



Responding to and Reporting Allegations of Child Abuse

The School 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 the Department of Families, Fairness and Housing (Child Protection), the Commission for Children and Young People (CCYP), or the Police, depending on the allegation or disclosure made.

Goulburn Valley Grammar School has established simple and accessible procedures for anyone to report, if appropriate, a child safety and protection concern internally to one of the School's Child Safety Officers. Please be aware that consulting with a Child Safety Officer does not change any obligation you have under legislation to report to an external authority.

Goulburn Valley Grammar School has developed and implemented procedures for Board directors, staff and Direct Contact Volunteers for responding to allegations and disclosures of child abuse, or suspected child abuse, including procedures for support following a disclosure by a student.

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

The School's policies and procedures for responding to and reporting allegations of suspected child abuse are made available to staff, students, parents/carers and the wider school community through our School Learning Management System (Agora) and by request. All of the School's procedures for reporting and responding to allegations of child abuse are designed and implemented taking into account the diverse characteristics of the school community.

A summary of these procedures is made publicly available on the School's website and Learning Management System (Agora) through our Child Safe Policy and is accessible to all children, school staff and the wider community.

The School 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 School's response to it

1.0 Definitions

1.1 Child Abuse

The School defines child abuse as including all forms of 'child abuse' as defined in the Education and Training Reform Act 2006. Child abuse is any behaviour that harms a child (in this case, anyone under the age of 18). Child abuse can take many forms, including but not limited to the following examples;

- Physical abuse – causing significant harm from an injury, deliberately or as a consequence of aggressive treatment or punishment.
- Sexual abuse - Using power, force or authority to involve a child in any type of sexual activity. Sexual abuse does not always include physical sexual contact or force and can also include, talking to a child in a sexually explicit way or sending sexual messages.
- Emotional Abuse – occurs when a child is repeatedly rejected, isolated or frightened by threats, or by witnessing family violence. It can include hostility, derogatory name calling and persistent coldness from a person, to the extent that the child suffers. Emotional abuse may occur with or without other forms of abuse.

- Grooming – is a criminal offence and occurs when an adult engages in predatory conduct to prepare a child for sexual abuse at a later time. Grooming can include communicating and or attempting to befriend or establish a relationship or other emotional connection with a child or their parent/carer.
- Neglect - Failure to provide basic needs such as food, shelter, clothing, medical attention, or providing appropriate supervision or care.
- Exposure to family violence - Conduct, real or threatened, towards a member of the family which causes fear or apprehension about the child's personal safety or that of other family members.
- Forced marriage – occurs when a person is married without freely and fully consenting.

1.2 Relevant Organisation

A 'relevant organisation' is defined in the Crimes Act as one that exercises care, supervision or authority over children, whether as its primary function or otherwise.

Relevant to the School context, the following are included in the Crimes Act as "relevant organisations":

- religious bodies
- schools
- education and care services within the meaning of the Education and Care Services National Law Act 2010 (Vic) (e.g. out of school hours care)
- sporting groups
- charities or benevolent organisations

Organisations that are not included in the list (such as private businesses) are also considered a relevant organisation if they have an agreement or arrangement with a relevant organisation to engage in activities associated with that organisation's care, supervision or authority over children. This may include, for example, a business contracted by the School to take students' year photos.

2.0 Managing an initial response to a child protection incident

All Teaching staff, non-teaching staff, Board members, Volunteers, Third-Party Contractors and External Education Providers must act as soon as they witness a child protection incident or form a reasonable belief that a child has been or is at risk of being abused.

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

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

3.0 Reporting a Child Abuse Concern Internally

Child abuse situations can be very complex, not only from the perspective of ascertaining whether abuse has occurred but also in understanding what steps to take to protect a child. It is always important to remember that the safety and welfare of the child are paramount.

If you have a concern that a child may be experiencing abuse, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with one of the School's Child Safety Officers. Our Child Safety Officers will be able to assist you in clarifying your concerns and managing the next steps.

The School's Child Safety Officers are;

	Position	Phone:	Email Address
Mark Torriero	Principal	+61 3 5833 3300	mark.torriero@gvgs.vic.edu.au
Leon McLeod	Deputy Principal	+61 3 5833 3300	leon.mcLeod@gvgs.vic.edu.au
Trish Lawless	Director of Students	+61 3 5833 3300	trish.lawless@gvgs.vic.edu.au
Faye Kerr	Equal Opportunity Officer	+61 3 5833 3300	faye.kerr@gvgs.vic.edu.au

Cheryl Mechkaroff	Human Resources Manager	+61 3 5833 3300	cheryl.mechkaroff@gvgs.vic.edu.au
Rachel James	Year 5/6 Year Level Co-ordinator	+61 3 5833 3300	rachel.james@gvgs.vic.edu.au
Emma Buckingham	Year 7 Year Level Co-ordinator	+61 3 5833 3300	emma.buckingham@gvgs.vic.edu.au
Grant Findlay	Year 8 Year Level Co-ordinator	+61 3 5833 3300	grant.findlay@gvgs.vic.edu.au
Julia Mathers	Year 9 Year Level Co-ordinator	+61 3 5833 3300	julia.mathers@gvgs.vic.edu.au
Jeremy Holgate	Year 10 Year Level Co-ordinator	+61 3 5833 3300	jeremy.holgate@gvgs.vic.edu.au
Deidre Belleville	Year 11 Year Level Co-ordinator	+61 3 5833 3300	deidre.belleville@gvgs.vic.edu.au
Brooke McLeod	Year 12 Year Level Co-ordinator	+61 3 5833 3300	brooke.mcleod@gvgs.vic.edu.au

GVGS Senior Child Safety Officer

Goulburn Valley Grammar School has appointed the Director of Students (Ms Trish Lawless) as the School's Senior Child Safety Officer. The Senior Child Safety Officer has an important role in the promotion and maintenance of our child protection culture at the School.

The Senior Child Safety Officer is identified in our publicly available Child Safe Policy as a contact for the wider community when they have child protection concerns relating to the School.

The Senior Child Safety Officer is responsible for promptly managing the School's response to an allegation or disclosure of child abuse and ensuring that the allegation or disclosure is taken seriously. If the Director of Students cannot perform this duty it is the responsibility of the Deputy Principal to promptly manage the School's response to an allegation or disclosure of child abuse and ensure that the allegation or disclosure is taken seriously.

4.0 Reporting

A school staff member must act as soon as they witness an incident, form a reasonable belief or receive a disclosure that a child has been or is at risk of being abused, including exposure to family violence. A school staff member must act if you form a suspicion/reasonable belief that abuse has occurred or is at risk of occurring, even if they are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).

A school staff member must respond to any incidents, allegations and suspicions that a student is victim of or has committed student sexual offending. The response of a staff member must include disclosing to a police officer as soon as it is practicable to do so unless the person has a reasonable excuse for not doing so.

A school staff member 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 the role of a staff member to investigate. This is the role of DHHS Child Protection or Victoria Police.

The Four Critical Actions must be followed when responding to an incident, disclosure or suspicion of child abuse. Reporting internally alone does not mean that a person's mandatory reporting obligations have been met. The staff member who has formed a reasonable belief regarding child abuse or neglect must also report to DHHS Child Protection or Victoria Police if the child is in immediate risk of harm.

Four Critical Actions

A school staff member plays a critical role in protecting children in their care.

You must act, by following the Four Critical Actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused. You must act if you form a suspicion/reasonable belief, 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).

It is strongly recommended that you use the Responding to Suspected Child Abuse template (see below) to keep clear and comprehensive notes, even if you make a decision not to report.

The Four Critical Actions are:

1. Responding to an emergency
2. Reporting to authorities / referring to services
3. Contacting parents/carers
4. Providing ongoing support

The Four Critical Actions are set out in detail in a document which can be accessed via Agora or obtained from the following link: [FourCriticalActions_ChildAbuse.pdf \(education.vic.gov.au\)](#)

More detailed information is available in the following document which can be accessed via Agora or obtained from the following link: [ChildSafeStandard5_SchoolsGuide.pdf \(education.vic.gov.au\)](#)

Responding to Suspected Child Abuse template: the template document can be obtained via Agora or is available from the following link: [Report child abuse in schools \(education.vic.gov.au\)](#)

5.0 The Obligation to Report a Sexual Offence (Failure to Disclose) and Failure to Protect

The obligation to report a sexual offence (Failure to Disclose) and Failure to Protect, applies to alleged offences in the state of Victoria and to all persons in Victoria or elsewhere who have this information. The person must report the offence as soon as is practicable (unless the person has a reasonable excuse for not doing so).

5.1 Failure to Disclose

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.

- a) Failure to Disclose applies to all adults (persons over the age of 18 years of age) who form a reasonable belief that another adult may have committed a sexual offence against a child under 16 years of age and fail to report this information to Victoria Police.

What is a Reasonable belief?

- 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 student tells you that they have been sexually abused
 - a student tells you that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
 - someone who knows the student states that the student has been sexually abused
 - signs of sexual abuse lead to a belief that the student has been sexually abused
- b) In summary; Failure to Disclose applies if;
 - they are aged 18 years or over; and
 - they have information that leads them to form a reasonable belief that a sexual offence has been committed in Victoria, against a child under the age of 16 years, by another person aged 18 years or over; and
 - they fail to disclose the information to the Police as soon as practicable.
- c) Should a person fail to report the information, you may be charged with a criminal offence.

5.2 Failure to Protect

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

- a) In the school context, the offence covers failures to protect a student aged under 16 from sexual offences committed by any adult Staff, Volunteer or Contractor at the School.
- b) A school staff member, over the age of 18, has a duty to take reasonable steps to protect children under their care and supervision from harm that is reasonably foreseeable.
- c) Students aged 18 or over and parents/carers (other than parent volunteers), are not considered adults 'associated with' the School for the purposes of the Failure to Protect offence. However, if a student aged 18 or over, a parent/carer and other family member of students poses a reasonably foreseeable risk of sexually abusing a student, the common law duty to protect students still applies.
- d) In addition, under section 490 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 School, 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 School) will become the victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the School; and
- 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.

e) What is 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.

There are several factors that may assist in determining whether a risk is a substantial risk. These include:

- the likelihood or probability that the 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.

f) Who Does this Obligation Apply to in Schools?

The Principal and members of the School Leadership Team would always have the necessary degree of supervision, power and authority to remove or reduce a risk posed by another adult working at the School.

Other people in authority may include the Board Chair and Board members. It may also apply to people with less formal involvement at School for example, a volunteer parent/coach responsible for the supervision of a junior sports team may be a person in authority, even if their role is informal or limited. On a day to day basis, and on excursions, camps or interschool events, others at the School 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:

- Board Chair and Board members
- Teachers
- Volunteers where they are in a position of supervision, such as volunteer coaches.

g) What Must be Reported and to Whom

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. Grooming can be defined as when a person engages in predatory conduct to prepare a child or young person for sexual activity later. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/caregiver.
- encouraging a child to engage in, or be involved in, sexual activity.

A "sexual offence" includes an attempted sexual offence.

h) Reasonable Excuse for Not Reporting to Police

A person does not need to report to the Police if you have a reasonable excuse for not doing so. Under the Crimes Act, a reasonable excuse includes:

- fear for safety: you fear on reasonable grounds for the safety of any person (other than the offender), and do not disclose due to those circumstances
- victim requests confidentiality: a victim, who is now aged 16 or over, told you about the sexual offence (directly or indirectly) and the victim 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
- information already disclosed: you believe on reasonable grounds that the information has already been disclosed to the Police (for example if you or someone else has made a Mandatory Report to Child Protection) and you have no further information to add.

i) Unacceptable Reasons for Not Reporting

Unacceptable reasons for not reporting include if a person is 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)

j) In summary, the Failure to Protect offence means that action must be taken:

- by any Staff, Volunteer or Contractor who has the power or responsibility to do so
- to protect students aged under 16
- from a known substantial risk of the student becoming the victim of a sexual offence by an adult staff member, Volunteer or Contractor at the School.

It does not matter if the student, the person who poses the substantial risk or the person who has the power or responsibility to act are outside of Victoria, so long as the student was in Victoria at any time while the substantial risk existed or so long as the sexual offence was at risk of occurring in Victoria.

k) Procedure to reduce or remove a substantial risk

Where any staff member, Volunteer, or Contractor 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;
- report the matter to a School Child Safety Officer and the Principal, as soon as practicable.

Upon receipt of this report, the Principal or their delegate will:

- conduct an investigation, unless this relates to a Mandatory Reporting situation;
- make the appropriate report.

Appropriate action to be taken may include:

- a current employee who is believed to pose a risk to a student or students should be immediately removed from contact with students and reported to appropriate authorities for investigation;
- a parent who is known to pose a risk of sexual abuse to children should not be allowed to act as a volunteer at the School;
- only parents with current WWCC are permitted to act as volunteers at the School. If the School is informed by a relevant authority of alleged child abuse by a parent, the parent will be removed from the volunteer register until the allegation is resolved.

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

6.0 Mandatory Reporting

The Children, Youth and Families Act 2005 (Vic) (CYFA) (section 184) requires Mandatory Reporters to make a report to the Department of Families, Fairness and Housing (Child Protection) when they believe that a child (aged under 17) needs protection from significant harm from physical injury or sexual abuse.

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.

A Mandatory Report must be made when 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.

Who Must Make a Mandatory Report?

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.

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

Staff should refer to the School's Mandatory Reporting Policy.

7.0 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 a person forms a suspicion that, a student is victim to a student sexual offence and/or a student has committed a sexual offence. This includes suspected sexualoffending that may have taken place outside of School grounds and hours.

What is student sexual offending?

Student sexual offending refers to sexual behaviour by a student at the School, over 10 years of age, which amounts to a sexual offence. Sexual offences are defined in the Crimes Act 1958 (Vic) and include:

- Rape
- sexual assault
- indecent acts

8.0 Supporting Children in relation to suspected child abuse

Children involved in suspected child abuse are vulnerable and may need additional supports, including;

- Internal counselling support
- Referral to external counselling and/or specialist services
- Monitoring wellbeing indicators, such as attendance, academic engagement, participation in school programs
- Support to families (as per some of above)

9.0 Confidentiality and Privacy

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.

A person must not provide undertakings that are inconsistent with our reporting obligations in the School's Child Protection 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.

10.0 Conduct that is Reportable to the Victorian Institute of Teaching

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 have been convicted or found guilty of certain criminal offences that accord with those relevant to WWC Checks.

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 School must notify the VIT if the School 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 School 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 WWC Checks.

Section 2.3.10 of the Act requires that the School 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 WWC Checks; or
- been given a WWC exclusion notice

11.0 Child Protection Record Keeping

Effective child protection record keeping is part of the School's child protection obligations, including the fulfilment of our duty of care. It is through such record keeping that the School can ensure that, should there ever be a need for evidence of the School's child safe culture or precautions and preventative measures taken in response to the risk of child abuse, the School has well documented and accessible records.

12.0 Documenting Your Observations and Actions

All teaching staff, non-teaching staff, Board directors, Volunteers, Third Party Contractors and External Education Providers must keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse. This information may be sought at a later date if the matter is the subject of court proceedings. Your notes may also assist you later if you are required to provide evidence to support your decisions regarding the handling of child protection incidents.

The *PROTECT Schools template - Recording your actions: Responding to suspected child abuse template* should be used to document any incident, disclosure or suspicion that a child has been, or is at risk of being abused, including exposure to family violence. This template should be used in conjunction with the following: Four Critical Actions For Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse.

When completing the template the aim should be to provide as much information as possible. This information will be critical to any reports and may be sought at a later date if the matter is the subject of court proceedings. These notes may also later assist the person if they are required to provide evidence to support any decisions. It is a requirement under Ministerial Order No. 870 - Child Safe Standards - Managing the risk of child abuse in schools for schools to keep clear and comprehensive notes on all observations, disclosures and other details that led them to suspect the abuse.

13. Make, secure, and retain records of the allegation of child abuse and the School's response

Any records relating to child abuse that has occurred or is alleged to have occurred, including completed reporting templates and any other notes or records must be kept securely.

- If the document is a hard copy file, staff must make sure they are kept in a locked cabinet. This is to be a secure cabinet located in the office of the Executive Assistant to the Principal. Such records are not to be stored in the general student files.

- If the document is an electronic record, staff must make sure it is password protected and only staff members who need the information have access.
- Electronic copies must also be stored on Agora (the School's LMS) in the Pastoral Care section under the heading of Child Safe Standards Reporting.
- Minimum records retention period - any records relating to child sexual abuse that has occurred or is alleged to have occurred must be retained by the School, for at least 45 years.

14.0 Preserving Evidence

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

- 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

15.0 Communication of this Policy

Students

- Reference to the Child Safe Policy will be included in the Student Diary
- Child Safe Policy is accessible on our Learning Management System (Agora)
- A list of Child Safety Officers is included in the Student Diary

Staff

- Available on our Learning Management System (Agora)
- Included in the new staff induction material

Community

- A link to the Child Safety section on the Learning Management System (Agora) is included in each weekly Newsletter.
- Child Safe Policy, Child Safe Code of Conduct and Reporting Child Safety Concerns are available on the Learning Management System (Agora) and GVGS Website.

16.0 Monitoring compliance

The Principal and or Deputy Principal are responsible for monitoring overall school compliance with this procedure.

Document date: January, 2024