

# 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.
- 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.

This Policy covers the following child safety and wellbeing domains:

- I. Grooming
- II. Reportable Conduct
- III. Mandatory Reporting
- IV. Failure to Disclose
- V. Failure to Protect

## 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.

## I. 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.

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.

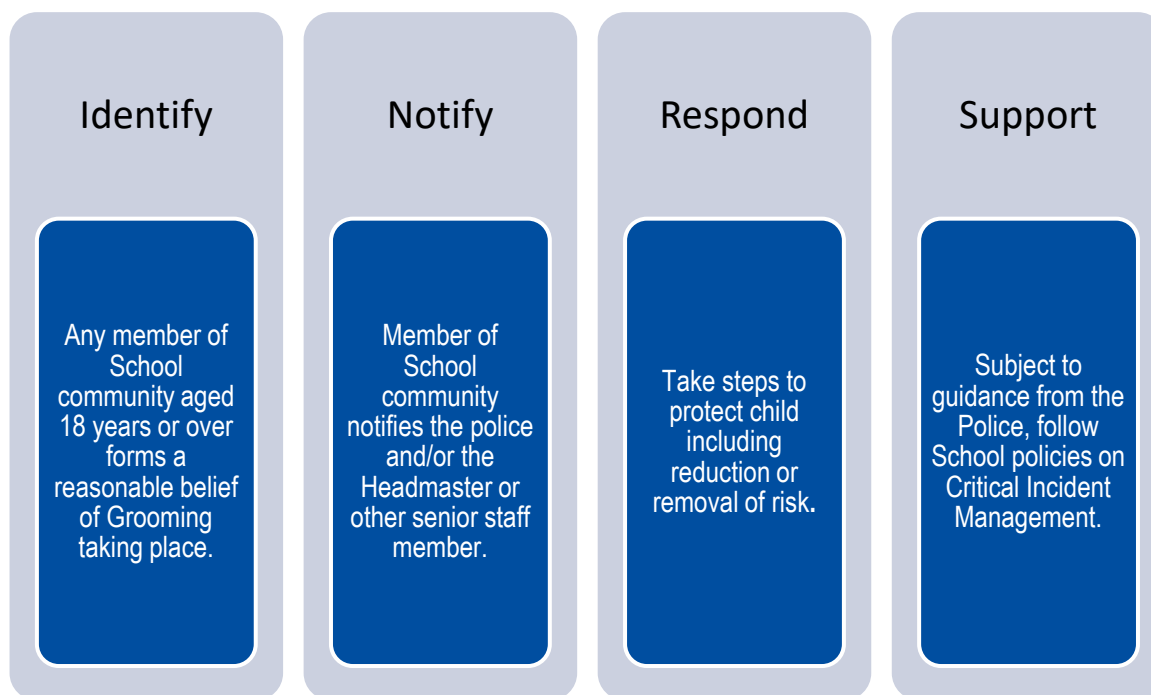
Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.

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).



## II. 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.

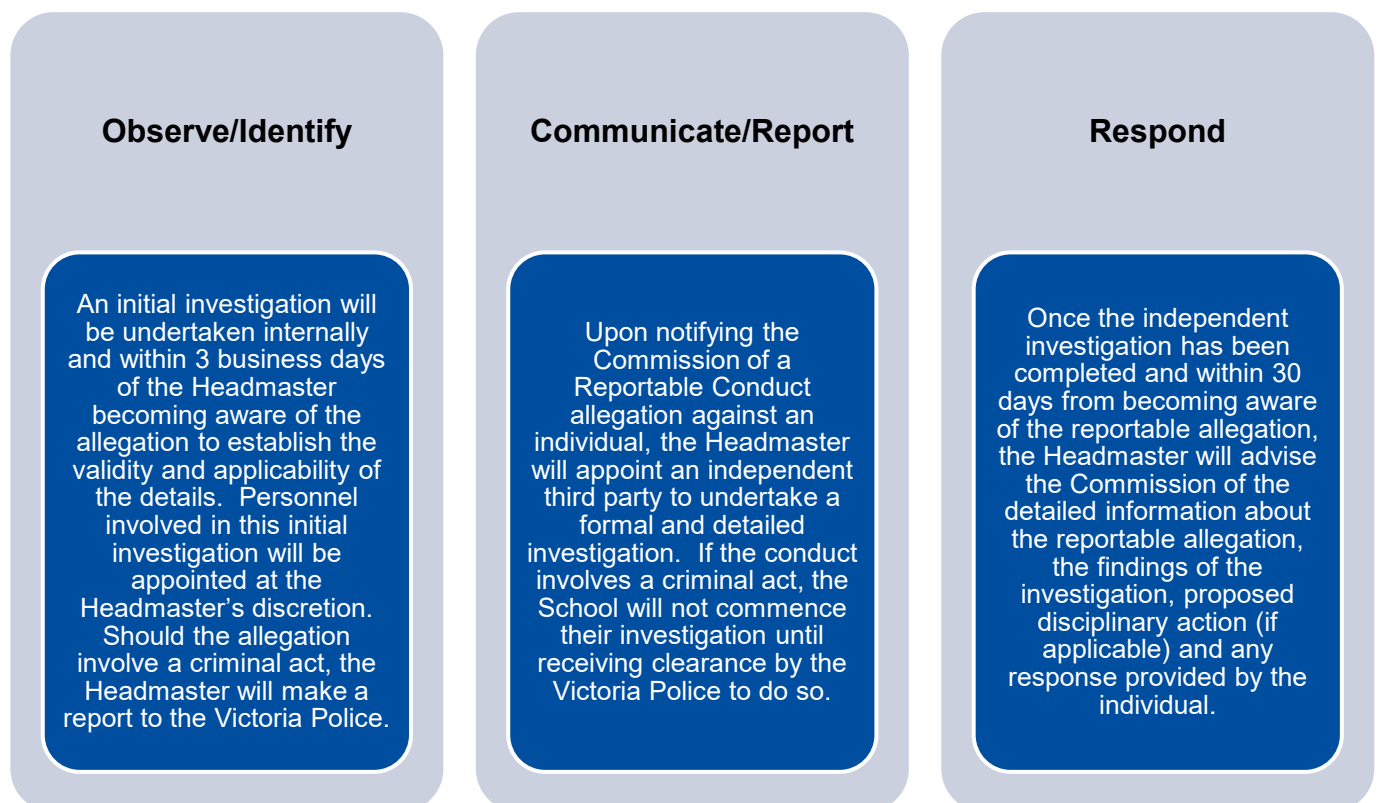
The scheme will maintain the primacy of an investigation by Victoria Police of any allegations of criminal misconduct and will require allegations of suspected criminal conduct to be reported to Victoria Police as a priority. The Scheme is in addition to Mandatory Reporting or other reporting responsibilities.

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:



## III. 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 refers to the legal requirement of certain professional groups to make a report to Child Protection (DFFH) and/or Victoria Police if they form a belief on reasonable grounds that:

- A child under the age of 17 has suffered or is likely to suffer, significant harm as a result of physical abuse or sexual abuse.

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

Although mandated reporters are only legally obliged to report in relation to physical abuse and sexual abuse, all staff have a moral obligation to help protect any child under their care. As such, BGS staff are required to follow mandatory reporting guidelines for all suspected cases of child abuse including:

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Grooming
- Neglect
- Exposure to family violence

In circumstances where you suspect that a student over the age of 17 is subject to abuse you should still follow the [Four Critical Actions](#) for schools.

A belief is a belief on reasonable grounds if a reasonable person, doing the same work, would have formed the same belief on those grounds. Grounds for forming a belief are matters of which you have become aware, and any opinions in relation to those matters.

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

If the School notifies Child Protection or Victoria Police 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 School.

## Procedure

The following procedure should be followed if you suspect a child is at risk of abuse:

- 1) Make observations
- 2) Consider and check whether a report to Child Protection Services is required
- 3) Make a report to child protection
- 4) Communicate
- 5) Support
- 6) Monitor
- 7) Document

### 1) Make observations

Individual staff members should make observations and keep notes of concerns that have led them to believe a child may be at risk of abuse. 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. Help the student to understand that you need to seek assistance for them and cannot keep the discussion/disclosure confidential. Your observations should be recorded on the Mandatory Reporting Template in the following sections:

- Provide detailed information about what the student disclosed and/or what you heard or observed.
- Provide direct quotes from the student and descriptions of the injury present.

- Your assessment of the immediate danger to the student (i.e., are the concerns raised current or historical, other known risk factors).

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

A report to Child Protection or Victoria Police 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 Headmaster, Head of School, School Psychologist in your section, Director of Students, and Head of Year / Head of House should be informed of the need to make a mandatory report if there is a belief based on reasonable grounds that a child is at risk of abuse.**

The reasonable grounds for forming the belief should be reported by the School to Child Protection or Victoria Police as soon as practicable. Additional reports should be made after each occasion on which there is awareness of further concerns.

In instances where two staff members form different views about whether to make a report, if one staff member continues to hold a reasonable belief that a child needs protection, then they should make a report.

If there is uncertainty about the need for a mandatory report the Head of School or School Psychologist should ring Child Protection for advice/secondary consultation.

The role of 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 the investigator.

The Headmaster/Head of School 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.

**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 report to Child Protection or Victoria Police is required, the notifying staff member, Head of School or School Psychologist will proceed with a report to Child Protection or Victoria Police while informing the Headmaster.

The following information will be required when making a report as seen on the Mandatory Reporting Template:

- Student's name, Date of Birth, Year Level, Address
- Sibling details: Name, Date of Birth, Year Level, School, Address
- Other family information if known (i.e., languages, culture, marital status, court orders)
- Disabilities/diagnoses, mental or physical health issues if known:
- Details of any other agencies or professionals who may be involved with the student if known

- Type of harm
  - Physical
  - Sexual
  - Emotional
  - Exposure to family violence
  - Neglect
  - Grooming
- Provide detailed information about what the student disclosed, and/or what you heard or observed. Include direct quotes from the student if possible and descriptions of the injury if present
- Your assessment of the immediate danger to the student (i.e., are the concerns raised current or historical, other known risk factors).
- Follow up Plan (Outline any next steps, referrals, or monitoring to be conducted)

To make a report you should contact the child protection intake service covering the local government area where the child normally resides. If you are not sure which number to call, check the following website for details on the LGAs covered by each intake service at <https://services.dhhs.vic.gov.au/child-protection-contacts>.

To report concerns about the immediate safety of a child outside of normal business hours, contact the After Hours Child Protection Emergency Service on 13 12 78.

To report concerns that are life threatening, contact Victoria Police: 000

Your identity as a notifier will remain confidential unless:

- You choose to inform the child and/or family of the notification yourself (see important note below before contacting families)
- You consent to your identity as the notifier being disclosed
- You are subpoenaed by the Court

#### 4) Communicate

Following the report, provide a copy of the Mandatory Reporting Template to the Headmaster, the Head of School, School Psychologist in your section, Director of Students, and Head of Year / Head of House. The form should be stored as a cumulative record in the student's central file and/or counselling file. Following your mandatory report, please log an update in the School's Risk Management portal – Risk Wizard. A shortcut to Risk Wizard can be found on the desktop of your computer. The student does not need to be identified in the Risk Wizard report, but it is important that your mandatory report is captured. For further information, or guidance, please speak with your Head of School or the School Psychologist in your section of the school.

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 Child Protection/Victoria Police has given permission for this to occur. Advice provided by Child Protection/Victoria Police needs to be documented on the Mandatory Reporting Template.

When advised by Child Protection/Victoria Police that it is appropriate to contact the parents/carers, the notifying staff member (along with support staff such as Head of School, Director of Students, Head of Year, Head of House, School Psychologist) should make sensitive and professional contact with the appropriate parents/carers as soon as possible. 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 other staff members. The type of information that may be

appropriate to share with other staff members about a child who is impacted, or suspected to be impacted by child abuse may include:

- That the child is in a difficult situation
- That the child should be monitored and may need support
- The content of any Student Support Plan, including any signs or symptoms that the child may display when they are in need of support, and any strategies or support services that have been put in place to support the child while they are at school

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 School 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 Child Protection or Victoria Police meet 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.

Ongoing monitoring and support for the student who is the cause for concern is important and needs to be documented on the Mandatory Reporting Template. This may include a referral to school counselling services and the development of a Student Support Plan.

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 affected individual (including the alleged perpetrator if an employee of the School). (provide link to EAP services). 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 Child 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 or School Psychologist 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, Head of School, School Psychologist in your section, Director of Students, and Head of House / Head of Year. 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.



## IV. 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.

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.

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:

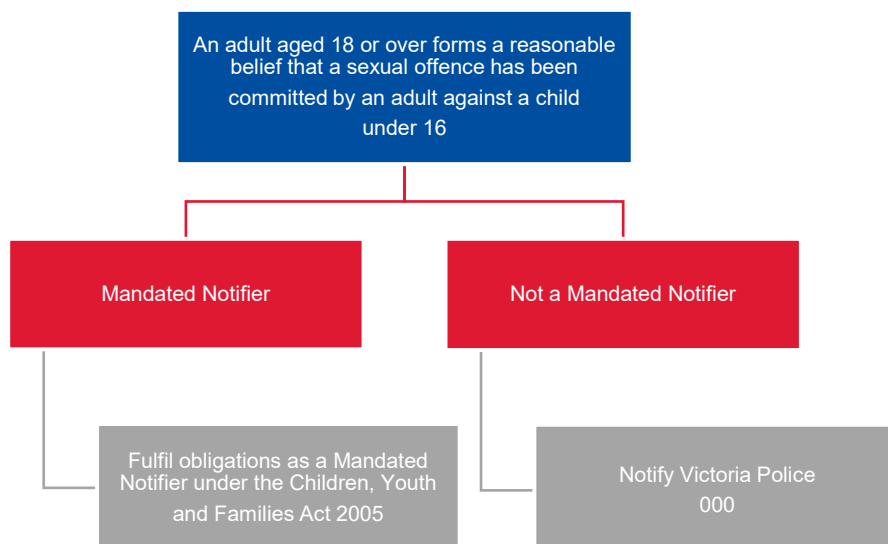
- A child states that they have been sexually abused;
- A child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves);
- Someone who knows a child states that the child has been sexually abused;
- Professional observations of the child's behaviour 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.

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 person was a child when they formed a reasonable belief

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.



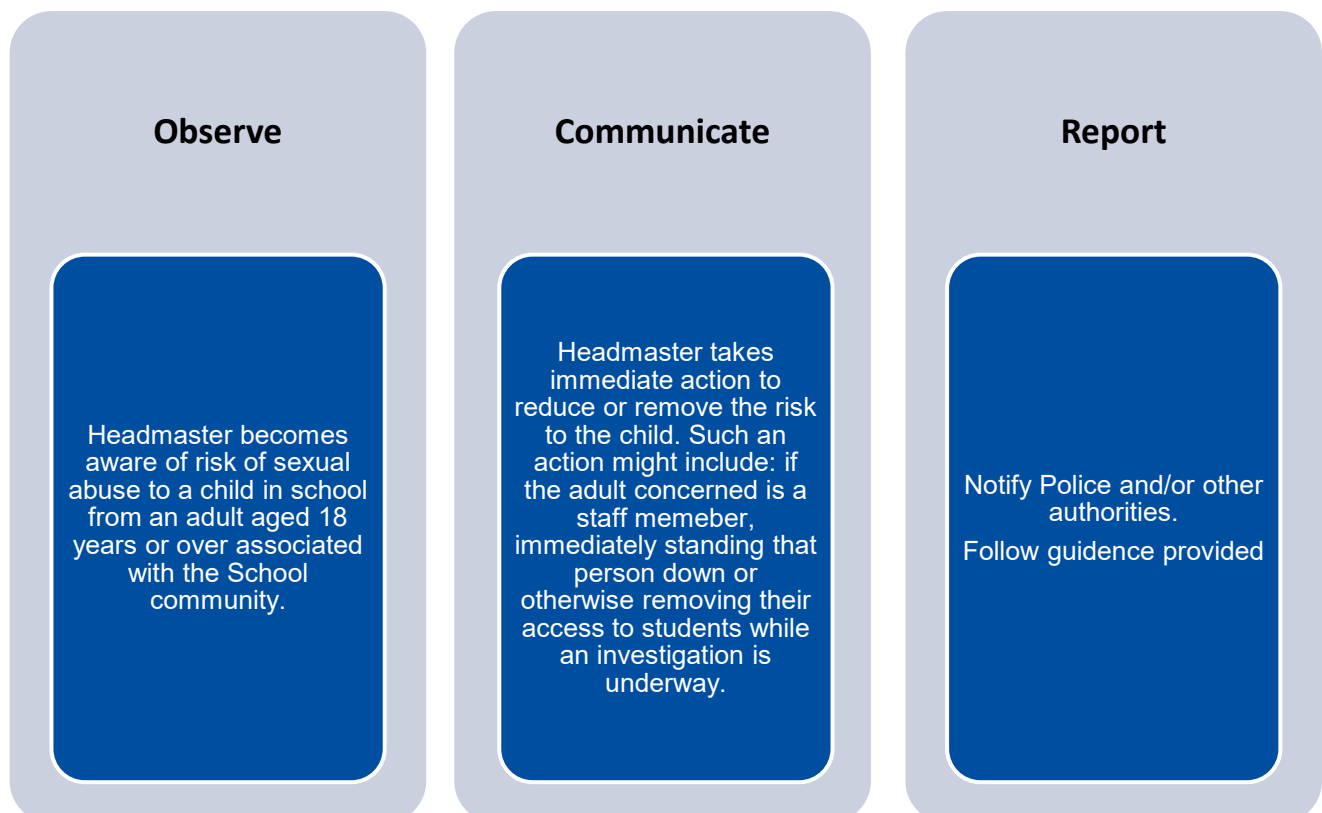
## **V. Failure to Protect Offence**

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.

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.

Any Child Safety complaints will be raised per the Child Safety and Wellbeing Policy Complaints Process 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 which may lead to termination of employment and / or reporting to relevant Authorities.

## Related Policies

- Child Safety and Wellbeing Policy
- Child Safety Code of Conduct
- Mandatory Reporting – template
- Child Safety and Wellbeing Complaints Process
- Whistleblower Policy
- Staff Code of Conduct

## Reference Links

- [Report child abuse in schools | schools.vic.gov.au](https://schools.vic.gov.au/report-child-abuse-in-schools)
- [Child Protection and Child Safe Standards \(PROTECT\) | schools.vic.gov.au](https://schools.vic.gov.au/child-protection-and-child-safe-standards-protect)
- [Mandatory reporting – DFFH Service Providers](https://schools.vic.gov.au/mandatory-reporting-dffh-service-providers)
- [Child protection privacy and information sharing | schools.vic.gov.au](https://schools.vic.gov.au/child-protection-privacy-and-information-sharing)
- [Your reporting and legal obligations | schools.vic.gov.au](https://schools.vic.gov.au/your-reporting-and-legal-obligations)

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