person had notified the CCYP.

The "head" of the College must notify the CCYP using an online form available from the CCYP's [website](#).

3.4. Fulfilling the "Head" of the College's Responsibilities

The "head" of the College is responsible for ensuring that the College complies with the reportable conduct obligations under the Act. However, the CCYP does not expect the "head" of the College to practically carry out their responsibilities alone. They may seek help from other people within the College. This may include creating and developing systems, sending approved notifications to the CCYP, or conducting investigations on the behalf of the "head" of the College.

The "head" of the College cannot *delegate* their responsibilities under the Act – they are still solely responsible for ensuring the College's compliance with the Reportable Conduct Scheme.

The Principal has authorised the **Director People and Culture** to carry out physical or practical tasks such as making notifications to the CCYP, or liaising with the CCYP, when the Principal is unavailable.

3.5. Reportable Conduct and other Reporting Obligations

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)
- Obligation to Report a Sexual Offence (Failure to Disclose) obligation under the Crimes Act 1958 (Vic)
- Conduct that is Reportable to the Victorian Institute of Teaching under the Education and Training Reform Act 2006 (Vic).

The threshold for reporting allegations of reportable conduct is much lower than these other reporting obligations.

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 College under this Policy.

3.6. Internal reporting of reportable conduct allegations

As soon as a person, including a Staff Member, forms a reasonable belief that a Staff Member at the College has engaged in reportable conduct or misconduct that may involve reportable conduct (a reportable allegation), the person must notify the Principal.

Where the reportable allegation involves the Principal, the Staff Member must notify the Senior Vice Principal or the Chair of the Board or the CCYP.

The internal report may be made verbally or in written form using the [MLC Child Protection Incident Form](#).

Where a verbal report is made by a Staff Member, it should be followed up with a written report provided to the Principal within 48 hours of the verbal report.

In some cases, an investigation by the College may still be needed to determine whether the alleged conduct is reportable conduct or not, for example, if it is reasonable or accidental.

It is the College's policy that any use of physical force by an employee against a student must be reported internally under this Policy, to enable such an investigation.

Staff members who are unsure whether employee behaviour constitutes reportable conduct, or whether an investigation may be necessary to determine whether it constitutes reportable conduct, should discuss this with the Director People and Culture, who can assist in clarifying concerns and reporting obligations under this policy.

3.7. Reporting to the CCYP

When the "head" of the College (or other authorised person under this Policy) receives a reportable allegation from any person, including a Staff Member, they must notify the CCYP within three business days.

Where the reportable allegation involved the Principal, the Senior Vice Principal or Chair of the Board will undertake the responsibilities of the "head" of the College for the purposes of reporting the reportable allegation to the CCYP.

There are two stages of reporting.

The CCYP must be notified in writing of:

- the reportable allegation as soon as possible, and in any event within three business days of the "head" of the College (or other authorised person under this Policy) being notified of the reportable allegation (**Stage One Report**)
- the proposed next course of action (see below), as soon as practicable, and within 30 days of becoming aware of the reportable allegation (**Stage Two Report**).

If the employee is a registered teacher and the misconduct involves a charge, conviction or finding of guilt of a sexual offence, the College must also immediately notify the Victorian Institute of Teaching (VIT) under our Reporting Teacher Misconduct to the Victorian Institute of Teaching policy. The timing of making a Three Day Notification to the Commission under this Policy will coincide with the timing of a report made to the VIT.

3.8. What happens after a report to the CCYP is made

After the Principal has made a report to the CCYP, they must ensure that an appropriate investigation of the reportable allegation is conducted.

The investigation will be led by the Principal or the Vice Principal (if authorised by the Principal or the allegation involves the Principal). Alternatively, the College can appoint a regulator (for example the VIT) or an independent investigator. A regulator engaged by the College for the purposes of an investigation may also appoint an independent investigator.

The Principal or Vice Principal or Chair of the Board must notify the CCYP of who will be

conducting the investigation.

The investigation must be conducted in accordance with the rules of procedural fairness and natural justice. For example, the investigation should be conducted without bias and the person against whom the allegation is made should be given the right to respond. Refer to the CCYP's [Information Sheet 4 Investigation overview](#) for more information on what to consider when conducting an investigation.

A Police investigation into any matter takes priority over an investigation by the College. On becoming aware that the Police are investigating a reportable allegation:

- the College should consult with the Police before commencing an investigation to find out if the Police are, or will be, conducting an investigation
- the College's investigation should be put on hold until the Police investigation is complete.

The Principal or Senior Vice Principal or Chair of the Board must give the CCYP:

- a copy of the findings of the investigation and the reasons for those findings
- details of any disciplinary or other action that the College proposes to take in relation to the Staff Member and the reasons for that action
- the reasons why no action is to be taken if the College does not propose to take any disciplinary or other action in relation to the Staff Member.

Under the Act, a Staff Member may seek a review by the CCYP of a finding made at the conclusion of an investigation.

3.9. Information Sharing: Children and Parents/Carers

Under the Act, the Principal or Senior Vice Principal or Chair of the Board) may disclose:

- information about the progress of the investigation
- the findings, reasons for the findings and the recommendations made at the conclusion of the investigation
- an action taken in response to those findings

to:

- the child who is the subject of the reporting allegation
- a parent
- a carer
- the Department of Families, Fairness and Housing (DFFH) if the child is under its care.

3.10. Information Sharing: Schools, the CCYP and Others

Under the Act, the Principal or Senior Vice Principal or Chair of the Board may disclose information in relation to:

- a reportable allegation
- a concern that reportable conduct has been committed
- the investigation of a reportable allegation or concern about reportable conduct
- the findings of an investigation and the reasons or recommendations made at the conclusion of the investigation
- any action taken in response to those findings

to:

- the CCYP
- the head of another entity governed by the Act, such as another school
- a regulator
- the Chief Commissioner of Police

- if necessary, for the purposes of an investigation, an independent investigator
- if necessary, for the purposes of a Working with Children Check, the Secretary to the Department of Justice and Regulation
- a relevant Minister
- a prescribed body under the Act.

3.11. Publication of Information

The College must not publish information that would enable the identification of:

- a person or who notified the CCYP
- a child in relation to whom a reportable allegation was made or a finding of reportable conduct was made.

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

3.12. Powers of the CCYP

The CCYP has broad powers under the Act in relation to investigating a reportable allegation at the College. The CCYP may visit the College, inspect documents, and interview Staff or students involved in the reportable allegation.

The College must assist the CCYP in all reasonable aspects of its investigation.

3.13. Record Keeping

The College maintains records of these reportable allegations, written reports and reportable conduct investigation findings indefinitely.

4. Related Documents

- Child Safety and Wellbeing Policy
- Child Safe Code of Conduct
- Staff and Student Professional Boundaries Policy
- MLC Staff Code of Conduct

Section 2D: Obligation to Report a Sexual Offence (Failure to Disclose)

Applicable to: anyone aged 18 years or over, including all non-teaching staff, Volunteers, and students aged 18 and over. The legislation also applies to teaching staff if not already covered by the mandatory reporting obligation.

Source of the Obligation: Under the *Crimes Act 1958 (Vic) (section 327)*, 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. The person must disclose the information to the Police as soon as it is practicable to do so. Failure to make a report without reasonable excuse is an offence and carries a prison term.

This criminal offence is commonly known as "Failure to Disclose", although its full title is "Failure to disclose sexual offence committed against child under the age of 16 years".

This obligation to report sexual offences against children to Police applies to anyone aged 18 years or over, including all Staff, Volunteers, Contractors and students aged 18 and over.

If a report is made to Department of Families, Fairness and Housing (DFFH) in accordance with Mandatory Reporting requirements, an additional report to the Police will not usually be required unless further information is obtained.

What to Report: The information that led the person aged 18 or over to form a reasonable belief that a sexual offence has been committed by an adult (a person aged 18 years or over) against a child under 16 must be reported to the Police.

The Crimes Act sets out what constitutes a "sexual offence". This includes:

- rape
- indecent assault
- incest
- sexual penetration
- grooming a child, or a person who has the care, supervision or authority of a child aged under 16, for sexual conduct with the child
- encouraging a child to engage in, or be involved in, sexual activity.

A "sexual offence" includes an attempted sexual offence.

A "reasonable belief" is formed if a reasonable person in the same position would have formed the belief on the same grounds.

A "reasonable belief" might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows the child states that the child has been sexually abused
- signs of sexual abuse lead to a belief that the child has been sexually abused.

For the purposes of the Failure to Disclose offence, it does not matter whether the child, the perpetrator of the offence, or the person who has information about a sexual offence against the child are themselves in Victoria or not, so long as the offence itself was committed in Victoria.

For example:

- the criminal offence of grooming a child could occur "in Victoria" if a person who is in Victoria grooms a child who is located elsewhere, or if a child who is in Victoria is groomed by a perpetrator who is located elsewhere
- a sexual offence against a child could occur in Victoria, but an adult could form a reasonable belief about it when they are themselves located elsewhere (for example, by receiving a disclosure while they are on an interstate camp or excursion).

How to make a report to the Police: To report to the Police that a child is in immediate risk of being sexually abused, please call Triple Zero (000). Alternatively, you can contact Box Hill SOCIT.

Exceptions: 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 is that:

- you fear on reasonable grounds for the safety of any person (other than the offender), and a failure to report is reasonable.
- the victim told you about the sexual offence (directly or indirectly), the victim was over 16 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 an informed decision about this)
- you believe on reasonable grounds that the information has already been disclosed to the Police by another person (such as to DFFH Child Protection as part of Mandatory Reporting) and you have no further information.

Unacceptable reasons for not reporting include if you are concerned with the interests (including the reputation, legal liability or financial status) of:

- the person involved in the sexual offence
- any organisation (such as the College).

A report made under the *Children, Youth and Families Act 2005 (Vic)* Mandatory Reporting obligations may constitute a 'reasonable excuse' if you believe that you have no further information to provide to the Police.

Mandatory Reporting (of Sexual Offences Against Children) to Police and Other Reporting Obligations

The Mandatory Reporting (of Sexual Offences Against Children) to Police obligations covered in this Policy are separate and distinct from other external reporting obligations such as reporting to Child Protection, (refer to *Mandatory Reporting to Child Protection* and *Non-Mandatory Reporting to Child Protection*), reporting obligations under the Reportable Conduct Scheme (refer to *Reportable Conduct*) and obligations to report to the Victorian Institute of Teaching (refer to *Reporting Teacher Misconduct to the Victorian Institute of Teaching*).

Non-Mandatory Reporting to Police

Although not required by law, it is the College's policy that all Staff, Volunteers and Contractors **must** report the following to the Police:

- sexual offences committed by a student under the age of 18 against another person, refer to *Responding to Incidents of or Concerns About Student Sexual Offending*
- concerns for a student's immediate safety, refer to *Responding to an Emergency*
- knowledge or suspicions that a student aged 18 or over is being abused or harmed, but only if the student consents to the report, refer to *Information Sharing with Consent*
- where a student is partaking in illegal activity that is extreme in nature or poses a high risk to the student, refer to *Responding to Other Concerns About the Wellbeing of a Student*

Other situations in which a report may be made to Police are set out in *Responding to Other Concerns About the Wellbeing of a Student*.

Record Keeping: For the College's record keeping obligations relating to incidents, refer to Record Keeping.

Section 2E: Failure to Protect

Source of Obligation: The College has a duty of care which requires the protection of all students from reasonably foreseeable risks while at school or engaging in College activities.

Under section 49O of the *Crimes Act 1958 (Vic)* (Crimes Act) a person commits an offence if:

- by reason of the position they occupy within or in relation to the College, they have the power or responsibility **to reduce or remove a substantial risk** that a relevant child (under the age of 16 who is, or may come under the care, supervision or authority of the College) 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 College**; and
- **they know that there is a substantial risk** that the person will commit a sexual offence against a relevant child; and
- **they negligently fail to reduce or remove that risk.**

This criminal offence is commonly known as “Failure to Protect”, although its full title is “Failure by a person in authority to protect a child from a sexual offence”.

In the College context, the offence covers failures to protect a student aged under 16 from sexual offences committed by any adult staff member, Volunteer or Contractor at the College.

Who must act to protect: Where a person has the power or responsibility to take steps to remove or reduce the risk to the student will depend on their role at the College and the source of the risk.

In a normal school context, usually the Principal and College Management would always have the necessary degree of supervision, power and authority to remove or reduce a risk posed by another adult working at the College.

However, on a day-to-day basis, and on tours, excursions, or camps, others at the College could have the requisite power and responsibility.

Examples of people who may have the power and responsibility, by reason of their position, to act could include teachers and Education Support Staff where they are in a position of supervision, such as ESS Coaches at a sporting event.

When action should be taken: The Failure to Protect offence means that any staff member, Volunteer or Contractor who has the requisite power or responsibility must act when they **know** that an adult associated with the College poses a **substantial risk** that a student or students may become the victim of a **sexual offence**.

Action must be taken as soon as the risk becomes known. “Knowledge” is more than holding a tentative belief or mere suspicion.

If a staff member, Volunteer or Contractor has a suspicion or belief 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 the College.

The duty to act extends to situations where the students at risk or the person in authority is outside of Victoria.

Definition of a Substantial Risk: 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.

It is not necessary to prove that a sexual offence was committed in order for the substantial risk to exist - a person in a position of authority should not wait for a student to be harmed before acting.

A number of factors will contribute to determining if a risk is a substantial risk, including:

- the likelihood or probability that a child will become the victim of a sexual offence
- the nature of the relationship between a child and the adult who may pose a risk to the child

- the background of the adult who may pose a risk to the child, including any past or alleged misconduct
- any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.

Definition of a Sexual Offence: Action must be taken where there is a substantial risk of sexual offences occurring, including:

- rape
- indecent assault
- incest
- sexual penetration
- grooming ie. an adult communicates by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority of the child (eg. the child's parents) with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult
- encouraging a child to engage in, or be involved in, sexual activity
- an attempted sexual offence or an assault with intent to commit a sexual offence.

See Part 3 of the Child Safe Program for further details on key legal definitions.

Definition of a Person Associated with the College: A person associated with the College is an adult and can be a:

- Board Director
- Principal
- Teacher
- Education Support Staff and Technicians
- Volunteer (including parent/carer volunteers)
- Third-Party Contractor.

A person is not considered to be associated with the College purely because they receive services from the College. Therefore, students aged 18 years or over, parents/carers and other family members of students who are not staff members, Volunteers or Contractors are not associated with the College for the purposes of the Failure to Protect offence.

Procedure to Reduce or Remove a Substantial Risk: Where any staff member, Volunteer or Contractor who has the requisite power or responsibility becomes aware of a risk of a sexual offence against a student or students under their care, they should immediately:

- 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 the student or students reporting the matter to the College
- conduct an investigation unless this relates to a Mandatory Reporting situation
- make the appropriate report.

Appropriate action to be taken may include, for example:

- 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
- a parent who is known to pose a risk of sexual abuse to children should not be allowed to attend overnight College camps as a parent helper.

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

Record Keeping Obligations: For the College's record keeping obligations relating to child safety incidents, refer to Child Safety Record Keeping.

3. Responding to Incidents, Disclosures and Suspicions of Child Abuse

As a school staff member, you must act as soon as you witness an incident or form a reasonable belief that a child has been, or is at risk of being abused, including exposure to family violence.

You must act if you form a suspicion/ reasonable belief that abuse has occurred or is at risk of occurring, even if you are unsure and have not directly observed child abuse (e.g., if the victim or another person tells you about the abuse). You should make sufficient enquiries to form a reasonable belief and to determine a child's immediate needs. However, once a reasonable belief has been formed, it is not your role to investigate. This is the role of DFFH Child Protection or Victoria Police.

Child abuse includes any instance of physical or sexual abuse (including grooming), emotional or psychological harm, serious or significant neglect and family violence involving a child.

If you hold significant concerns for a child's wellbeing which do not appear to be a result of child abuse you must still act.

Becoming aware that a child may be experiencing abuse

The following sections outline the **six ways** that you may become aware that a child may be experiencing abuse and strategies for managing each situation and supporting and assisting children involved in the disclosure or report.

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| 1. Witnessing an Incident | If you witness an incident where you believe a child has been subject to abuse you must take immediate action to protect the safety of the child or children involved. Where there is an immediate risk to the health and/or safety of a child, follow the steps outlined in the <i>Responding to an Emergency</i> section of this Program to ensure the health and safety of the child. |
| 2. Observation of Risk Indicators | The different types of child abuse and their key risk indicators are set out in detail in the Definition and Key Risk Indicators of Abuse section of this Program. 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. If you form a concern that a child 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 College Child Protection Officer. |
| 3. Private Disclosure by a Child | 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. You should reassure and support the child. You can do this by: <ul style="list-style-type: none">– stating clearly that the abuse is not the child's fault– reassuring the child that you believe them– telling the child that disclosing the matter is the right thing to do. You should be patient and allow the child to talk at their own pace. When responding you should use the child's language and vocabulary. 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. Finally, remember that your role is not to investigate the allegation. You should not interrogate the child or pressure them to tell you more than they want to. Once a disclosure is made you must report the matter internally to a Child Protection Officer as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times. Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the College's <i>Support Following Disclosure</i> process. |

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| <p>4. Public Disclosure by a Child</p> | <p>Public disclosure occurs where you observe a child disclosing abuse to another child or group of children.</p> <p>In this circumstance you should use a strategy of “protective interrupting”.</p> <p>The aim of “protective interrupting” is to prevent a child from disclosing details of abuse in front of other children, whilst at the same time providing the child with the opportunity to disclose later, in a safe and confidential manner.</p> <p>You can do this by:</p> <ul style="list-style-type: none"> – asking the child if you can talk privately – moving the child away from the other students to a quiet space <p>and then following the guidelines with respect to managing a private disclosure.</p> <p>After a disclosure is made:</p> <ul style="list-style-type: none"> – do not promise the child that you will not tell anyone about the disclosure – reassure the child that it was the right thing to do to tell an adult – tell the child what you plan to do next – do not confront the person believed to be the perpetrator – report the matter to one of the College’s Child Protection Officers who will be able to assist you in developing additional support strategies – whenever there are concerns that a child is in immediate danger the Police should be called on 000. |
| <p>5. Third-Party Disclosure</p> | <p>A Third-Party such as a friend of the child, a relative or another parent/carer may provide you with information relating to child abuse.</p> <p>In this situation you should:</p> <ul style="list-style-type: none"> – listen to the person’s concerns seeking clarification where required and thank the person for raising their concern – advise the person that we have procedures for dealing with situations like this and advise the person that you will discuss their concerns with the relevant authorities. <p>As with Private Disclosure, you should reassure and support the person providing the information.</p> <p>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.</p> <p>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.</p> <p>Once a third-party disclosure is made you must report the matter internally to a Child Protection Officer as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.</p> |
| <p>6. Disclosure by a Former Student</p> | <p>A former student of the College may come forward to disclose past abuse from their time at the College. If you receive a disclosure from a former student about child abuse, you must act.</p> <p>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 Program, specifically the obligations you may have under the following policies:</p> <ul style="list-style-type: none"> – Failure to Protect – Obligation to Report a Sexual Offence (Failure to Disclose) – Mandatory Reporting – Reportable Conduct – Conduct that is Reportable to the Victorian Institute of Teaching <p>If the former student is no longer of schooling age or attending a school in Victoria, you must still act. For example, if the disclosure includes an allegation against a current staff member or teacher at the College this may trigger obligations under our Failure to Protect policy to remove the risk of abuse to other students.</p> |

Forming a reasonable belief

If you witness, suspect, or receive a disclosure of child abuse including exposure to family violence, you will need to determine whether you have formed a ‘reasonable belief’ or a ‘belief on reasonable grounds’ that a child has been or is being abused or is at risk of being abused.

A reasonable belief is a deliberately low threshold:

- so that people are encouraged to report suspected abuse to the relevant authorities and agencies, enabling authorities to investigate the allegations and take further action to prevent or stop any further abuse
- which does not require proof, but does require something more than a mere rumour or speculation
- and is met if a reasonable person in the same position would have formed the belief on the same grounds.

Forming a belief on reasonable grounds may include:

- a child stating that they have been abused
- any person telling you they believe someone has been abused (sometimes the child may be talking about themselves)
- physical indicators of abuse such as nonaccidental or unexplained injuries; persistent neglect, or inadequate care and supervision lead you to believe that the child has been abused
- behavioural indicators of abuse lead you to believe that the child has been abused
- other signs such as family violence, parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child’s safety, stability or development.

To respond to an incident, disclosure or suspicion of child abuse you must follow the **Four Critical Actions - Incidents/Disclosures/Suspicion of Child Abuse** below.

Four Critical Actions – Incidents/Disclosures/Suspicion of Child Abuse

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| <p>Action 1 Responding to an Emergency</p> | <p>If the child has just been abused, or is at immediate risk of harm you must take reasonable steps to protect them, this may include:</p> <ul style="list-style-type: none"> – separating the alleged victim and others involved, ensuring all affected students are supervised by a staff member – arranging and providing any necessary urgent medical care by either administering first aid or calling 000 for an ambulance – calling 000 for urgent Police assistance if the alleged student offender poses an immediate health or safety risk to any person at the College – taking reasonable steps to preserve the environment, clothing, other items or potential witnesses until the Police arrive. <p>You must record all immediate action taken in the MLC Child Protection Incident Form available in the Child Safety Record Keeping section of this Program.</p> <p>The Principal and/or the Senior Child Protection Officer (Vice Principal) should immediately be notified and will liaise with the police.</p> <p>Preserving Evidence: When an incident of suspected child abuse occurs at the College, consider the following:</p> <ul style="list-style-type: none"> – environment: do not clean up the area, and preserve the sites where the alleged incident occurred – clothing: take steps to ensure that the person who has allegedly committed the abuse and the child 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. – other physical items: ensure that items such as weapons, bedding and condoms are untouched – potential witnesses: reasonable precautions must be taken to prevent discussion of the incident between those involved in the alleged incident. |
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| <p>Action 2 Reporting to Authorities</p> | <p>As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.</p> |
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Incidents that occur within the College

If the source of suspected abuse comes from a person within the school (this includes any forms of suspected child abuse involving a school staff member, contractor, volunteer, allied health practitioner, officer or office holder, whether or not the conduct is alleged to have occurred within the course of the person's employment or engagement with the school) you must:

- **immediately contact one of the College's Child Protection Officers and complete a 'Child Protection Incident Report Form'.**

The Senior Child Protection Officer will be informed and together with the relevant Head of School and School Counsellor, will consult with you, the reporting person, to coordinate the processes relating to any possible external reporting obligations. The Senior Child Protection Officer will ensure the concerns are documented and access to the files appropriately restricted.

Response to the concerns may include:

- a report to Victoria Police
- a report to DFFH Child Protection
- a report of any allegations of 'reportable conduct' as soon as possible to the Commission for Children and Young people
- no external report is made.

The Principal will be informed if a decision is made to report to either the Police or DFFH. The Principal will in turn, inform the Chair of the Board.

Where a report is not made and the reporting person still believes there is significant harm for the child, they should still make a report to DFFH and/or the Police (refer [How to proceed if the Principal/Child Protection Officer advises against reporting](#)).

Incidents within the family or community

If the source of suspected abuse comes from within the family or community, you must:

- **immediately contact one of the College's Child Protection Officers and complete a '[Child Protection Incident Form](#)'.**

The Senior Child Protection Officer will be informed and together with the relevant Head of School and School Counsellor, will consult with you, the reporting person, to coordinate the processes relating to any possible external reporting obligations. The Senior Child Protection Officer will ensure the concerns are documented and access to the files appropriately restricted.

The response to the concern may involve a report being made to DFFH Child Protection if a child is considered to be:

- in need of protection due to 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; and
- the child's parents/carers have not protected, or are unlikely to protect, the child from the harm.

A report to the Police will be made if the incident involves suspected physical or sexual abuse, including grooming.

The Principal will be informed if a decision is made to report to either the Police or DFFH. The Principal will in turn, inform the Chair of the Board.

Where a report is not made and the reporting person still believes there is significant harm for the child, they should still make a report to DFFH and/or the Police (refer [How to proceed if the Principal/Child Protection Officer advises against reporting](#)).

Reporting if the incident, suspicion or disclosure relates to an international student on a CAAW

If the incident, suspicion or disclosure relates to an international student (who has been issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter, in addition to the procedure above, the Senior Child Protection Officer will be required to make an additional report to the VRQA on (03) 9637 2806 or via email at vrqa@education.vic.gov.au.

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.

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| | <p>Contact a Child Protection Officer as it may be appropriate to make a referral or seek advice from Child FIRST/The Orange Door. Refer to <u><i>Non-mandatory Reporting to Child Protection</i></u>.</p> <hr/> <p>Making Additional Reports</p> <p>Every report is critical to protecting a child by building evidence and providing more information to authorities. Therefore, you must make a new report in any circumstances where you become aware of any further incidents, allegations, disclosures, or form a new suspicion, of student sexual offending.</p> <p>Even where DFFH Child Protection or Victoria Police have been involved or notified regarding the same incident, new information should be reported.</p> <p>Your reporting obligations are separate from others' obligations, so even where you think that another person at the College might make a report about an incident based on their own information, you too must report your suspicion or knowledge of student sexual offending. It's important to remember that others may not have the specific detail that you have regarding the incident.</p> |
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| <p>Action 3 Contacting Parents-Carers</p> | <p>No contact should be made with parents/carers without the approval from the relevant Head of School (who will be the relevant Child Protection Officer)</p> <p>In many cases where it is suspected that a child has been, or is at risk of being abused, it is extremely important that parents/carers are notified as soon as possible, <u>but not</u> if this may impact an investigation or place a child or their parent (victim of violence) at risk.</p> <p>However, AFTER a suspicion/reasonable belief that a child is subject to abuse has been formed and BEFORE contacting parents/carers, the relevant Child Protection Officer must seek advice from DFFH Child Protection and/or Victoria Police (depending on who the report was made to).</p> <p>This is critical to ensure the safety of the child and not to compromise any investigation being conducted by the relevant authorities or agencies.</p> <p>Where DFFH Child Protection and Victoria Police have advised that it is appropriate, a representative of the College should make sensitive and professional contact with parents/carers as soon as possible on the day of the incident, disclosure or suspicion.</p> <p>Sometimes communication with parents/carers is not appropriate because:</p> <ul style="list-style-type: none"> – a disclosure to the parent/carer may subject the child to abuse – the student is an adult (aged 18 years or over) and has requested that their parent/carer not be notified – the student is a mature minor (assessed to be sufficiently mature and intelligent to make such decisions on their own behalf) and has requested that their parent/carer not be notified (in these circumstances it is preferable that the child nominate another responsible adult to be contacted) – contacting the parents/carers is likely to adversely affect a Victoria Police or DFFH Child Protection investigation of the student sexual offending. <p>If the Police or DFFH Child Protection have advised that it is appropriate to contact the parents/carers, the following points should be remembered:</p> <ul style="list-style-type: none"> – remain calm, be empathetic, and acknowledge their concerns – provide appropriate details of the incident of student sexual offending – outline the action the College has taken to date, including who the incident has been reported to – provide the name and contact number of the Police officer or DFFH Child Protection worker who is investigating the matter – provide information on whether they are likely to be contacted by the Police or DFFH Child Protection – inform them that the investigation may take some time and ask what further information or assistance the College can provide – assure them that the College's wellbeing staff can provide support to the student. <p>All communication with parents/carers must be recorded using the MLC Child Protection Incident Form available from the Staff Hub (Child Safety Program or Document Central)</p> |
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| <p>Action 4 Providing ongoing support</p> | <p>Instances of sexual abuse can cause trauma and significantly impact on the mental health and wellbeing of students involved, and College community members.</p> <p>In addition to reporting incidents of abuse, and communication with parents/carers, the College must provide ongoing support to students, staff, Volunteers and other members of the College community affected by the incident.</p> |
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| | <p>Support for affected students (including victims of the offending, or those who engaged in the offending) can include direct support from wellbeing professionals including the College Counsellors or referral to external wellbeing professionals, support during any Police or DFFH Child Protection interviews with the student, and should also include the development of a Student Support Plan.</p> <p>Where appropriate, this ongoing support should be provided in partnership with affected students' parents/carers.</p> <p>Whilst a child's background should not impact on a decision to report alleged or suspected abuse, neglect or grooming, you should be sensitive to a child's individual circumstances when providing support and working with parents/carers impacted by abuse. Before creating a Student Support Plan, special consideration needs to be taken for students who:</p> <ul style="list-style-type: none"> – have a disability – identify as Aboriginal or Torres Strait Islander – are from culturally or linguistically diverse backgrounds – have refugee backgrounds. <p>Support must also be provided to staff and Volunteers impacted by the sexual offending.</p> <p>You must record the planned actions to be taken to support all students involved in any incident using the MLC Child Protection Incident Form available in the Child Safety Record Keeping section of this Program.</p> |
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If a member of MLC Staff is contacted by someone from outside the College, such as DFFH or the Police, the staff member should immediately transfer the call to the Senior Child Protection Officer (Vice Principal) or Head of Student Counselling in their absence.

How to proceed if the Child Protection Officer advises against reporting

If you have notified the Child Protection Officer and they choose not to make a report or advise you not to make an external report, you must disregard this advice if you have formed a reasonable belief that sexual abuse has occurred and then make a report to the Police and, where appropriate, DFFH Child Protection.

A failure to report sexual abuse may amount to a criminal offence under the [Obligation to Report a Sexual Offence \(Failure to Disclose\)](#).

If you decide to report your concerns externally you are requested to inform the Senior Child Protection Officer of your intentions both as a courtesy and a check that there have not been any actions that you are not aware of.

If you decide not to report externally, you should record your reasons for this decision.

4. Student Sexual Offending

All staff, Volunteers, Third-Party Contractors and External Education Providers must take action if they suspect, or are witness to, student sexual offending.

The Four Critical Actions for Schools: Responding to Student Sexual Offending must be applied in any circumstance where there is an incident, allegation, or you form a suspicion that, a student is victim to a student sexual offence and/or a student has committed a sexual offence.

This includes suspected sexual offending that may have taken place outside of College grounds and hours.

What is Harmful Sexual Behaviour?

It can be hard to distinguish between developmentally appropriate sexual behaviours and harmful sexual behaviours. It may be difficult to know if there is a problem and, if there is, how best to respond.

The term “harmful sexual behaviours” covers a broad spectrum of behaviours that can range from those that are developmentally inappropriate and harm only the child exhibiting the behaviours, such as compulsive masturbation or inappropriate nudity, to criminal behaviours such as sexual assault.

Due to this broad spectrum, and the diversity of students’ backgrounds and circumstances, there is no one response or intervention suitable for all children with harmful sexual behaviours.

Some, but not all, harmful sexual behaviour is considered student sexual offending.

What is Student Sexual Offending?

Whether harmful sexual behaviour by a student constitutes student sexual offending depends on the nature of the behaviour, the age of the student with the behaviour and, in some cases, the age of the target or victim of the behaviour.

Only harmful sexual behaviours that may constitute a sexual offence against another person can be considered student sexual offending. Sexual offences are defined in the Crimes Act 1958 (Vic) (Crimes Act) and include:

- rape
- sexual assault
- indecent acts
- other unwanted sexualised touching
- image based sexual offences.

Different laws regarding criminal responsibility apply for children under or above 10 years of age. Children aged under 10 cannot commit a criminal offence.

For the harmful sexual behaviour to be considered student sexual offending, the target or victim of the behaviour must be another person. It does not matter whether that person is a student at the College, another child or an adult.

In addition, under Victorian law, certain people are considered unable to consent to sexual activity:

- children between 12-15 can only consent to sexual activity with a peer no more than two years their senior – this means that sexual activity between a child aged 12-15 and a student who is more than two years older may be student sexual offending
- people who do not have the capacity to understand the context and possible consequences of the sexual activity are considered unable to consent – this means that sexual activity led by a student aged 10 years or over with a person who has a cognitive

impairment or is affected by alcohol or other drugs may be student sexual offending. Student sexual offending therefore is defined as sexual behaviour towards another person that is led by a student at the College aged 10 years or over, and that may amount to a sexual offence.

For more information on identifying student sexual offending, refer to [PROTECT: Identifying and Responding to Student Sexual Offending](#) and [Responding to Incidents of or Concerns About Student Sexual Offending](#).

What is Not Student Sexual Offending

Self-Focused Sexual Behaviour

Harmful sexual behaviour by a student that is self-focused is not student sexual offending.

Consensual Sexual Activity Between Peers of a Similar Age

Consensual sexual activity between a child aged 12-15 and a student who is less than two years older is not student sexual offending.

What to Do When Harmful Sexual Behaviour is Not Student Sexual Offending

Harmful sexual behaviour that does not amount to student sexual offending must still be responded to.

If you suspect that a student has engaged in concerning sexual behaviour, notify the relevant Child Protection Officer who will advise the parents/carers of the child. The College will work with the parents/carers to ensure that the child is aware that their behaviour is not appropriate in a school environment.

In the event of very concerning sexual behaviour advice should be sought from DFFH Child Protection on 131 278.

For any students affected by concerning sexual behaviour, the College will develop a Student Support Plan and offer College-based support or refer the student to appropriate external support services.

Responding to Incidents of Student Sexual Offending

There are four main ways to become aware of student sexual offending:

- witnessing an incident
- forming a suspicion through observing risk indicators
- receiving a disclosure from or about a current student
- receiving a disclosure from or about a former student

When you become aware of, or suspect, student sexual offending, or that a student is at risk of perpetrating or suffering student sexual offending, you must follow the **Four Critical Actions for Schools: Responding to Student Sexual Offending**:

1. Responding to Authorities
2. Reporting to Authorities
3. Contacting Parents/Carers
4. Providing Ongoing Support

You must take action 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).

Four Critical Actions – Student Sexual Offending

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| <p>Action 1 Responding to an Emergency</p> | <p>As soon as you become aware of student sexual offending, you must take steps to protect all affected students, including:</p> <ul style="list-style-type: none"> – separating the alleged victim and others involved, ensuring all affected students are supervised by a staff member – arranging and providing any necessary urgent medical care by either administering first aid or calling 000 for an ambulance – calling 000 for urgent Police assistance if the alleged student offender poses an immediate health or safety risk to any person at the College – taking reasonable steps to preserve the environment, clothing, other items or potential witnesses until the Police arrive. <p>Immediately contact one of the College’s Child Protection Officers and complete a MLC Child Protection Incident Form.</p> |
| <p>Action 2 Reporting to Authorities</p> | <p>The Senior Child Protection Officer will be informed and together with the relevant Head of School and School Counsellor, will consult with you, the reporting person, regarding external reporting obligations. The relevant Senior Child Protection Officer will ensure the concerns are documented and access to the files appropriately restricted.</p> <p>Response to the concerns should include:</p> <ul style="list-style-type: none"> – a report to Victoria Police, or – a report to DFFH Child Protection <p>The Principal must be informed of any incident, disclosures or suspicions of student sexual offending. The Principal will inform the Chair of the Board where any reports are made to the Police or DFFH.</p> <p>If a decision is taken by the College to not report the incident and the reporting person still believes there is significant harm for the child, they should still make a report to DFFH and/or the Police (refer How to proceed if the Principal/Child Protection Officer advises against reporting).</p> <p>Report to Victoria Police</p> <p>After the immediate health and safety of all students involved has been addressed, incidents, allegations, disclosures and suspicions of student sexual offending must be reported to Victoria Police (SOCIT). This report will be made by the Student Counsellor or Senior Child Protection Officer.</p> <p>Report to DFFH Child Protection</p> <p>Additionally, a report of the incident must be made to DFFH Child Protection if it is reasonably believed that:</p> <ul style="list-style-type: none"> – the victim’s parents/carers are unable to protect the child – the student who is alleged to have engaged in student sexual offending is: <ul style="list-style-type: none"> ▪ over 10 and under 15 years of age and may be in need of therapeutic treatment (see below) to address their sexually abusive behaviours ▪ displaying physical and behavioural indicators which lead you to reasonably believe that they may have been a victim of abuse, neglect or grooming. <p>The Student Counsellor, relevant Child Protection Officer and the Senior Child Protection Officer will determine who makes a report to DFFH and nominate a contact person at the College for future liaison with DFFH Child Protection about the incident. Additionally, advice will be sought from DFFH Child Protection about contacting parents/carers. Refer to Non-mandatory Reporting to Child Protection.</p> <p>The Principal has additional responsibilities in overseeing the College’s response to the incident. Refer to the Principal’s Checklist developed by DFFH Child Protection here.</p> <p>Child in Need of Therapeutic Treatment</p> <p>Any person may report concerns to DFFH Child Protection about a child’s (aged over 10 years and under 15 years) sexually abusive behaviour. DFFH Child Protection may then make an application to the Children’s Court for a therapeutic treatment order if it assesses that the child is in need of therapeutic treatment, and the child, or the child’s parents/carers, are unable or unwilling to access treatment.</p> |

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| | <p>Note that reporting to DFFH Child Protection in relation to a child in need of therapeutic treatment does not replace your requirement to report student sexual offending to Victoria Police. All instances of student sexual offending must be reported to the Police.</p> <p>Making Additional Reports</p> <p>Every report is critical to protecting a child by building evidence and providing more information to authorities. Therefore, you must make a new report in any circumstances where you become aware of any further incidents, allegations, disclosures, or form a new suspicion, of student sexual offending.</p> <p>Reporting Student Sexual Offending and Other Reporting Obligations</p> <p>The obligation for staff, Volunteers, Third-Party Contractors and External Education Providers to report student sexual offending to Victoria Police and, where appropriate, DFFH Child Protection is separate and distinct from other legal reporting obligations.</p> <p>However, there are times when more than one reporting obligation will apply.</p> <p>For example, an incident of student sexual offending may give rise to the obligation to report to Victoria Police under these student sexual offending requirements, the Mandatory Reporting scheme and the Obligation to Report a Sexual Offence (Failure to Disclose).</p> <p>The offence of Failure to Protect a child from a substantial risk of becoming a victim of a sexual offence committed by an adult associated with the College does not apply to student sexual offending, unless you form a reasonable belief that an adult associated with the College may have also engaged in the offence.</p> |
| <p>Action 3 Contacting Parents-Carers</p> | <p>Following an incident, allegation, disclosure or suspicion of student sexual offending, communicating with the parents/carers of students involved is critical.</p> <p>However, it is equally important that before contacting parents/carers, advice is sought from Victoria Police and/or DFFH Child Protection to ensure that communication is the correct decision and also to confirm what should be communicated.</p> <p>The relevant Child Protection Officer must consult with DFFH Child Protection or the Police to determine what information can be shared with parents/carers. They may advise:</p> <ul style="list-style-type: none"> – not to contact the parents/ carers (e.g., in circumstances where contacting the parents/ carers is likely to adversely affect a 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). <p>All communication with parents/carers must be recorded using the MLC Child Protection Incident Form, located on the Staff Hub, Document Central.</p> |
| <p>Action 4 Providing ongoing support</p> | <p>Instances of student sexual offending can cause trauma and significantly impact on the mental health and wellbeing of students involved, and College community members.</p> <p>In addition to reporting incidents of student sexual offending, and communication with parents/carers, the College must provide ongoing support to students, staff, Volunteers and other members of the College community affected by the incident.</p> <p>Support for affected students (including victims of the offending, or those who engaged in the offending) can include direct support from wellbeing professionals including the College Counsellors, referral to external wellbeing professionals, support during any Police or DFFH Child Protection interviews with the student and should also include the development of a Student Support Plan.</p> <p>Where appropriate, this ongoing support should be provided in partnership with affected students' parents/carers.</p> <p>Whilst a child's background should not impact on a decision to report alleged or suspected abuse, neglect or grooming, you should be sensitive to a child's individual circumstances when providing support and working with parents/carers impacted by abuse. Before creating a Student Support Plan, special consideration needs to be taken for students who:</p> <ul style="list-style-type: none"> – have a disability – identify as Aboriginal or Torres Strait Islander – are from culturally or linguistically diverse (CALD) backgrounds – have refugee backgrounds <p>Support should also be provided to staff and Volunteers impacted by student sexual offending.</p> <p>You must record the planned actions to be taken to support all students involved in the student sexual offending using the MLC Child Protection Incident Form available on the Staff Hub (Child Safety Program or Document Central).</p> |

5. Responding to Other Concerns About the Wellbeing of a Child

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.

The College and its teaching staff, non-teaching staff, Board of Directors members, the Principal, Volunteers, Third-Party Contractors and External Education Providers (**together, known as "Staff" for the purposes of this policy only**) owe a duty of care to all students at the College to ensure that they feel safe and are supported at College.

Any concerns about the wellbeing of a child should be discussed with a Child Protection Officer. The Child Protection Officer will make contact with the appropriate external if required.

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

- internally, one of the College's Child Protection Officers
- Child FIRST/Orange Door
- Child Protection
- the Victorian Police.

DFFH Child Protection should also be contacted where it is considered that a child is in need of protection.

Child FIRST

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 College's Procedures for Responding to and Reporting Allegations of Child Abuse, a referral to Child FIRST should be made if:

- there are significant concerns for a child's wellbeing
- the concerns have a low-to-moderate impact on the child
- the child's immediate safety is not compromised
- a referral has been discussed with the child's family and they are supportive of it.

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

- parenting problems
- family conflict or breakdown
- pressure due to a family member's physical/mental illness
- significant social or economic disadvantage.

Orange Door

The Orange Door is a free service for adults, children and young people who are experiencing or have experienced family violence and families who need extra support with the care of children.

Victoria Police

In addition to reporting suspected abuse to the appropriate authorities in accordance with the College's Procedures for Responding to and Reporting Allegations of Child Abuse, Victoria Police must be contacted if:

- a child’s immediate safety is compromised
- a child is partaking in any risk-taking activity that is illegal or extreme in nature or poses a high risk to the child.

As set out in *Non-Mandatory Reporting to Police*, it is the College’s policy that you must contact Victoria Police if:

- there is any concern for a student’s immediate safety
- a student is partaking in illegal activity that is extreme in nature or poses a high risk to the student.

You may do this without the consent of the student, even if the student is aged 18 or over.

If the student who is partaking in illegal activity that is extreme in nature or that poses a high risk to the student is aged under 17, you could instead make a *Non-Mandatory Report to Child Protection* if you believe the student needs protection or other assistance.

Extreme, risk-taking behaviour is behaviour that has potentially severe or life-threatening consequences. Examples include:

- severe alcohol or drug use
- unsafe sexual activity
- solvent abuse and chroming
- violent or dangerous peer group activity.

DFFH Child Protection

In addition to reporting suspected abuse to Child FIRST or the Police, the appropriate authorities in accordance with the College’s Procedures for Responding to and Reporting Allegations of Child Abuse, DFFH Child Protection should be contacted where it is believed that a child is in need of protection.

Common grounds for protection include instances where:

- a child’s parents have abandoned the child and after reasonable inquiries, the parents cannot be found, and no other suitable person can be found who is willing and able to care for the child
- a child’s parents are dead or incapacitated and there is no other suitable person willing and able to care for the child
- a child 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.
- there is a threat of harm to an unborn child, including circumstances where a parent has previously demonstrated an inability to safely parent.

Record Keeping Obligations

For the College’s record keeping obligations relating to child safety incidents or child wellbeing concerns, refer to Child Safety Record Keeping.

6. Conduct that is Reportable to the Victorian Institute of Teaching

Registered teachers in Victoria are exempt from holding a Working with Children Check (WWCC). This is because, in considering applications for registration or re-registration as a teacher, the Victorian Institute of Teaching (VIT) has similar information sharing requirements to and considers similar information and undertakes a similar assessment as, the WWCC Scheme.

This Policy is designed to ensure that staff who are registered teachers and the College meet their responsibilities to notify the VIT of required information relevant to child safety. It is also designed to ensure that teaching staff who would fail the WWCC (were they not exempt) are removed from employment or engagement at the College.

Source of Obligation

Under section 2.6.57 of the *Education and Training Reform Act 2006 (Vic)* (the Act), registered teachers must notify the VIT, and include in any application for registration or renewal of their registration, if they are committed for trial or been convicted or found guilty of certain criminal offences that accord with those relevant to WWCCs.

Registered teachers must also notify Working with Children Check Victoria (WWCCV) of all organisations in which they engage in child-related work (other than teaching).

Under section 2.6.31 of the Act, the College (Director of HR) must notify the VIT if the College has taken:

- any action against a registered teacher in response to allegations:
 - of serious incompetence
 - of serious misconduct
 - that the teacher is unfit to be a teacher
 - that the teacher's ability to practice as a teacher is seriously detrimentally affected or likely to be seriously affected because of an impairment; or
- any other actions against a registered teacher that may be relevant to their fitness to teach.

The College (Director of HR) must also immediately notify the VIT if it becomes aware that a teacher:

has been charged with, or convicted or found guilty of, certain criminal offences that accord with those relevant to WWCCs; or

has been given a negative notice in relation to the WWCC.

Section 2.3.10 of the Act requires that the College dismiss or remove from its employment or engagement any teacher who has either:

- been convicted or found guilty of certain criminal offences that accord with those relevant to WWCC Checks; or
- been given a WWCC exclusion.

Fulfilling the roles and responsibilities contained in this Section does not displace or discharge any of these other obligations that arise if a person reasonably believes that a child is at risk of child abuse or other harm.

Staff Responsibilities

Registered teachers must meet their obligations under the Act and notify the VIT if they are committed for trial, or found guilty or convicted of, certain relevant offences, including:

- serious sexual offences
- serious violent offences
- serious drug-related offences
- offences against the *Child, Youth and Families Act 2005 (Vic)*
- other offences linked to the safety of children.

They must also notify WWCCV of all organisations in which they undertake child-related work (other than teaching) within 21 days of starting that child-related work, using the [Notification Form](#)

found here.

In addition, to enable the College to meet its obligations under the Act, it is the College's policy that:

- registered teachers must inform the Principal (or, if the person is the Principal if they are charged with, committed for trial for, or convicted or found guilty of any of the above offences or if they have been given a negative notice in relation to a WWCC).
- all staff must immediately report to the Principal (or, if the incident or allegation involves the Principal, the Senior Vice-Principal or Chair of the Board) any incident or allegation that raises concerns about a teacher's fitness to teach, including:
 - serious incompetence
 - serious misconduct
 - that the teacher is unfit to be a teacher
 - that the teacher's ability to practice as a teacher is seriously detrimentally affected or likely to be seriously affected because of an impairment
 - that the teacher has been charged with, or has been convicted or found guilty of, any of the above offences.

Teacher Misconduct Reportable to the VIT and Our Child Safety Codes of Conduct

Our Child Safety Codes of Conduct outlines expected standards of behaviour for all Staff at the College. Teachers in Victoria are also expected to comply with the Victorian Institute of Teaching's Victorian Teaching Profession's Code of Conduct. However, breaches of these Codes of Conduct will not always constitute teacher misconduct that is reportable to the VIT. Some breaches of our Child Safety Codes of Conduct can be dealt with at the College level and the results of the investigation would not need to be reported to the VIT by the College. For example, a new teacher accepting a social media 'friend' request from a student on a single occasion would be a breach of our Child Safety Codes of Conduct but may not amount to serious misconduct and/or may not result in action being taken against the teacher.

However, all breaches of Codes of Conduct must still be reported internally under the Child Safe Code of Conduct.

VIT Notifications and Other Reporting Obligations

The internal reporting and VIT notification obligations covered in this Policy are separate and distinct from obligations to report to Child Protection, (refer to [Mandatory Reporting to Child Protection](#) and Non-Mandatory Reporting to Child Protection), obligations to report to Police (refer to [Reporting to Police](#)) and reporting obligations under the Reportable Conduct Scheme (refer to [Reportable Conduct](#)).

7. Communication with Parents/Carers

In many cases of suspected child abuse, or where it is suspected that a child is at risk of being abused, it is critical that the child's parents/carers are notified as soon as is practicable after a notification has been made to the appropriate external authority. This enables the child's parents/carers to take steps to:

- prevent or limit their child's exposure to further abuse
- ensure that their child receives the support that is needed.

It is the College's policy that any notification made to parents/carers of a child suspected to have been abused, or is at risk of being abused, is made by the relevant Child Protection Officer (usually a Head of School) after a notification to either DFFH Child Protection or the Police has been made.

Before contacting parents/carers the relevant Child Protection Officer must seek advice from DFFH Child Protection and/or the Police, depending on who the report was made to. The College will be advised by an external authority not to contact the parents in circumstances where:

the parents/carers are alleged to have engaged in the abuse

a disclosure to the parents/carers may subject the child to further abuse

the child is a mature minor (assessed to be sufficiently intelligent and mature to make such decisions on their own behalf) and has requested that the parents/carers not be contacted

the notification is likely to have an adverse effect on an ongoing investigation into the incident.

The Principal may disclose information about an investigation into a reportable allegation to a parent or carer of the child in relation to which a reportable allegation has been made. Refer to Reportable Conduct Policy.

8. Support for Students Interviewed at the College

The College has certain legal requirements when a request is made by the Police or DFFH Child Protection workers to interview students regarding child safety incidents at the College. Students to be interviewed may include victims, witnesses or those alleged to have perpetrated abuse.

Support for Students

All students interview by the Police or DFFH Child Protection at the College must be supported. Where possible, the student's parents/carers should be present for any interview. Where this is not practicable, one of the following persons may provide support to the student during the interview, as appropriate:

- the relevant Child Protection Officer
- in the case of Police interviews, **an independent support person** over the age of 18 who is not connected with the College, for example a social worker or nurse (independent supportive adult).

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 Child Protection Officer is related to the perpetrator of the child safety incident, the student is a family member, or the Child Protection Officer may be the perpetrator.

General Protocols

The relevant Child Protection Officer must:

- facilitate interviews requested by the Police or DFFH Child Protection workers
- advise students of their right to have an independent supportive adult, parent or carer present at such an interview
- arrange for the student to choose an independent supportive adult to be present
- balance their obligation to protect the rights of students with their obligation to assist the Police and DFFH Child Protection in their exercise of duty
- ensure there is someone acting as an independent supportive adult for students interviewed at school by the Police or DFFH Child Protection workers
- observe confidentiality at all times in the management of a mandatory reporting or criminal case.

Contacting Parents/Carers

Before contacting a student's parents/carers, the relevant Child Protection Officer **must** seek advice from the Police or DFFH Child Protection to determine if parents/carers should be present at the interview.

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 DFFH Child Protection where it is deemed to be appropriate, however DFFH Child Protection may conduct interviews with students without parental/carer knowledge or consent in exceptional circumstances.

Student as a Victim/Witness

When the College allows interviews involving students who may be victims or witnesses, they should:

- support and encourage the student to provide as much information as possible
- inform the student that a note of the circumstances and the content of the interview will be made and communicated to their parents/carers as soon as possible, unless doing so causes a risk of abuse.

Student as a Suspect

If Police need to speak with a student who has allegedly abused another child, or student at the College, this should preferably be done in the presence of the student's parents/carers, or another **independent supportive adult**.

Complying with Court Orders

A subpoena or witness summons is a court order that compels the College to produce documents or attend court and give evidence, or both. The Principal or a staff member will usually be issued with a subpoena or witness summons because a party to legal proceedings believes that the College, the Principal, Child Protection Officer or a staff member has information or documents that are relevant to the proceeding.

The College will seek external legal advice and support relating to complying with subpoenas or witness summons.

9. Making Additional Reports

There are some circumstances in which an additional report may be required to an appropriate external authority.

Reporting Further Grounds for Belief or Suspicion

If you hold a reasonable belief that a child has been, or is at risk of being abused, you must still make a report to the relevant external authority about a child even if:

- DFFH Child Protection or the Police have previously been involved or are currently involved with the child and/or their family
- you are aware that another party, such as another staff member, Volunteer, or family member, has raised concerns with the relevant authorities.

Every report is critical to protecting a child by building evidence and enabling external authorities to gain a clear understanding of the risks posed to the child.

Another Person Has Made a Report

There may be times when two or more staff members at the College (for example, a Student Coordinator and subject teacher in JSS) has formed a belief about the same child on the same occasion and based on the same information.

In this situation, both staff will report to the relevant Child Protection Office and one report will be made to the relevant external authority, as the belief is based on the same information. However, both staff members are 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.

If staff members do not agree on what should be reported, for example a staff member does not agree with the Child Protection Officers decision to make a report to an external authority, the staff member is legally obliged to make a report anyway.

Other Concerns About the Wellbeing of a Child

If you believe that a child has not been subjected to abuse or neglect but still hold significant concerns about the child's wellbeing, you are still required to report your concerns to a Child Protection Officer and they may still be required to report concerns to DFFH Child Protection, the Police or Child FIRST. There are times when a Child Protection Officer (usually the Coordinator of Counselling) will seek advice from DFFH Child Protection in a de-identified way. For more information about reporting wellbeing concerns refer to the *Responding to Other Concerns About the Wellbeing of a Child* section of this Program.

10. Confidentiality and Privacy

Confidentiality of Information Relating to Child Safety Matters

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.

You must not provide undertakings that are inconsistent with your reporting obligations in the College's Child Safety Program. In particular, you must not promise a student that you will not tell anyone about the student's disclosure.

Students and any other parties who become involved in the investigation (this may include other students) should be informed of the reporting process and be required to maintain confidentiality.

Inappropriate disclosure will be subject to disciplinary action.

Protection of Reporter's Identity

Reports or referrals made to DFFH Child Protection or Child FIRST are confidential and the reporter's identity is generally protected by law. Exceptions include if:

- the reporter chooses to inform the child or family of the report
- the reporter consents in writing to their identity being disclosed
- 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 child
- a court or tribunal decides the reporter is required to attend court to provide evidence.

The identity of the person who makes a report to the Police, including reports under section 327 of the Crimes Act 1958 (Vic) (Obligation to Report a Sexual Offence), will remain confidential unless:

- the person themselves discloses their identity or they consent in writing to their identity being disclosed
- a court or tribunal decides that it is necessary in the interests of justice for the person's identity to be disclosed.

Reporter Liability

A person who makes a Mandatory Report in accordance with the *Children, Youth and Families Act 2005 (Vic)*, 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.

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.

Protection of Staff's WWCC Status

The College will only be informed of whether an individual passes or fails the WWC Check. None of the information gathered for the WWC Check, such as criminal or professional records, will be passed on to MLC.

Protection of Personal Information

How MLC handles the information we collect about individuals (referred to in the 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:

- whether the information, or opinion, is true or not
- whether the information, or opinion, is recorded in a material form or not.

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

Requests for Information

If you receive a request from the Police, the Commission for Children and Young People (CCYP) or DFFH Child Protection for information relating to a student who has been impacted (or is suspected to have been impacted) by child abuse, you should always refer the matter to the Senior Child Protection Officer, who will:

- obtain the request for information in writing; and
- ensure that the written request includes:
 - the name of the Police officer, the representative of the CCYP or DFFH Child Protection worker, the organisation they work for and their contact details
 - a description of the information and/or documents being sought
 - the reasons why the information and/or documents are being sought
 - what authority the officer/worker or the organisation believes that they have to access the requested information and documents.

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

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. For more information about when and how you may share this information, refer to the Information Sharing Policy.

If you receive a request to share information under Part 6A of the Child Wellbeing and Safety Act

2005 (Vic), or under Part 5A of the Family Violence Protection Act 2008 (Vic), the request must be forwarded to the Senior Child Protection Officer/Vice Principal.

Information Sharing with the College Community

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

Record Keeping Obligations

For the College's record keeping obligations relating to child safety incidents, refer to Child Safety Record Keeping.