



Child Safe Program

Reporting and Responding Obligations (Child Safety) Policy and Procedures

Introduction

At Southern Cross Grammar, we believe that safeguarding children is the responsibility of everyone in our community. Together, we are deeply committed to creating an environment where all children and young people are free from harm and nurtured to thrive.

Purpose

The purpose of our Child Safety Program is to ensure that every member of the School community:

- Understands their shared responsibility to protect children and young people from abuse and harm;
- Is aware of the School's procedures and expectations for identifying, responding to, and reporting child safety concerns; and
- Actively contributes to a child-safe culture that promotes the rights, safety, and wellbeing of every child and young person.

While Southern Cross Grammar's Child Safety Program applies to all members of the School community, specific roles and groups including the Principal (Child Safety Champion), Executive Team, Child Safety Officers, staff, volunteers and contractors carry defined responsibilities and obligations as outlined in the Child Safety Roles and Responsibilities Policy Statement.

This Program supports Southern Cross Grammar's compliance with the Child Wellbeing and Safety Act 2005 (Vic) and the Victorian Child Safe Standards, and sets out the reasonable steps the School

takes to prevent and respond to child abuse and other harm in all School environments, including online and offsite activities.

Statement of Commitment to Child Safety

At Southern Cross Grammar, we are committed to creating environments where students feel safe, supported, and valued. We ensure that all students' views are respected, their voices are heard, and their diverse needs are addressed through inclusive child safety policies, strategies, and practices.

We maintain a zero-tolerance approach to child abuse and take proactive measures to identify and manage any risks of harm to students within our school environments.

We foster positive relationships between students and adults, as well as among peers, built on trust and respect.

Particular attention is given to the safety needs of Aboriginal students, those from culturally and linguistically diverse backgrounds, students with disabilities, those affected by family violence, LGBTIQ+ students, and other vulnerable groups. Inappropriate or harmful behaviour targeting students based on these or other characteristics such as racism will not be tolerated and will be addressed with appropriate consequences.

We are committed to addressing any potential risks to students' safety and respond promptly and seriously when concerns are raised.

Policy Purpose

The Reporting and Responding Obligations (Child Safety Policy and Procedures demonstrates Southern Cross Grammar's strong commitment to:

- child safety and wellbeing
- complying with the Victorian Child Safe Standards (Child Safe Standards); and
- implementing Ministerial Order 1359 (MO 1359), which sets out how the Child Safe Standards apply in school environments.

This Policy and its Procedures assist the School and its Staff, Volunteers, Contractors and other service providers to:

- identify indicators that a child, young person or student aged 18 or over has been, is being, or is at risk of being "abused or harmed", "in need of protection", or subjected to "Reportable

Conduct”

- understand how to tell the School about students in these situations, and take action to protect and support the student and others who may be impacted
- comply with the School’s organisational duty of care and their own duty to protect students (including obligations under the Failure to Protect offence)
- comply with their obligations (under the law and under School policy) to report child safety incidents or concerns to relevant external authorities, including:
 - mandatory reporting of physical and sexual abuse to the Department of Families, Fairness and Housing (DFFH Child Protection) Protection)
 - mandatory reporting of sexual offences against children (including grooming) to the Police
- comply with their obligations under the Victorian Reportable Conduct Scheme
- comply with other laws, regulations, and relevant standards relating to recognising, reporting and responding to child safety incidents or concerns.

Of particular importance to this Policy and its Procedures is the phrase “child safety incident or concern”.

A “child safety incident or concern” is an incident of or concern about:

- “child abuse” which is defined in the Child Wellbeing and Safety Act 2005 (Vic) (CWS Act) and Ministerial Order 1359 to mean:
 - any act committed against a child aged under 18 involving a sexual offence
 - a grooming offence under section 49M(1) of the Crimes Act (grooming of an adult with “care, supervision or authority” for a child aged under 16)
 - the infliction, on a child aged under 18, of “physical violence”
 - the infliction, on a child aged under 18, of “serious emotional or psychological harm”; and
 - the “serious neglect” of a child aged under 18
- a child being “in need of protection” which is defined in the Children, Youth and Families Act 2005 (Vic) (CYF Act) as a child aged under 17 (or aged 17 and subject to a child protection order):
 - who has been abandoned by their parents and no other suitable person can be found who is willing and able to care for them
 - whose parents are dead or incapacitated and no other suitable person can be found who is willing and able to care for them
 - who has suffered, or is likely to suffer, “significant” harm as a result of physical injury, from which their parents “have not or are not likely to protect” them

- who has suffered, or is likely to suffer, “significant” harm as a result of sexual abuse (including likely future sexual abuse as a result of grooming), from which their “parents have not or are not likely to protect” them
- who has suffered, or is likely to suffer, “significant” emotional or psychological harm, from which their “parents have not or are not likely to protect” them
- who has suffered, or is likely to suffer, “significant” neglect by their parents
- “Reportable Conduct” which is defined in the CWS Act as the following conduct by an “employee” (which includes all Staff, Volunteers and Contractors):
 - a sexual offence committed against or in the presence of a child aged under 18
 - sexual misconduct committed against or in the presence of a child aged under 18
 - physical violence committed against or in the presence of a child aged under 18
 - any behaviour that causes “significant” emotional or psychological harm to a child aged under 18
 - “significant” neglect of a child aged under 18
- a criminal offence against a child or young person, or against a student aged 18 or over, as set out in the Crimes Act 1958 (Vic), including but not limited to:
 - general sexual offences and physical assaults against a person
 - specific sexual offences against children aged under 16 and against young people aged 16 or 17 who are under the “care, supervision or authority” of the offender
 - the offence of grooming an adult with care, supervision or authority for a child aged under 16
 - the offence of encouraging a child aged under 16, or a young person aged 16 or 17 who is under the care, supervision or authority of the offender, to engage or be involved in sexual activity
 - offences related to child abuse material
 - the offence of recruiting a child aged under 18 to engage or be involved in other criminal activity
- a practice to change or suppress a child or young person’s, or a student aged 18 or over’s, sexual orientation or gender identity, which is prohibited under the Change or Suppression (Conversion) Practices Prohibition Act 2021 (Vic)
- a breach of the Child Safety Codes of Conduct, no matter how minor the breach.

For more information about all of these concepts, refer to [Definitions and Key Indicators of Abuse and Other Harm](#) (Annexure 1).

Scope

For the purposes of this Policy and its Procedures, the terms “Staff” and “staff member” include all Staff, Volunteers and Contractors. It does not matter how often you work or volunteer at or for the School or whether, as part of your role, you have contact with students.

If you are a staff member and you:

- witness a child safety incident at the School or a School event, or in any other School environment; or
- have a child safety concern about a student, another staff member, a Visitor or any other person associated with the School

this Policy and its Procedures apply to you.

However, the terms “Staff” and “staff member” do not include students who are volunteering with, coaching or tutoring younger students at the School. If you are a student, you must instead comply with the Student Code of Conduct and other relevant School policies.

This Policy and its Procedures apply in all School environments. School environments include the following physical, virtual and online places used during or outside school hours:

- a campus of the School
- online or virtual School environments made available or authorised by Southern Cross Grammar Board (or the Principal on its behalf) for use by a student (including email, intranet systems, software applications, collaboration tools and online services)
- other locations provided by the School or through a third-party provider for a student to use, including but not limited to:
 - camps
 - approved homestay accommodation
 - delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers, another school
 - sporting events, excursions, competitions and other events.

Roles and Responsibilities

Roles and responsibilities relevant to child safety and wellbeing at the School in general are set out in the **Child Safety and Wellbeing Policy**, available on our public website.

The following roles have additional responsibilities under this Policy and its Procedures:

Staff Members

If you are a staff member, you are responsible for:

- understanding and complying with your general duty of care towards all students and responding appropriately to a student who raises or is affected by a child safety incident or concern
- understanding and complying your internal and external reporting obligations and complying with this Policy and its Procedures.

Child Safety Officers

If you are a Child Safety Officer, you are responsible for:

- receiving internal reports about child safety incidents or concerns
- providing assistance and advice to staff members about their obligations under this Policy and its Procedures
- ensuring that the School takes seriously, escalates, reports and responds to all child safety incidents or concerns, including those that occur at or involve the School and its staff members
- ensuring that the School responds appropriately to a student who raises or is affected by a child safety incident or concern
- where authorised by the Principal or the Deputy Principal, promptly and thoroughly managing the School's response
- where authorised by the Principal, monitoring the School's compliance with this Policy and its Procedures.

The School's Child Safety Officers are:

Child Safety Champion	Brayden Stone, Principal, principal@scg.vic.edu.au
Senior Child Safety Officer	Emma Kannar, Deputy Principal Head of Secondary, headofsecondary@scg.vic.edu.au
Child Safety Officers	Paul Staniscia, Head of Primary, headofprimary@scg.vic.edu.au

Claudia Zuniga, Deputy Head of Primary,
deputyprimary@scg.vic.edu.au

Lauren Hedditch, Head of Junior Primary (F-2),
juniorprimary@scg.vic.edu.au

Damien Morrison, Head of Upper Primary (3-6),
upperprimary@scg.vic.edu.au

Dean Galea, Head of Middle School (7-9) ,
middleschool@scg.vic.edu.au

Claire Mann, Head of Senior School (10-12),
seniorschool@scg.vic.edu.au

The Principal

If you are the Principal, you are responsible for undertaking Child Safety Officers' responsibilities above, as well as for ensuring the efficient and effective organisation, management and administration of the School's processes for responding to and reporting child safety incidents or concerns.

You may authorise other people at the School to undertake the School's responding and reporting responsibilities, however, you remain ultimately responsible and accountable for implementing this Policy and its Procedures.

References to the Principal in this Policy and its Procedures therefore include these other people when they are undertaking responsibilities under this Policy and its Procedures.

The Deputy Principal

If you are the Deputy Principal, you are responsible for undertaking the Principal's responsibilities when they cannot perform them (for example, because they are absent or when a particular child safety incident or concern involves the Principal).

Additional Responsibilities

Additional responsibilities relevant to specific responding and reporting obligations are set out in the relevant subsections.

Policy Statement

1. Reporting and Responding to Child Safety Incidents and Concerns in General

1.1 The School displays PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosure and Suspicions of Child Abuse (Four Critical Actions), Annexure 2, and PROTECT Four Critical Actions for Schools: Responding to Student Sexual Offending (Four Critical Actions: Student Sexual Offending), Annexure 3, in staffrooms and other strategic areas of the School to ensure that all Staff are aware of the actions to take as soon as they:

- witness a child safety incident
- develop a child safety concern
- receive a disclosure of, or a complaint containing information about, abuse or other harm; or
- form a reasonable suspicion or belief that a child, young person or student aged 18 or over has been, or is at risk of being, abused or harmed.

1.2 The School's procedures for reporting child safety incidents and concerns (including incidents, complaints, allegations or disclosures of abuse or other harm) do not:

- prohibit or discourage Staff from reporting the child safety incident or concern to a person external to the School
- state or imply that it is the victim's responsibility to inform the Police or other authorities of the child safety incident or concern
- require Staff to make a judgment about the truth of a complaint, allegation or disclosure relating to abuse or other harm
- prohibit Staff from making records about the child safety incident or concern.

1.3 Nothing in this Policy and its Procedures prevents a staff member or any other person from taking immediate action to protect a student and/or from notifying the Police and/or DFFH Child Protection, particularly if they believe that it is essential to act to ensure a student's safety.

2. Duty of Care

2.1 You **must** understand your role in keeping children, young people and students aged 18 or over safe. In particular, you **must** avoid acts or failures to act (omissions) that could be reasonably

foreseen to injure or harm students.

2.2 As part of this duty of care, you **must** report situations that may result in reasonably foreseeable risks of any kind of harm to students (including risks of abuse and other harm):

- internally to the School; and
- externally to relevant authorities.

3. Staff Members' Response to Child Safety Incidents or Concerns

3.1 You **must** follow the **Four Critical Actions** and the **Four Critical Actions: Student Sexual Offending** when responding to child safety incidents or concerns that occur at School or School events, or that involve students (including students aged 18 or over) or staff members. You **must** do this by:

- taking action in response to any emergency situations
- meeting your legal obligations to protect students from future harm
- reporting the child safety incident or concern internally to the School
- making any and all reports to external authorities that are required by law or by School policies
- providing ongoing support to affected students and staff members; and
- documenting the child safety incident or concern and your response in:
 - [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#); or
 - if the matter involves Student Sexual Offending, [PROTECT Responding to Suspected Student Sexual Offending - A Template for Victorian Schools](#).

How you can do all of the above is explained in the **Procedures** below.

3.2 Reporting internally to or consulting with a Child Safety Officer or the Principal does not change any obligation under legislation to report to an external authority. You **must** make a report to the relevant external authority as soon as practicable if – in your own mind – your concerns reach the required threshold for reporting, even if a person that you reported to internally at the School does not share your concerns.

3.3 If you receive a complaint that is about, or that includes information about, a child safety incident or concern that occurred at the School or at a School event or that involved another staff member, you **must also** respond to the complaint by following the [Complaints Management \(Child Safety\) Policy and Procedures](#).

4. The School's Response to Internal Reports

4.1 The School will take appropriate, prompt action in response to all child safety incidents or concerns, including all incidents, complaints, allegations or disclosures of abuse or other harm, when these are reported to the School, whether by staff members, students, parents/carers or anyone else.

4.2 The safety and wellbeing of the student/s involved in the matter is the paramount consideration when responding to child safety incidents and concerns.

4.3 The School follows the National Office of Child Safety's [Complaint Handling Guide: Upholding the rights of children and young people](#) and the Commission for Children and Young People's [Including Children and Young People in Reportable Conduct Investigations resources](#) when investigating and responding to child safety incidents and concerns.

4.4 If the School receives a complaint that is about, or that includes information about, a child safety incident or concern that occurred at the School or at a School event or that involved a staff member, the School manages the complaint by following the [Complaints Management \(Child Safety\) Policy and Procedures](#) and, where relevant, the School's [Reportable Conduct Policies and Procedures](#).

4.5 The School's response to all child safety incidents or concerns, including complaints, allegations or disclosures of abuse or other harm, will include the School:

- reporting all matters that meet the required relevant thresholds externally to the Department of Families, Fairness and Housing (DFFH Child Protection), the Police, the Social Services Regulator and/or the Victorian Institute of Teaching (VIT), depending on the issues raised
- fully cooperating with any resulting investigation by an external agency
- protecting any student connected to the child safety incident or concern until it is resolved and providing ongoing support to those affected
- taking particular measures in response to child safety incidents or concerns involving Aboriginal or Torres Strait Islander students, students from culturally and linguistically diverse backgrounds, students with disability, and other vulnerable students (such as students who are unable to live at home and LGBTQIA+ students)
- sharing information with, or requesting information from, external people or agencies as permitted or required under the Child Information Sharing Scheme and/or the Family Violence Information Sharing Scheme
- securing and retaining records of the child safety incident or concern and the School's response to it

- taking broader actions to improve child safety at the School (including systemic reviews and resulting improvements).

Procedures

There are a number of legal obligations with which the School and its staff members must comply when responding to child safety incidents or concerns. In addition to these legal obligations, Southern Cross Grammar Board also requires staff members to report certain child safety incidents and concerns internally to the School and to external authorities in situations where this is not required by law.

These legal and policy-based obligations, and their procedures, align with the Four Critical Actions and the Student Sexual Offending Four Critical Actions and are summarised below.

1. Becoming Aware of a Child Safety Incident or Concern

You may become aware of a child safety incident or concern through:

- witnessing a child safety incident (refer to **Annexure 1:Definitions and Key Indicators of Abuse and Other Harm**)
- observing:
 - key indicators of abuse or other harm in a child, young person or student aged 18 or over (refer to **Annexure 1:Definitions and Key Indicators of Abuse and Other Harm**)
 - conduct by a person associated with the School towards a child, young person or student aged 18 or over that breaches the **Child Safety Codes of Conduct**
- being told about a child safety incident by the child, young person or student aged 18 or over themselves (a disclosure), directly or indirectly through assignments, artwork or other means
- being told about a child safety incident or concern by a third party, such as a friend, parent/carer, other family member or other person (including as part of a complaint)
- being told, by a former student, about a historical child safety incident that occurred at or involved the School or its staff members (including as part of a complaint).

2. Critical Action One: Respond Immediately

2.1 Responding to an Emergency

If a student has just been or is at immediate risk of being harmed, you **must** ensure their safety. This may include:

- separating alleged victims and others involved
- administering first aid
- calling 000 for urgent medical assistance or Police assistance to address immediate health and safety concerns
- briefing the School's Senior Child Safety Officer and Deputy Principal to be the future liaison with the Police on the matter.

When a child safety incident occurs at the School or a School event, you **must** preserve evidence of the incident, if it is safe to do so, by:

- Environment: do not clean up the area; 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 that the clothes are not washed, are handled as little as possible and are 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, or witnesses to, the alleged incident.

2.2 Duty to Protect/the Failure to Protect Offence

The Failure to Protect Offence

If you occupy **any** position within or in relation to the School, it is a crime if you:

- know that there is a “substantial risk” that a child (a person aged under 16) who is under the School's care, supervision or authority (this includes but is not limited to students) will become a victim of a sexual offence committed by an adult “associated with the School”; and
- have, by reason of your position, the power or responsibility to reduce or remove that risk; and
- negligently fail to reduce or remove that risk.

This criminal offence is known as the “Failure to Protect” offence. Adults who are “associated with” the School and from whom you must protect students include:

- members of Southern Cross Grammar Board
- School Staff, Volunteers and Contractors who are adults.

A number of factors can help you determine if an adult associated with the School poses a substantial risk of committing a sexual offence against a student, including:

- the likelihood or probability that the student will become the victim of a sexual offence
- the nature of the relationship between the student and the adult who may pose the risk
- the background of the adult who may pose the risk to the student, including any past or alleged misconduct
- any vulnerabilities particular to the student 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 student.

The Duty to Protect

The School also has:

- a statutory duty of care to take reasonable precautions to prevent the physical or sexual abuse of a child (a person aged under 18) by **any** individual associated with the School while the child is under the School's care, supervision or authority (this includes but is not limited to students[^])
- a common law duty to protect **all** students, no matter their age, from reasonably foreseeable risks of harm, including risks of **all** types of abuse or other harm that may arise from **all** people associated with the School.[^]

If you have students under your care, you also have a personal duty to protect them, no matter their age, from reasonably foreseeable risks of harm while they are under your care.

[^] Although students aged 18 or over and parents/carers are not "adults associated with the School" for the purposes of the Failure to Protect offence, they **are** "associated with the School" for the purposes of the statutory and common law duties of care.

How to Meet the Obligations

To meet all of these obligations, if you are:

- a Southern Cross Grammar Board member
- the Principal, a member of the Executive Team or a Child Safety Officer; or
- a staff member who has students under your care or who supervises other Staff

and you know that **any** person associated with the School (including other staff members, students who are in positions of supervision or authority over other students, parents/carers and other family members of a student) poses:

- a substantial risk of committing a sexual offence against a student aged under 16
- a risk of any kind of sexual or physical abuse to a student aged under 18; or
- a reasonably foreseeable risk of any kind of harm to a student of any age

you **must**:

- immediately take any actions to reduce or remove that risk that are within your power or responsibilities to take
- report the matter directly to the Principal or, if the matter involves the Principal, to the Deputy Principal by [emailing the headofsecondary@scg.vic.edu.au](mailto:headofsecondary@scg.vic.edu.au)
- follow the appropriate external reporting procedures listed below.

Actions that could be taken to protect students include, but are not limited to:

- immediately removing the person who poses the risk from contact with students
- ensuring that the person who poses the risk is not left alone with a student
- if the person is a parent, not allowing them to act as a parent volunteer or to attend School events
- if the person is an adult other than a student or staff member, requesting the Principal to issue a School Community Safety Order in appropriate cases.

3. Critical Action Two: Report (Internally and to Authorities)

3.1 Internal Reporting

If you:

- witness a child safety incident at the School or a School event, or in any other School environment; or
- have a child safety concern about a student, staff member, Visitor or any other person associated with the School

you **must** report the matter internally to the School.

In most cases, you can do this by reporting it to a Child Safety Officer or the Principal.

Contact details for our Child Safety Officers are listed in the **Roles and Responsibilities** section above.

However, if the child safety incident or concern involves:

- the Principal, you must instead report it to the Deputy Principal by emailing the headofsecondary@scg.vic.edu.au
- very concerning sexual behaviour by a student or Student Sexual Offending, you must report it directly to the Principal following the **Recognising and Responding to Sexual Behaviour in Children and to Student Sexual Offending** subsection below; or
- Reportable Conduct by an “employee”, you must instead follow the internal reporting procedures in the **Reportable Conduct** subsection below.

In addition to reporting internally, you **mustalso** follow any appropriate external reporting procedures that apply to you. They are listed below.

3.2 Mandatory Reporting to DFFH Child Protection

The Department of Families, Fairness and Housing (DFFH Child Protection) is responsible for providing child protection services for all children and young people under the age of 17 years, or where a protection order is in place for children under the age of 18, in Victoria.

Its main functions are to:

- receive reports from people who believe that a child is “in need of protection” or have significant concerns about the wellbeing of a child
- provide consultation and advice to people making reports
- investigate matters where a child may be at risk of significant harm
- refer children and families to services that assist in providing for the ongoing safety and wellbeing of children.

Although everyone has a moral and social responsibility to report concerns about abuse or other harm to relevant authorities, the CYF Act says that some people are legally required to make a report in certain circumstances.

These people are called Mandatory Reporters, and we call this reporting obligation “Mandatory Reporting to DFFH Child Protection”.

Who is a Mandatory Reporter at the School?

Mandatory Reporters are listed in section 182 of the CYF Act. They include:

- registered medical practitioners
- nurses

- midwives
- registered teachers and early childhood teachers
- principals of government and non-government schools
- school counsellors
- police officers
- out of home care workers (other than voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- registered psychologists
- people in religious ministry (a person appointed, ordained or otherwise recognised as a religious or spiritual leader in a religious institution, such as a chaplain, priest, pastor, minister, brother and nun).

This means that, if you are one of the following people, you are a Mandatory Reporter and this reporting obligation applies to you:

- the Principal
- a teacher
- a medical practitioner such as a School nurse
- engaged by the School as a counsellor, including but not limited as a registered psychologist
- a person in religious ministry who works or volunteers at the School in your religious capacity.

It does not matter whether you are a staff member, Volunteer or Contractor.

What Must Be Reported?

If you are a Mandatory Reporter, you **must** report to DFFH Child Protection, as soon as practicable, if – during the course of your professional work or carrying out duties of your office, position or employment – you form a “belief on reasonable grounds” that a child (who is aged under 17 or who is aged 17 but under a child protection order) is “in need of protection” because:

- they have suffered or are likely to suffer significant harm as a result of physical injury or sexual abuse; and
- their parents have not protected or are unlikely (including if they are unable) to protect them from the harm.

You must make a report on **each** occasion that you form the required belief, even if you have made a report about the same child or young person in the past.

What is a Belief on Reasonable Grounds?

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

You may have a belief on reasonable grounds if:

- you witness the physical or sexual abuse of a child
- a child tells you that they have been physically or sexually abused
- a child tells you that they know someone who has been physically or sexually abused
- someone who knows the child tells you that the child has been physically or sexually abused
- a child shows physical or behavioural signs of being physically or sexually abused.

If, in your own mind, you have the required belief, you must make a Mandatory Report, even if a person to whom you have reported internally does not share your belief. In particular, you have a personal legal obligation to make a Mandatory Report even if the Principal or other person you reported to internally at the School tells you not to report.

When Is a Belief Formed “During the Course of Your Professional Work or Carrying Out Duties of Your Office, Position or Employment”?

You will form a belief on reasonable grounds “during the course of your professional work or carrying out duties of your office, position or employment” if your belief arises as a result of your duties at or for the School. This includes duties that occur at School events that take place outside School grounds, such as sporting competitions, excursions and camps.

How to Make a Mandatory Report

You must make your Mandatory Report as soon as practicable after forming your belief.

In an emergency, you can make a Mandatory Report by contacting the Police on 000.

Otherwise, to make a Mandatory Report to DFFH Child Protection, you **must**:

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

3.3 Non-Mandatory Reporting to DFFH Child Protection

Under the law, **anyone** can report the following to DFFH Child Protection:

- significant concerns for the wellbeing of a child aged under 17 (wellbeing reports)^
- a child aged under 17 who the person believes on reasonable grounds to be “in need of protection” (protective intervention reports)
- a child aged under 18 who the person believes on reasonable grounds is in need of therapeutic treatment because they are exhibiting sexually abusive behaviours (therapeutic treatment reports).

^ Significant concerns for the wellbeing of a child may include, for example, when parental substance misuse, psychiatric illness or intellectual disability is impacting on a student’s safety, stability or development.

We call this “Non-Mandatory Reporting to DFFH Child Protection”.

This means that if you **are not** a Mandatory Reporter, you can still report to DFFH Child Protection if you are concerned that a student is in one of the above situations.

It also means that if you **are** a Mandatory Reporter and you:

- believe on reasonable grounds that a child is “in need of protection” because of physical injury or sexual abuse, but your belief was formed **outside** the course of your professional work or carrying out duties of your office, position or employment, you can still report to DFFH Child Protection; or
- believe on reasonable grounds that a child is “in need of protection” for reasons other than physical injury or sexual abuse

you can still report to DFFH Child Protection.

Some Staff Members Must Make a Non-Mandatory Report to DFFH Child Protection

The **Four Critical Actions/Four Critical Actions: Student Sexual Offending** say that, if you are an employed staff member, you **must** make a Non-Mandatory Report to DFFH Child Protection (or, in some circumstances, to the Police or The Orange Door), in certain circumstances, even if you are not a Mandatory Reporter.

In particular, you **must** make a Non-Mandatory Report to DFFH Child Protection if you have a belief on reasonable grounds, that:

- a student aged under 17 (or aged 17 and subject to a child protection order) is “in need of protection” for **any** reason; or

- a student aged under 18 is in need of therapeutic treatment because they are exhibiting sexually abusive behaviour.

For guidance on the different kinds of Non-Mandatory Reports and when to report/who to report to/how to report, refer to [PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

When is a Child “In Need of Protection”?

The CYF Act says that a child is “in need of protection” if any of the following grounds exist:

- they have been abandoned by their parents and no other suitable person can be found who is willing and able to care for them
- their parents are dead or incapacitated and no other suitable person can be found who is willing and able to care for them
- they have suffered, or are likely to suffer, significant harm as a result of physical injury or sexual abuse and their parents have not protected, or are unlikely to protect, them from that harm
- they have suffered, or are likely to suffer, emotional or psychological harm of a kind that significantly damages their emotional or intellectual development, and their parents have not protected, or are unlikely to protect, them from that harm
- their physical development or health has been, or is likely to be significantly harmed, and their parents have not provided, arranged or allowed the provision of basic care or effective medical, surgical or other remedial care, or are unlikely to do so.

How to Make a Non-Mandatory Report to DFFH Child Protection

To make a Non-Mandatory Report to DFFH Child Protection:

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

The Orange Door

The Orange Door is the access point for women, children and young people who are experiencing family violence, or families who need assistance with the care and wellbeing of children, to access the services they need to be safe and supported. It links vulnerable children, young people and their families to relevant services.

It:

- provides a point of entry to a local network of family services
- receives reports about vulnerable children where there are significant concerns about their wellbeing
- undertakes an initial identification and assessment of the risks to the child and the child's needs in consultation with DFFH Child Protection
- identifies appropriate service responses for families.

The Orange Door is staffed by family services practitioners who are experienced in assessing the needs of vulnerable children and their families, and works closely with community-based DFFH Child Protection workers.

Contacting The Orange Door, instead of making a Non-Mandatory Report to DFFH Child Protection, may be appropriate when you are worried about a child's wellbeing but you do not believe that they are in need of protection. For example, you could contact The Orange Door if you are worried that a child or their family is:

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

Contact details for The Orange Door location nearest you can be found [here](#).

3.4 Obligation to Report Sexual Offences Against Children to the Police (the Failure to Disclose Offence)

If you are an adult, it is a crime if you:

- form a reasonable belief that a sexual offence has been committed by another adult against a child aged under 16; and
- fail to report that information to the Police (except in certain circumstances).

This criminal offence is known as the "Failure to Disclose" offence. We call the legal obligation created by it "Obligation to Report Sexual Offences Against Children to the Police".

Although the Obligation to Report Sexual Offences Against Children does not apply if the alleged perpetrator is aged under 18, the **Four Critical Actions: Student Sexual Offending** says that, if you are an employed staff member, you **must** still make a report to the Police in these cases (for more information, refer to below).

Who Has an Obligation to Report Sexual Offences Against Children to the Police?

If you:

- are an adult; and
- have a “reasonable belief” that **any** adult has committed a sexual offence against **any** person who, at the time of the offence, was aged under 16

this reporting obligation applies to you.

In the School context, you **must** comply with the Obligation to Report Sexual Offences Against Children to the Police if you have a reasonable belief that:

- an adult associated with the School (such as a staff member, parent/carer or other adult family member of a student, or student aged 18 or over) has committed a sexual offence against **any** person who, at the time of the offence, was aged under 16; or
- an adult who is not associated with the School has committed a sexual offence against a student who, at the time of the offence, was aged under 16.

What Sexual Offences Against Children Must Be Reported?

The Obligation to Report Sexual Offences Against Children covers:

- sexual offences that specifically relate to children and young people, such as:
 - sexual penetration or sexual assault of a child aged under 16
 - sexual activity in the presence of a child aged under 16
 - encouraging a child aged under 16 to engage in or be involved in sexual activity
 - grooming a child aged under 16
 - grooming an adult who has care, supervision or authority for a child aged under 16
 - the Failure to Protect offence (above)
 - offences relating to child abuse material
 - offences relating to child sexual exploitation
- general sexual offences, such as rape, sexual assault, incest and intimate image abuse, when the victim is aged under 16.

It does not matter whether the child or the perpetrator of the offence are in Victoria or not, or if you are in Victoria or not when you obtain information about the sexual offence, as long as the offence itself was committed in Victoria.

For example, the Obligation to Report Sexual Offences Against Children applies 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
- you form a reasonable belief about a sexual offence occurring in Victoria when you are not in Victoria (for example, by receiving a disclosure while you are on an interstate camp or excursion).

What is a Reasonable Belief?

The concept of 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.

You may have a reasonable belief that a sexual offence has been committed against a child aged under 16 if:

- the child tells you that they are being or have been sexually abused by an adult
- a person aged 16 or over tells you that they were sexually abused by an adult when they were aged under 16
- the child tells you that they know someone who is being or has been sexually abused by an adult (sometimes the child may be talking about themselves)
- someone who knows the child tells you that the child is being or has been sexually abused by an adult
- signs of sexual abuse lead you to believe that the child is being or has been sexually abused by an adult.

When to Report to Police

You must report sexual offences against children to the Police as soon as you can after becoming forming your belief about it.

However, you do not need to report to the Police if you have a “reasonable excuse” for not reporting. This may include if:

- you fear on reasonable grounds for the safety of any person (other than the offender), and do not disclose due to those circumstances
- the alleged victim is now aged 16 or over, told you about the sexual offence (directly or indirectly) and requested that the information not be disclosed (this excuse does not apply if the victim has an intellectual disability and does not have the capacity to make an informed decision about confidentiality)
- you believe on reasonable grounds that the information has already been disclosed to the Police (for example because you or someone else has made a Mandatory Report to DFFH Child Protection and you have no further information to add).

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

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

How to Report to Police

- In emergencies, or if the crime is happening now or has just happened and the suspected offender may still be in the area: call 000
- All other matters: call your local police station, whose details you can find [here](#).

3.5 Non-Mandatory Reporting to Police

The **Four Critical Actions / Four Critical Actions: Student Sexual Offending** say that, if you are an employed staff member, you **must** report the following to Police, even though this is not required by law:

- sexual offences committed by a student aged under 18 against any other person (refer to below)
- concerns for a student's immediate safety
- concerns that a student aged under 18 has been the victim of a criminal offence other than a sexual offence, but where a Mandatory or Non-Mandatory Report to DFFH Child Protection will not be made (for example, a report to DFFH Child Protection would generally not be made if the offender is not a family member and the student's parent is willing and able to protect them). These kinds of incidents could include possible criminal offences committed by students against other students

- concerns that a student aged 18 or over is being abused or harmed, but only if the student consents to the report or, if they do not consent, to lessen or prevent a serious or imminent threat to a person's life, health, safety or welfare
- concerns that a student aged 17 or over is engaging in illegal activity that is extreme in nature or poses a high risk to the student.[^]

[^] If the student is aged under 17, or is aged 17 and is under a child protection order, you must instead report this to DFFH Child Protection or The Orange Door.

To make your report, follow **How to Report to Police** above.

3.6 Reportable Conduct

The Social Services Regulator is responsible for administering the CWS Act's Reportable Conduct Scheme.

Victorian law requires the "head" of the School to report to the Social Services Regulator any allegation that an "employee" has committed "Reportable Conduct" or misconduct that may involve Reportable Conduct (a "reportable allegation"). They must also ensure that there is an appropriate investigation into the matter and report the outcome of that investigation to the Social Services Regulator.

The "head" of the School for the purposes of the Reportable Conduct Scheme is the Principal.

Report Reportable Conduct Internally

To help the "head" of the School meet their obligations under the Reportable Conduct Scheme, if you are an "employee" for the purposes of the Reportable Conduct Scheme and you:

- have a reasonable belief that any "employee" at the School has engaged in "Reportable Conduct" or misconduct that may involve Reportable Conduct; or
- otherwise become aware of a reportable allegation against any employee (including yourself)

you **must** immediately report this to:

- the Principal; or
- if the matter involves the Principal, the Deputy Principal by contacting Emma Kannar at headofsecondary@scg.vic.edu.au.

Any staff member can also, at any time, report Reportable Conduct or misconduct that may involve Reportable Conduct by an “employee” directly to the Social Services Regulator.

You should also consider whether you need to make a Mandatory or Non-Mandatory Report to DFFH Child Protection, take any other action under the Duty to Protect/Failure to Protect obligations or make any other external reports (such as Reporting to the Police).

Who is an Employee?

“Employees” include all of the following people, provided that they are aged 18 or over:

- members of Southern Cross Grammar Board
- the Principal
- employed staff members (including teaching and non-teaching Staff, and casual and temporary Staff)
- Volunteers
- Contractors (including individuals who are engaged directly by the School as a Contractor as well as both individual business owners and employees of companies that are engaged as a Contractor by the School, such as External Education Providers)
- labour hire workers and volunteers (people who are supplied by another organisation, under a contract between the person and that organisation, to work or volunteer at or for the School, such as relief teachers and higher education students on placement at the School)
- secondees (people who are employed by an other organisation but are supplied for a temporary secondment period to work at or for the School).

It does not matter whether their work or activities involve providing services to children.

What is Reportable Conduct?

“Reportable Conduct” includes:

- a sexual offence committed against, with or in the presence of, a child (a person aged under 18), 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.

It does not matter whether the child is a student at the School or whether the conduct occurred in the course of the employee's employment with the School.

The School's Response to Reportable Allegations

When they become aware of a reportable allegation (whether through receiving an internal report of Reportable Conduct, through receiving a complaint from a student, parent/carer or anyone else, or through any other means), the Principal or for matters involving the Principal, the Deputy Principal, will:

- notify the Social Services Regulator as soon as possible, and no later than three business days after becoming aware of the reportable allegation
- make any other required external reports where these have not already been made, such as reporting to DFFH Child Protection and/or the Police
- take any necessary interim action to ensure the safety and wellbeing of the children or young people involved in the matter, as well as other students at the School
- ensure that an appropriate internal investigation is conducted into the reportable allegation (subject to DFFH Child Protection and/or Police advice, if the matter has been reported externally) and notify the Social Services Regulator of the person who will be conducting the internal investigation
- provide the Social Services Regulator with an update about the School's response to the reportable allegation within 30 days of becoming aware of it
- if, as a result of the internal investigation, a finding is made that the reportable allegation is "substantiated", report this to relevant regulators such as the Victorian Institute of Teaching or Working with Children Check Victoria and, if the finding involves a criminal offence, to the Police if a report has not already been made
- decide what, if any, measures should be put in place to minimise any further risk of harm to students at the School
- report the outcome of the internal investigation to the Social Services Regulator as soon as practicable after it has concluded.

3.7 Reporting Teacher Misconduct to the Victorian Institute of Teaching (VIT)

The VIT is an independent statutory authority whose primary function is to regulate members of the teaching profession.

Registered teachers in Victoria are exempt from holding a WWC (working with children) Clearance, but teacher registration requirements align with the WWC Check scheme.

Registered teachers **must** tell the Victorian Institute of Teaching (VIT) if they:

- are charged with, committed for trial for, or convicted or found guilty of certain criminal offences that accord with those relevant to the WWC Check; or
- have been issued with a WWC Exclusion (previously known as a Negative Notice).

If you are a teacher, you **must** comply with your VIT notification obligations.

The School **must** also notify the VIT if it:

- becomes aware that a teacher has:
 - been charged with, or convicted or found guilty of, the criminal offences that accord with those relevant to the WWC Check; or
 - has been given a WWC Exclusion; or
- has taken any action against a registered teacher in response to allegations that raise concerns about the teacher's fitness to teach.

The School must also dismiss, or remove from its employment or engagement, any teacher who has been convicted or found guilty of these criminal offences or been given a WWC Exclusion.

To help the School fulfil its obligations:

- if you are a registered teacher, you **must** inform the Principal (or, if you are the Principal, the Deputy Principal) if you are charged with, committed for trial for, or convicted or found guilty of a relevant offence or if you have been given a WWC Exclusion
- all Staff, no matter your role, **must** immediately report to the Principal (or, if the relevant teacher is the Principal, to the Deputy Principal) any incident or allegation that raises concerns about a teacher's fitness to teach.

3.8 Recognising and Responding to Sexual Behaviour in Children and to Student Sexual Offending

Recognising Sexual Behaviour in Children and Young People

Knowing how to identify and respond to different kinds of sexual behaviour in students helps staff members to support the development of healthy sexuality and protect students from abuse and other harm.

The School references the Department of Families, Fairness and Housing's resource [Children with Problem Sexual Behaviours and Their Families: Best interests case practice model](#) (Sexual Behaviour

Practice Model) and to help Staff identify, recognise and respond to all forms of sexual behaviour.

The Sexual Behaviour Practice Model categorises sexual behaviour as age-appropriate, concerning or very concerning.

As a general guide:

- age-appropriate sexual behaviours are those that are normal, age-appropriate, spontaneous, curious, mutual, light-hearted and easily diverted experimentation. These behaviours provide opportunities to talk, explain and support.
- concerning sexual behaviours are those that are outside normal behaviour in terms of persistence, frequency or inequality in age, power or ability. These behaviours signal the need to monitor and provide extra support.
- very concerning sexual behaviours are those that are problematic or harmful, including forceful, secretive, compulsive, coercive or degrading sexual behaviours. These behaviours signal the need to provide immediate protection and follow up support.

PROTECT Identifying and Responding to Student Sexual Offending says that “Student Sexual Offending” is sexual behaviour:

- by a student aged 10 or over
- that is directed at another person; and
- that amounts to a sexual offence.

Very concerning sexual behaviour by a student aged 10 or over that is directed at another person is likely to be Student Sexual Offending. It does not matter who the other person is. Some concerning sexual behaviour by a student aged 10 or over that is directed at another person could also be Student Sexual Offending

Responding to Sexual Behaviour that Does Not Involve Student Sexual Offending

You **must** report all incidents of or concerns about concerning sexual behaviour by a student internally either to a Child Safety Officer or the Principal. Depending on the circumstances, you **might also** need to report concerning sexual behaviour by a student externally to DFFH Child Protection or the Police.

You **must** report all incidents of or concerns about very concerning sexual behaviour by a student **both**:

- directly to the Principal; and
- externally to DFFH Child Protection or to the Police, depending on the circumstances.

Responding to Student Sexual Offending

For guidance on identifying and responding to Student Sexual Offending, refer to .

The Four Critical Actions: Student Sexual Offending says that, if you are an employed staff member and you believe or suspect that a student aged between 10 and 18 has engaged in, or is at risk of engaging in, Student Sexual Offending, you **must**:

- report the matter directly to the Principal
- report the matter to the Police in an emergency, or if the Student Sexual Offending is happening now or has just happened and the student offender is still in the area, by calling 000
- report to DFFH Child Protection if the Student Sexual Offending meets the required threshold for external reporting (for example, if the behaviour leads you to form a reasonable belief that the student exhibiting the behaviour has been sexually abused).

You or the School **must** then also:

- report the matter to the Police, even though reporting Student Sexual Offending to the Police is not covered by the Failure to Disclose offence (above)
- make any additional reports to DFFH Child Protection or The Orange Door that may be required.

The Principal will usually do this on your or the School's behalf.

You **must also** ensure that continuing support is offered to all students involved in an allegation of Student Sexual Offending including:

- any students who are victims of the Student Sexual Offending
- the student who engaged in the Student Sexual Offending; and
- any other students who are impacted by the Student Sexual Offending.

The School's Response to Concerning and Very Concerning Sexual Behaviour and Student Sexual Offending

Depending on the age of the student who is engaged in the behaviour and any previous incidents, the School will consider the appropriateness of immediate responses such as:

- establishing prohibited areas/activities

- monitoring arrangements
- suspension/arranging for parents to pick the student up
- making any required external reports where these have not already been made by a staff member or where additional reporting is required.

Where another student is affected by the behaviour, the School will:

- assess and respond to the student's needs
- respect their preferences wherever possible about whether they would like to go home for the day, or stay at the School
- advise the student about how to respond to questions from other students and which staff member will be supporting the student
- positively reinforce the action in reporting the behaviour to adults (or through peers).

3.9 Responding to Other Concerns About Students' Wellbeing

If you have any concern about the wellbeing of a student, regardless of whether it relates to abuse or other harm, you **must** take your concern seriously and act on it. You have a duty of care to all students to ensure that they feel safe at and are supported by the School.

Concerns about the wellbeing of a student that do not appear to be the result of abuse or other harm can be reported to:

- a Child Safety Officer
- the Police
- DFFH Child Protection
- The Orange Door

depending on the age of the student and the nature of the concern.

You could also consider whether a referral to a support service may assist.

3.10 Record Keeping About Child Safety Incidents and Concerns

The School is committed to best practice record keeping in accordance with Public Record Office Victoria Recordkeeping Standards (including minimum retention periods). It makes, retains and secures records of complaints and concern in line with the **Record Keeping (Child Safety) Policy and Procedures**.

All internal and external reports of child safety incidents and concerns, as well as any other responses by the School must be recorded using:

- [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#); or
- if the matter involves Student Sexual Offending, [PROTECT Responding to Suspected Student Sexual Offending: A Template for all Victorian Schools](#).

If you are an employed staff member, you **must** complete the relevant sections of these forms and then provide them to a Child Safety Officer or the Principal.

If you are a Volunteer or Contractor, a Child Safety Officer or the Principal can assist you to complete these forms or may complete them on your behalf.

As the various responses of the School occur, the Child Safety Officer or the Principal will record these in the relevant sections of the form.

4. Critical Action Three: Communicate

4.1 Communicating with Parents/Carers About Internal and External Reports

It is usually critical that the parents/carers of a student who is the subject of a child safety incident or concern are notified as soon as practicable after the School receives an internal report or, if a report has been or will be made to external authorities, after the School or a staff member makes an external report. This enables the student's parents/carers to take steps to prevent or limit their child's exposure to further abuse or other harm and ensure that their child receives the support they need. However, this may not be appropriate in all circumstances.

- If a report has been or will be made to DFFH Child Protection or the Police, then the Principal or Senior Child Safety Officer and Deputy Principal **must** seek advice from DFFH Child Protection or the Police (depending on who the report has been made to) **before** contacting parents/carers. They will advise whether it is appropriate to contact parents/carers at this stage and if so, what information can be shared with them.
- If the matter involves an internal investigation of Reportable Conduct, then the Principal or for matters involving the Principal, the Deputy Principal, **can** share information about the progress of the investigation, its findings and recommendations, and actions taken, with the relevant child or young person and their parents/carers. However, before doing so they **must** take into account a number of specific factors when deciding whether, to what extent, and at what point

in the investigation, information about the matter might be shared with the child or young person and their parents/carers. Again, **before** contacting parents/carers, they **must** seek advice from DFFH Child Protection or the Police if they are involved in the matter.

Advice from the Police or DFFH Child Protection about whether or not it is appropriate to contact parents/carers will generally depend on several factors, including whether:

- the parents/carers of the student are alleged to have engaged in the abuse or other harm (including suspected family violence)
- a disclosure to the parents/carers may result in further abuse or other harm to the student
- the student is aged 18 or over, or is a mature minor and assessed to be sufficiently mature and intelligent to make decisions for themselves, and has requested that their parents/carers not be notified (however in the case of a mature minor, the School should seek the student's consent to notify another responsible adult instead of the parents/carers)
- notifying the parents/carers would adversely affect an investigation of the matter by external authorities.

Where the child safety incident or concern does not meet the threshold for reporting to an external authority (and therefore no report has been made to DFFH Child Protection or the Police), the person responsible for notifying the parents/carers **must** themselves consider the factors outlined above and decide whether, and to what extent, it is appropriate in the circumstances to share information about the matter with the student's parents/carers.

Where information about an external report can be shared with parents/carers, the person responsible for making these notifications should make sensitive and professional contact with the parents/carers as soon as practicable after either:

- receiving advice from the Police or DFFH Child Protection (if the child safety incident or concern was reported to them) that information can be shared; or
- if a report to the Police or DFFH Child Protection was not required, or where a report was made and they have declined to investigate the matter, as soon as possible after the child safety incident or concern occurred or arose.

If the child safety incident or concern involves family violence, the person responsible for making these notifications should:

- take care not to inadvertently alert the alleged perpetrator by notifying parents/carers, as this could increase the risk of harm to the student, other family members or staff members

- before notifying parents/carers, seek advice from DFFH Child Protection or The Orange Door about safe strategies for communicating with a parent/carer who is experiencing family violence, and seek advice on recommending family violence support services.

5. Critical Action Four: Provide Support

For detailed information about how the School supports students and staff members following child safety incidents or disclosures, refer to **Annexure 1:Support Following Child Safety Incident or Disclosure** to the Complaints Management (Child Safety) Policy and Procedures, which is summarised below.

5.1 Support for Students, Families and Staff Members Following Child Safety Incident or Disclosure

Supporting Students

Ensuring that a student feels safe and supported following an incident is of critical importance to the School.

When responding to a student who raises or is affected by a child safety incident or concern, you must do this in a positive and supportive matter by:

- using language appropriate for the student's age and capacity
- staying calm
- reassuring the student of your support
- helping the student understand that you cannot keep the matter disclosure confidential.

The School employs a range of measures to support students affected by a child safety incident or concern (including students making disclosures, complaints or allegations of inappropriate behaviour by a staff member or another student), depending on the particular circumstances of the matter and of the student and their family. These measures may include:

- a Child Safety Officer working with the student and, where appropriate, their family to develop a Student Support Plan
- support strategies such as offering or organising referrals to internal or external support, such as a School's counsellor, family counsellors, bi-cultural workers and/or translators, and external support agencies and/or child advocacy organisations that specialise in supporting children and young people impacted by abuse or other harm.

The School offers former students who disclose historical child safety incidents or concerns from their time at the School similar support.

Supporting Staff Members

Witnessing a child safety incident or receiving a disclosure of abuse or other harm can be a distressing experience for the staff member. The School assists impacted staff members to access necessary support.

5.2 Supporting the School Community

Key principles that the School applies in the design of its child safety policies, procedures, interventions, support and reporting are to ensure that we:

- promote the cultural safety of Aboriginal or Torres Strait Islander children and young people
- promote the cultural safety of children from culturally and linguistically diverse backgrounds
- promote the safety of children and young people with any form of disability
- promote the safety of other vulnerable children and young people.

5.3. Student Awareness

The School is committed to the protection of all students from all forms of abuse and other harm. To do this, it is important to educate all students about:

- what is a child safety incident or concern
- what concerning behaviours to report; and
- how to report to the School and other people.

The School has and implements a comprehensive child safety curriculum with age-appropriate education and awareness programs. This curriculum is further supported by the School's processes to empower our students to have a voice and to take actions for their own care.

6. Organisational Duty of Care

Section 91 of the Wrongs Act 1958 (Vic) (Wrongs Act) imposes a duty of care on the School to take reasonable precautions to prevent the physical or sexual abuse of a child under its care, supervision or authority by an individual associated with the School.

If a victim of physical or sexual abuse that is alleged to have occurred at the School or to have involved someone associated with the School brings a negligence claim against the School under the Wrongs Act, the court will presume that the School breached its duty of care unless it can prove that it took reasonable precautions to prevent the abuse.

Reasonable precautions to prevent the physical or sexual abuse of students at the School includes:

- conducting employment screening and reference checking
- providing supervision and training to Staff
- implementing systems to provide early warning of possible sexual or physical abuse by Staff
- performing random and unannounced inspections to deter misconduct
- encouraging students and adults to report any signs of inappropriate behaviour to the School and/or external authorities
- implementing improvements following a review of child safety and wellbeing policies and procedures, either as part of the School's regular review process or after a particular child safety incident.

6.1 Documenting Reasonable Precautions to Prevent Physical and Sexual Abuse

The School keeps records, in accordance with Public Record Office Victoria Recordkeeping Standards (including minimum retention periods), that document the actions taken by the School in response to child safety incidents and concerns, and that document our review and improvement processes. These records assist in demonstrating reasonable steps taken by the School to prevent the sexual or serious physical abuse of its students.

We keep these records for at least 45 years.

7. Privacy and Confidentiality

Anyone who has access to information regarding a case of suspected abuse or other harm must keep the information confidential and secure and must only disclose or discuss this information with those involved in managing the situation.

Reports or referrals made to DFFH Child Protection or The Orange Door 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 the Obligation to Report Sexual Offences Against Children, remains 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.

A person who makes a report to DFFH Child Protection in accordance with the CYF Act or a report under Reportable Conduct Scheme will not be held liable for the eventual outcome of any investigation.

Implementation

The School implements this Policy and its Procedures through:

- making them available to all Staff, via the School's Schoolbox
- including information about them in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors
- making them available to parents/carers, students and the wider School community in summary in the Child Safety and Wellbeing Policy, Procedures for Managing Child Safety Incidents Involving the School or its Staff Members (Summary) and Child Protection Reporting Obligations: Summary of the School's Procedures for Responding to and Reporting Child Safety Incidents or Concerns, which are available on our public website as well as Schoolbox, and induction packs for Board members, staff members and Direct Contact Volunteers.
- providing all students with a child-friendly version of this Policy and its Procedures
- providing a hard copy by request.

Breach

If you breach this Policy and its Procedures, the School can investigate your conduct. You could face disciplinary action, such as (depending on the severity of the breach):

- attending remedial education

- attending counselling
- increased supervision
- restriction of duties
- suspension
- in the case of serious breaches, termination of employment, contract or engagement.

You could also face civil or criminal penalties.

Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in [Definitions and Key Indicators of Abuse and Other Harm](#) (Annexure 1) and the [Child Safety Program Definitions List](#) (Annexure 4).

Additional key definitions are set out in the relevant subsections above.

Source of Obligation

- Victorian Child Safe Standards, Standard 7
- Ministerial Order 1359, Clause 11
- Child Wellbeing and Safety Act 2005 (Vic)
- Children, Youth and Families Act 2005 (Vic)
- Crimes Act 1958 (Vic)
- Wrongs Act 1958 (Vic)

Related Policies

- [Child Safety and Wellbeing Policy](#)
- [Codes of Conduct \(Child Safety\) Policies and Procedures](#)
- [Complaints Management \(Child Safety\) Policy and Procedures](#)
- [Record Keeping \(Child Safety\) Policy and Procedures](#)
- [Student Participation and Empowerment \(Child Safety\) Policy and Procedures](#)
- [Family and Community Involvement, Cultural Safety and Equity-Diversity \(Child Safety\) Policies and Procedures](#)
- [Human Resources Management \(Child Safety\) Policies and Procedures](#)
- [Risk Management \(Child Safety\) Policy and Procedures](#)
- [Regular Reviews and Continuous Improvement \(Child Safety\) Policies and Procedures](#)

Related Documents/Systems

- Department of Education, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#)
- Department of Education, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Responding to Suspected Student Sexual Offending: Template for all Victorian Schools](#)
- child-friendly version of/information about the Responding and Reporting Obligations (Child Safety) Policy and Procedures
- Complaints Handling Policy and Procedures
- child-friendly version of/information about the Complaints Management (Child Safety) Policy and Procedures
- Procedures for Managing Child Safety Incidents or Concerns Involving the School or its Staff Members (Summary)
- Child Protection Reporting Obligations: Summary of the School's Procedures for Responding to and Reporting Child Safety Incidents or Concerns

References

- Commission for Children and Young People, [Victorian Child Safe Standards](#)
- Commission for Children and Young People, [Resources and Support for the Child Safe Standards](#)
- Department of Education, [Child Safe Standards Templates and Resources](#)
- Department of Education, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#), 2018
- Department of Education, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools](#), 2018
- Department of Education, Catholic Education Commission of Victoria and Independent Schools Victoria, [PROTECT Four Critical Actions for Schools: Responding to Student Sexual Offending](#), 2018
- Department of Education, Catholic Education Commission of Victoria and Independent Schools Victoria, , 2018

Policy Administration

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Annexure 1

Definitions and Key Indicators of Abuse and Other Harm

Annexure 2

Department of Education, Catholic Education Commission of Victoria and Independent Schools Victoria, PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse, 2018

Annexure 3

Department of Education, Catholic Education Commission of Victoria and Independent Schools Victoria, PROTECT Four Critical Actions for Schools: Responding to Student Sexual Offending, 2018

Annexure 4

Child Safety Program Definitions List