

# Child Safety and Wellbeing Reporting

## Obligations Policy (Including Mandatory Reporting)

- All of Brighton Grammar School's policies are intended to be up to date and be consistent with all relevant laws.
- Employees are expected to comply with all applicable policies.
- Various parts of the policies require managers and staff to exercise discretion and the policies are not intended to be applied in a legalistic or prescriptive manner.
- These policies may be varied by Brighton Grammar School from time to time, at its absolute discretion.
- Brighton Grammar School is fully committed to the protection of children and young people during all School activities and environments both within and outside of School hours.
- All Policies are fully reviewed and endorsed by the schools Governance and Risk Committee and the School Council.
- This is a whole of school policy and there may, from time to time, be variations in different parts of the School. In such circumstances, advice will be issued by the relevant Head of School

### Purpose

The Brighton Grammar Child Safety and Wellbeing Reporting Obligations Policy supports the School's Child Safety and Wellbeing Policy and Programs.

Our school is committed to creating and maintaining a child safe and child-friendly organisation, where children and young people are safe and feel safe. We have no tolerance for child abuse and take proactive steps to identify and manage any risks of harm to students in our school environments.

This Policy informs our school community of everyone's obligations to act safely and appropriately towards children and details our reporting processes and practices for the safety and wellbeing of students across all areas of our School.

This policy:

- Applies to all School Staff, Volunteers, Contractors, Board and Committee members whether or not they work in direct contact with students.
- Applies in all physical and online school environments used by students during or outside of school hours, including other locations provided by for a student's use (for example, a school camp) and those provided through third-party providers
- should be read together with our other Child Safety and wellbeing policies, procedures, and codes – refer to the related school policies section at the end of this document.

## Principles

Through the application of this policy, the School aims to:

- Ensure all reasonable steps are taken so that all students of the School are safe from abuse, including sexual abuse, and they feel safe at all times.
- Ensure that safety of the following groups is promoted and protected at all times:
  - Children of Aboriginal or Torres Strait Islander background or heritage
  - Students with disability
  - Students from culturally and linguistically diverse backgrounds
  - Students who are unable to live at home
  - International students
  - Lesbian, gay, bisexual, trans and gender diverse, intersex and queer (LGBTIQ+) students
- That student rights to be safe are maintained and each child is protected against abuse and neglect
- Responsibilities of school staff in protecting the safety and wellbeing of children and young people are clearly defined
- Staff have the knowledge and skills to identify the indicators of a child or young person who may need protection.
- Staff understand appropriate steps to make a report on a child or young person who may need protection
- Staff and the School are able to comply with reporting obligations

### Definition of a Student

Unless Australian Law states otherwise the definition of a student at Brighton Grammar School shall be considered to be a student currently enrolled at the School until they withdraw their enrolment from the School or (in the case of Year 12 Students) the day after an individual's final examination.

However, it is also expected that employees, contractors or other visitors of Brighton Grammar School will not socialise or visit at home past students of the School who are younger than 18 years of age without the presence of a parent of the student.

## Grooming

Section 49B of the Crimes Act relates to the offence of "Grooming for sexual conduct with a child under the age of 16 years." The offence targets predatory conduct designed to facilitate later sexual activity. The offence can be committed by any person aged 18 years or over.

### Definition

The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time. The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's engagement in or involvement in sexual conduct, whether with the groomer or another adult.

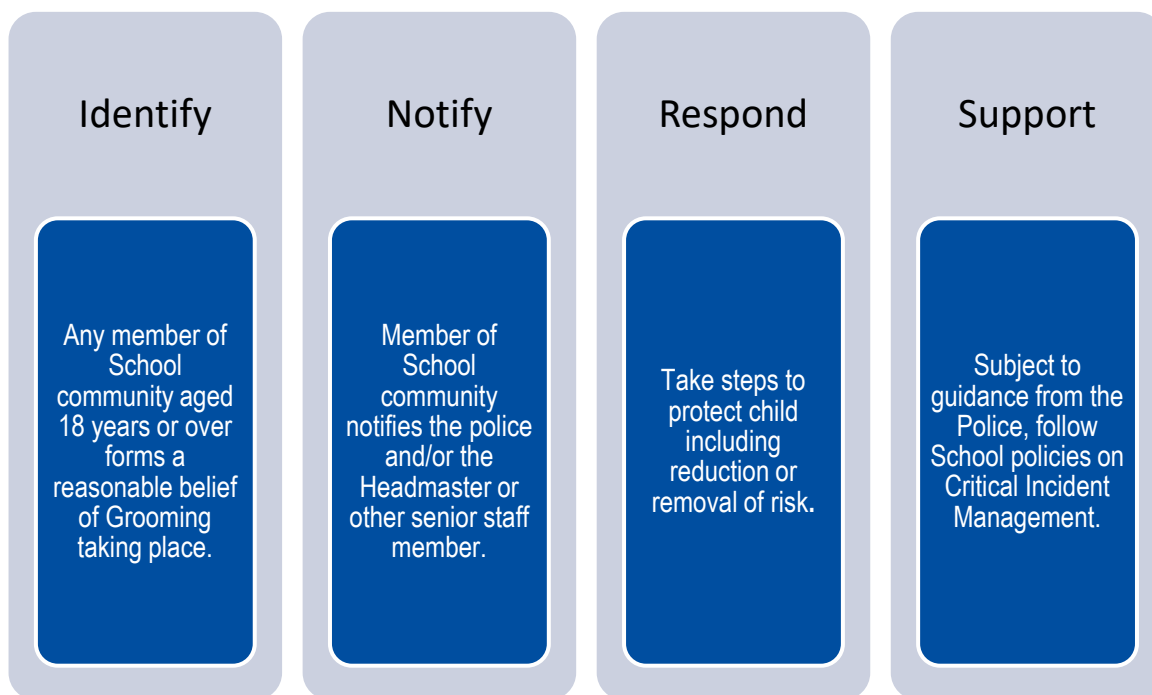
Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.

The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as indecent behaviour in public.

### Procedure

Should any member of the School community aged 18 and over become aware of grooming behaviour by a person aged 18 years or over, they should notify the police and/or the Headmaster immediately.

It is the responsibility of the Headmaster and/or others associated with the School with authority or responsibility, to act upon becoming aware of grooming behaviour to protect (so as to reduce or remove a substantial risk) in accordance with the 'failure to protect' offence (see below).



## Reportable Conduct

An allegation of reportable conduct is where a person has a reasonable belief that there has been any of the conduct below by an employee, contractor or volunteer of the School against a child (under 18 years old):

- A sexual offence
- Sexual misconduct
- Physical violence
- Significant emotional or physiological harm
- Significant neglect

Such conduct does not need to meet the threshold of a criminal offence.

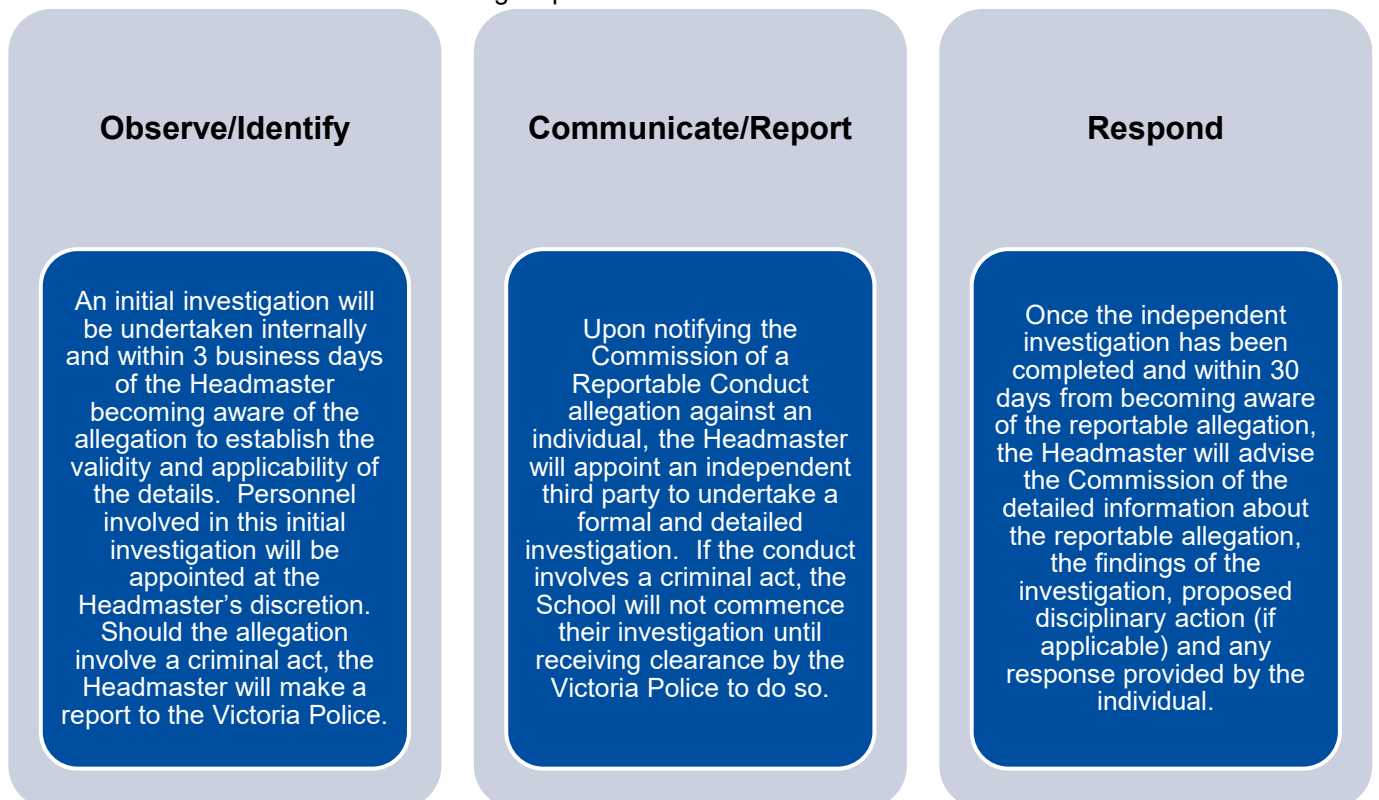
The scheme will maintain the primacy of an investigation by Victoria Police of any allegations of criminal misconduct and will require allegations of suspected criminal conduct to be reported to Victoria Police as a priority. The Scheme does not change Mandatory reporting or other reporting responsibilities.

If the Headmaster becomes aware of a reportable allegation against an individual of the School, the Headmaster will notify the Commission in writing of the following:

- within 3 business days after becoming aware of the reportable allegation (that a reportable allegation has been made, the name of the individual and whether Victoria Police have been contacted) and
- as soon as practicable and within 30 days after becoming aware of the reportable allegation, detailed information about the reportable allegation, proposed disciplinary action, any response provided by the individual.

## Procedure

The Headmaster will oversee the following steps:



## Mandatory Reporting

Principals, registered teachers, Early Childhood workers, counsellors, chaplains, student health officers, registered medical practitioners, nurses, psychologists and all members of the police force are mandatory reporters under the Children, Youth and Families Act 2005 (Vic).

Mandatory reporting involves informing the Department of Families Fairness & Housing (Child Protection) of conduct involving a child 17 years and under that would constitute abuse (physical, emotional or sexual, including exposure to family violence and grooming), neglect or exploitation. In the case of students who are over the age of 18, the required contact point will be Police. This conduct could have been undertaken by any member of the community including the students' parents/carers.

The protection of children is regulated by the *Children, Youth and Families Act 2005*. Section 182 specifies that a person registered under the *Education Training and Reform Act 2006* or who has been granted permission to teach under that act is designated as a *mandatory reporter*.<sup>1</sup>

As such, it is an offence on behalf of an individual teacher and / or the School to fail to notify the Department of Families Fairness & Housing of concerns if they have formed the belief on reasonable grounds that:

- A child has suffered or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm of that type
- A child has suffered, or is likely to suffer, significant hardship as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect the child from harm of that type.

If the individual teacher or the School notifies DFFH in good faith, based on having reasonable grounds for forming the view that the child is at risk, it will not be considered unprofessional conduct by the teacher or the School.

Staff do not require the permission of parent or carers to make a report, nor are they required to tell parents or carers that they have done so.

In every child safety case, including those cases where it may be necessary to report a matter to DFFH or the Police, the Headmaster, via [childsafety@brightongrammar.vic.edu.au](mailto:childsafety@brightongrammar.vic.edu.au), must also be notified as a matter of urgency.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence.

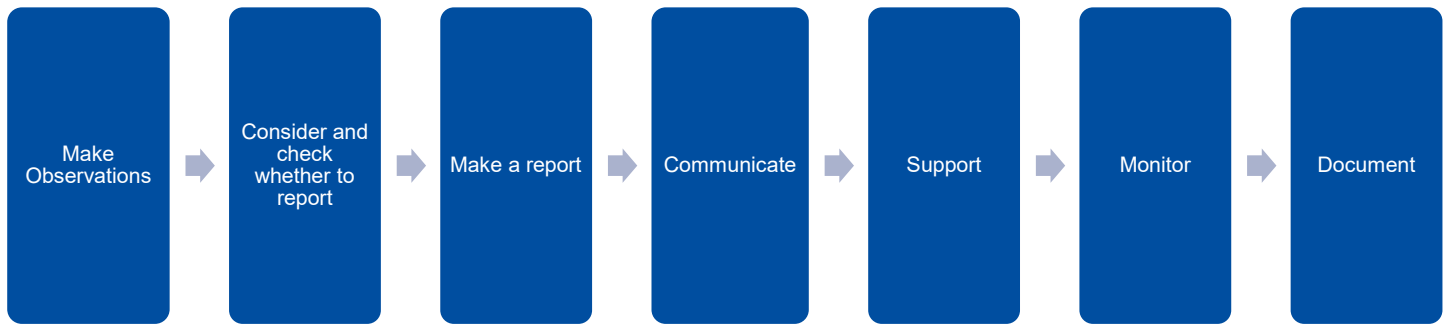
It is important for all staff at Brighton Grammar School to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child needs protection.

In order to ensure staff are aware of their obligation to report they are required to undertake training upon commencement of their role at the School and participate in twice yearly updates via the staff professional learning days.

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<sup>1</sup> Victorian Institute of Teaching, *Professional Conduct* found at [www.vit.vic.edu.au](http://www.vit.vic.edu.au)

## Procedure



### 1) Make observations

Individual staff members should make observations and keep notes of concerns that have led them to believe a report may be necessary. These dated notes should be recorded on the Mandatory Reporting Record Form. These forms should be given to relevant Head of School (Head of Secondary School or Junior School) and stored as a cumulative record in the student's central file and/or counselling file. The Head of School shall in turn notify the Headmaster without delay. An email to the Headmaster via [childsafety@brightongrammar.vic.edu.au](mailto:childsafety@brightongrammar.vic.edu.au) must also be completed.

### 2) Consider and check whether a report to Child Protection Services is required

A report to Department of Human Services / Child Protection is **required** when

- There is a belief, based on reasonable grounds, that a child has suffered, or is likely to suffer, significant harm as a result of physical, sexual, emotional abuse or neglect, exposure to family violence, grooming

AND

- The child's parents or caregiver have not protected, or are unlikely to protect the child from such harm.

The belief and the reasonable grounds for forming that belief should be reported by an individual authorised by the School to Child Protection Services as soon as practicable. Additional reports should be made after each occasion in which there is awareness of further concerns.

It is permissible for a staff member to ask a child sufficient questions to establish a reasonable belief, but care should be taken not to ask leading questions. Once a concern has been raised the matter should be referred to appropriately trained or senior staff such as Head of School, Headmaster or School Counsellors. The role of the notifying staff member from this point forward is to continue monitoring the child of concern. It is NOT the role of the mandated notifier to take on the role of investigator.

The Head of School/Headmaster shall not disclose to any other person, the identity, or information with potential to indicate the identity of the notifying individual without written consent from the notifier. If there is uncertainty about the need for a mandatory report to Child Protection the Head of School or the notifier should ring the DFFH for advice/secondary consultation:

**Department of Families Fairness &  
Housing (DFFH)**

**1300 655 795 *Business hours***

**13 12 78 *After hours***

### **3) Make a report to Child Protection**

If a staff member believes a report to Child Protection is required, the Head of School or School Counsellor will be notified and they will immediately consult the Headmaster. The notifying staff member, Head of School or the School Counsellor will proceed with a report to Child Protection.

The following information will be required when making a report:

1. The child's name, age and address
2. The name, age and address of any known siblings
3. Your reason for believing that the injury or behavior is the result of abuse or neglect
4. Your assessment of the immediate danger to the child
5. Current whereabouts of the child or young person
6. Your description of the injury or behavior observed
7. Any other information you have about the family

Your identity as a notifier will remain confidential unless:

- You choose to inform the child and/or family of the notification yourself
- You consent to your identity as the notifier being disclosed
- You are subpoenaed by the Court

### **4) Communicate**

A decision regarding who else (if anyone), should be informed, needs to be made. Parents, guardians or care givers of the alleged victim are not to be contacted unless DFFH child protection has given permission for this to occur.

The need for confidentiality should be remembered at all times in the interest of the child and family. Only where the welfare of the child will be affected should the matter be discussed with anyone else.

If, following a report, a family approaches the School, they should be politely directed to speak with authorised senior managers or School Counsellors. Individual teachers should not engage in discussion with parents or others without the presence (or the express authorisation) of the respective Head of Campus as a minimum.

Even where senior management representatives meet with parents or others in regard to a report, it is recommended that an interview be conducted with a minimum of two designated school staff members present.

The focus of such a meeting should be on the welfare of the child, not on justifying the actions or perceptions of the staff involved.

If police or Child Protection met at the school to interview a student, a staff member will sit in on the meeting to observe the process.

## 5) Support

It is essential that reports are managed in a caring, supportive and confidential manner. Support for the responding staff member and the student who is the cause for concern as well as anyone else affected should be arranged.

Access to the School's Employee Assistance Program will be promoted and managers shall monitor the wellbeing of the responding staff member and any other effected individual (including the alleged perpetrator if an employee of the School).

Staff will also be provided with regular awareness on mandatory reporting and protection of children education.

## 6) Monitor

After notification to Child Protection is made, a senior protective worker will decide whether or not further investigation is required. The notifying staff member will be advised of this decision via phone or email. If the notifying staff member is not advised, the Head of School may contact Child Protection Services and request information about what action is proposed. Any information provided at any stage of the process shall also be shared with the Headmaster in a timely manner.

## 7) Document Control, Protection of Individuals and Confidentiality of Information

Other than ensuring the safety of all involved, there should be no detailed communication with alleged perpetrators or any other students involved until after approval from Victoria Police. Police and Child Protection Services are to be the investigating body at all times.

The Headmaster or his delegate is the only authorised representative of the School able to make media comment.

## Failure to Disclose

Reporting child sexual abuse is a community-wide responsibility. The Failure to disclose offence imposes a clear legal duty upon all adults aged 18 and over to report information about child sexual abuse to police.

### Definition

Under section 327 of the Crimes Act, any person (including any staff member) of or over the age of 18 years who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 years of age must disclose that information to police, as soon as it is practicable to do so. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

The offence applies to **all adults** in Victoria, not just professionals who work with children.



## Forming a 'Reasonable Belief'

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if:

- a child states that they have been sexually abused;
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves);
- someone who knows a child states that the child has been sexually abused;
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been sexually abused or is likely to be abused; and
- signs of abuse lead to a belief that the child has been sexually abused.

## Procedure

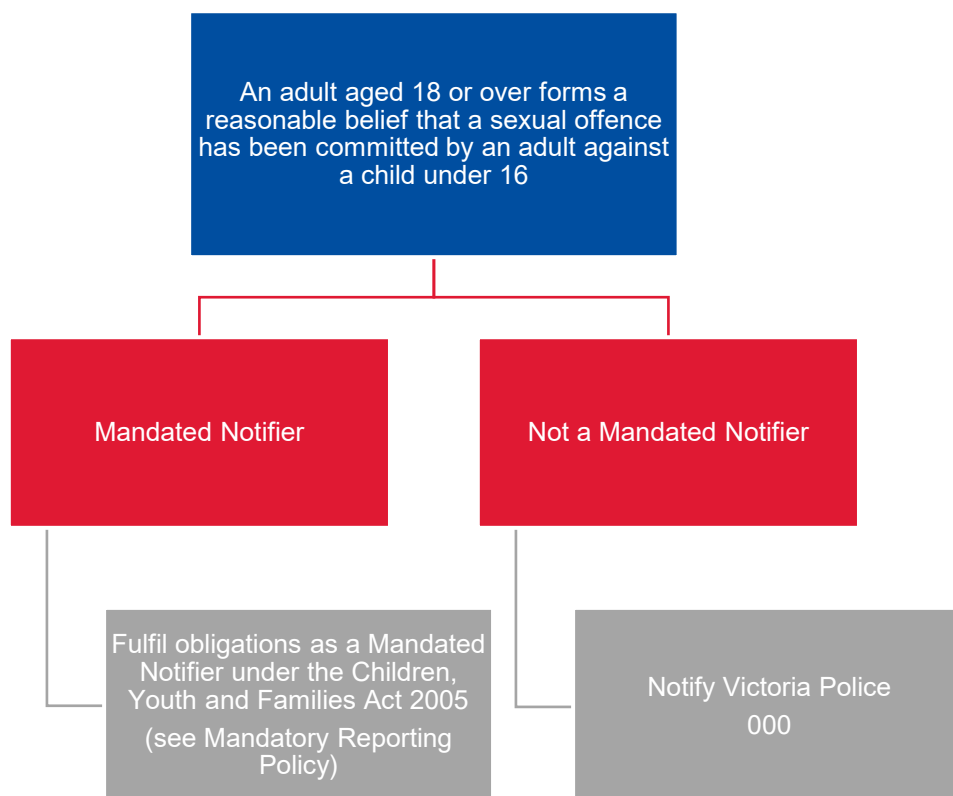
Any adult aged 18 or over who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to Victoria Police by dialling 000 (or otherwise to a Member of the police force of Victoria).

An adult will not be guilty of an offence if they do not report in the following circumstances:

- The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police.
- The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor.
- The victim turned 16 years of age before 27 October 2014.

Reasonable excuses for failing to comply with the requirement include:

- a reasonable belief that the information has already been reported to police or Department of Health and Human Services (DHHS) Child Protection disclosing all of the information.
- a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm.



## Failure to Protect Offence

Section 49C of the Crimes Act states that it is a criminal offence in Victoria for a person in authority to fail to protect a child under the age of 16 from criminal sexual abuse. This applies where there is substantial risk that a child under the care, supervision or authority of an organisation (including schools) will become a victim of a sexual offence by an adult associated with the School. The person in a position of authority may be guilty of an offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

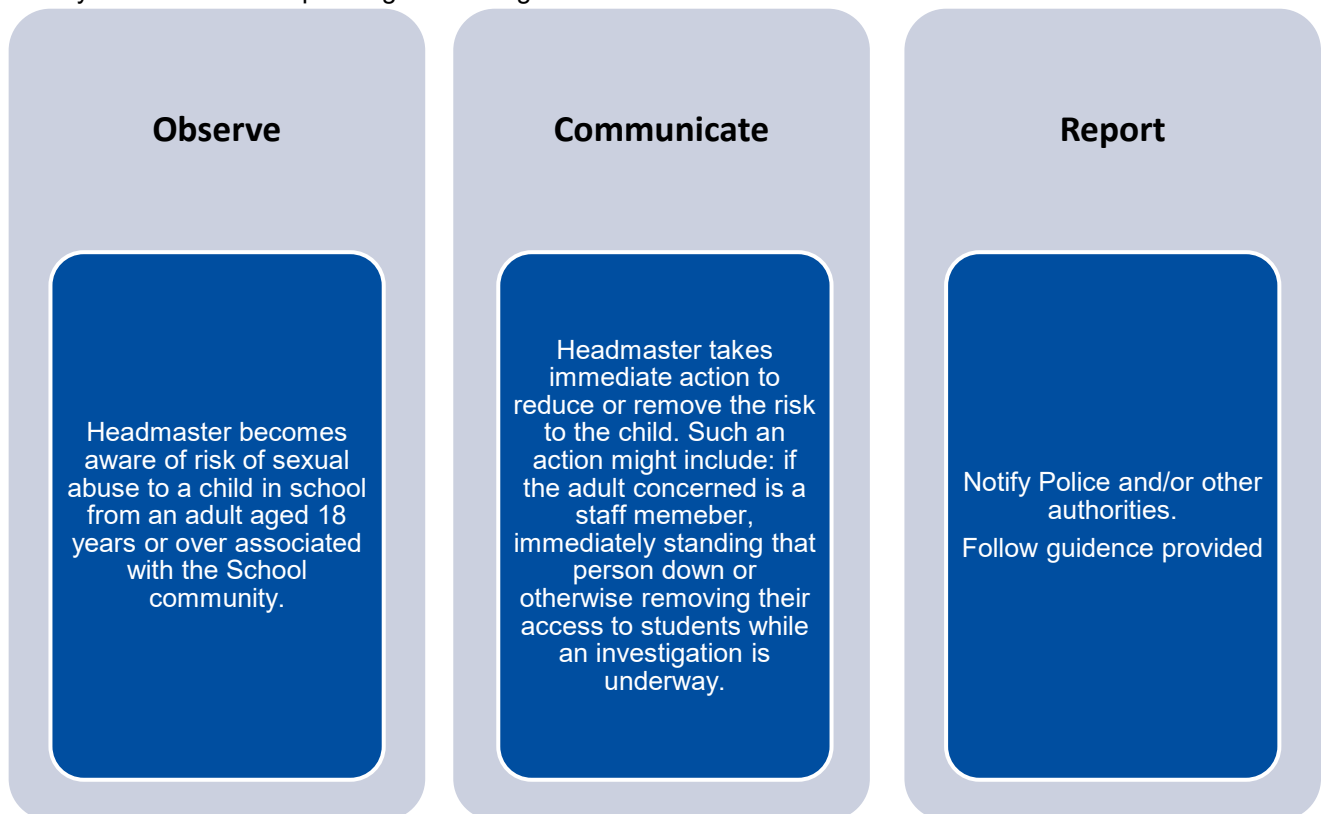
### Definition

If a person associated with the School who by reason of their position has the power or responsibility to reduce or remove a substantial risk that a child will become a victim of a sexual offence committed by an adult associated with the School, they must not negligently fail to reduce or remove the risk. That is, as soon as a person in authority becomes aware of a risk of child sexual abuse, they will be under a duty to take steps to remove or reduce that risk.

A person who has the power or responsibility to reduce or remove a risk will include the Headmaster, School Council members and senior staff, as well as teachers by virtue of their responsibilities. For the avoidance of doubt, any member of staff or person associated with the School who knows of a substantial risk that a child will become a victim of a sexual offence should notify the Headmaster as soon as is reasonably practicable.

### Procedure

When aware of a substantial risk of criminal sexual abuse to a child in the School from an adult aged 18 or over associated with the School, the Headmaster will act to reduce or remove the risk. The person will be removed from any child-related role pending an investigation.



## Record Keeping and Independent Verification

A register of all scheduled Child Protection Programs will be prepared annually for all students, staff, parents, contractors and volunteers. On delivery of each program, the register is to be updated to show the action completion date with verified sign-off by the applicable Head of School or Senior Executive Member.

The School's Child Safety Officer will conduct a sample audit annually to ensure that all aspects of this policy are being adhered to across all campuses and all target groups in the School Community. The audit report will be presented to the Governance and Risk Committee on an annual basis.

All Child Safety concerns and complaints will be raised via an email to the Headmaster at [childsafety@brightongrammar.vic.edu.au](mailto:childsafety@brightongrammar.vic.edu.au). The headmaster will review all correspondence via this email and escalate to the appropriate staff for formal reporting, pastoral care and/or psychological management. A record of all Child Safety and Wellbeing complaints will be kept securely on the Schools servers and disposed of in line with Record retention requirements.

## Breach

Breach of this Policy, Mandatory reporting process and/or the Child safety and Wellbeing Policy and Code of Conduct shall be considered either misconduct or serious misconduct (depending on the circumstances) and may result in Disciplinary action (see Disciplinary Policy for further definitions) which may lead to termination of employment and / or reporting to relevant Authorities.

## Related Policies

Child Safety and Wellbeing Policy  
Child Safety and Wellbeing Code of Conduct  
Mandatory Reporting - template  
Child Safety and Wellbeing Complaints process  
PROTECT – Four Critical Actions for Schools

This Policy is a controlled document. Any printing of this document is uncontrolled. Please refer to the school portal for the latest version of this policy	
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