



**MELBOURNE**  
**GIRLS GRAMMAR**  
AN ANGLICAN SCHOOL

# Child Safety Response and Mandatory Reporting Procedure

**PROCEDURE CATEGORY: CHILD SAFETY**

## PROCEDURE CONTROL INFORMATION

PROCEDURE RISK RATING	VERSION	OWNER	PUBLICATION
Very High	2.2	Deputy Principal	Internal (eVI), School Community (eVI) and Public (website)
MGGS APPROVER	MGGS APPROVAL DATE	COUNCIL APPROVAL DATE	NEXT REVIEW DATE
Principal	Version 2.1 14 June 2022 Version 2.2 21 July 2023	Version 2.1 21 June 2022 Version 2.2 13 September 2023	July 2024

## Table of Contents

<b>1.</b>	<b>PROCEDURE OBJECTIVE .....</b>	<b>3</b>
1.1.	Introduction.....	3
1.2.	Purpose.....	3
1.3.	Scope .....	4
<b>2.</b>	<b>PROCEDURE.....</b>	<b>4</b>
2.1.	Child Abuse .....	4
2.2.	Indicators of Harm.....	5
2.3.	What Concerns Should Be Reported? .....	6
2.4.	Duty of Care and Roles and Responsibilities .....	6
2.5.	Responding to Allegations/Disclosures of Child Abuse and Reportable Conduct ...	7
2.6.	Informing the Authorities .....	8
2.7.	Mandatory Reporting Obligations .....	9
2.8.	Reportable Conduct Scheme.....	12
2.9.	Alternative Pathways .....	12
2.10.	Protection of Children Connected to Alleged Child Abuse .....	13
2.11.	Supporting Our School Community .....	13
2.12.	Student Awareness.....	13
2.13.	Record Keeping .....	13
2.14.	Implementation .....	13
<b>3.</b>	<b>PROCEDURE COMPLIANCE .....</b>	<b>13</b>
3.1.	Procedure Breach .....	14
3.2.	Procedure Compliance monitoring .....	14
<b>4.</b>	<b>DEFINITIONS .....</b>	<b>14</b>
<b>5.</b>	<b>RELATED POLICIES, PROCEDURES AND LEGISLATION .....</b>	<b>16</b>
5.1.	MGGS policy and procedure alignment.....	16
5.2.	Related legislation.....	16
<b>6.</b>	<b>PROCEDURE REVIEW AND APPROVAL .....</b>	<b>17</b>

# 1. PROCEDURE OBJECTIVE

## 1.1. Introduction

Melbourne Girls Grammar ("MGGS") is committed to providing a safe and child-friendly environment, where children and young people are safe and feel safe and can actively participate in decisions that affect their lives. The School strives to create a safe, respectful, nurturing environment where each member of the School community plays an important role in promoting student wellbeing.

Melbourne Girls Grammar:

- has zero tolerance for child abuse
- actively works to listen to and empower children
- has systems to protect children from abuse, will take all allegations and concerns very seriously, and responds to them consistently in line with the organisation's policies and procedures
- is committed to promoting physical, emotional and cultural safety for all children
- is committed to providing a safe environment for all children.

These procedures form part of MGGS's commitment to child safety and covers all forms of child abuse, sexual assault and mandatory reporting obligations that apply to all School staff at MGGS. This procedure should be read in the context of the MGGS *Child Safety Policy and Code of Conduct*.

## 1.2. Purpose

These procedures set out how MGGS will respond to allegations of suspected child abuse where a student is alleged to be involved in an incident of child abuse either as a victim or as a perpetrator and the allegation:

- is made by or in relation to a student, School staff, visitors or other persons while connected to the MGGS school environment;
- requires compliance with mandatory reporting obligations by an MGGS staff member; or
- leads a School staff member while undertaking child-connected work to form a reasonable belief that a sexual offence has been committed by an adult against a student under 16. (Child-connected work is work authorised by MGGS that is performed by an adult in the MGGS school environment while children are present or reasonably expected to be present).

The procedures aim to achieve the following:

- The creation of a positive and robust child safety culture
- To ensure that staff are provided with clear expectations for appropriate behaviour
- To ensure that action is taken to protect students from risks and immediate action is taken to ensure the safety of students.
- To identify the indicators of a child or young person who may be in need of protection.
- To ensure that everyone within the School community is alert to signs and evidence of abuse and neglect, understand that it is not acceptable and be aware of their reporting responsibilities.
- To ensure that mandatory reports are made in a timely and efficient manner
- To ensure that all mandatory reporters are trained with respect to what must be reported and relevant procedures, with refresher training to be completed annually.
- To ensure all reports on reasonable grounds are reported to the relevant authorities
- To ensure that ongoing support and assistance is provided to students who have been abused and their confidentiality respected with case details and the identity of the student only discussed with those managing the situation

- The creation of a culturally safe and inclusive environment that meets the needs of Aboriginal and Torres Strait Islander children, young people and their families.
- The promotion and open discussion of child safety issues within the School; and compliance with all laws, regulations and standards relevant to child safety and protection in Victoria, in particular, *Ministerial Order 1359*.

These procedures also apply to the *Reportable Conduct Scheme* which concerns reports made to the Principal by any person, including by an employee of MGGS, of a reportable allegation of which the person becomes aware.

A reportable allegation is any information that leads a person to form a reasonable belief that an employee, contractor, volunteer or officer of MGGS has committed:

- reportable conduct;
- misconduct that may involve reportable conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment with MGGS.

Fulfilling the roles and responsibilities in these procedures is not intended to displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

### 1.3. Scope

This procedure applies to all MGGS staff, volunteers, contractors and members of Council and external committees. They are bound by this procedure and required to report concerns about, or incidents of child abuse or neglect. Fulfilling the roles and responsibilities contained in this procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse. In the application and implementation of this policy, full consideration is required regarding the needs of our students including culture, diversity and age.

This procedure applies to all School activities managed or conducted by MGGS during and outside of school hours. This includes school activities that are occurring on school campus, offsite, online, extracurricular, sport activities and programs, excursions, camps, interstate and overseas travel.

The MGGS environment is any physical or virtual place made available or authorised by MGGS for use by a child during or outside school hours, and includes:

- our Morris Hall Campus in Caroline Street, South Yarra;
- our Merton Hall Campus, ELC and Boarding House facilities in Anderson Street, South Yarra;
- our Glenhope Campus on Punt Road, South Yarra;
- online school environments including email and intranet systems; and
- other locations provided by MGGS for a child's use, including locations used for school camps, sporting events, excursions, competitions and other events.

## 2. PROCEDURE

### 2.1. Child Abuse

Child abuse can take many forms. The perpetrator may be a parent, carer, school staff member, volunteer, another adult or another child. The nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect. Child abuse is defined in the *Child Wellbeing and Safety Act 2005 (Vic)* to include:

- sexual offences
- grooming
- physical violence
- serious emotional or psychological harm
- serious neglect.

## **Grooming**

Grooming is defined as behaviours that manipulate and control a child with the intent of gaining access to the child, obtaining the child's compliance, maintaining the child's silence and avoiding discovery of the sexual abuse. Grooming by an adult for sexual conduct with a child under the age of 16 is a crime under section 49M of the *Crimes Act 1958 (Vic)*.

## **Family violence**

Family violence is defined under the *Family Violence Protection Act 2008 (Vic)* to include behaviour that causes a child to hear, witness, or be exposed to the effects of family violence such as abusive, threatening, controlling or coercive behaviour. While family violence does not form part of the official definition of "child abuse" in the *Child Wellbeing and Safety Act*, the impact of family violence on a child can be a form of child abuse; for example, where it causes serious emotional or psychological harm to a child.

## **Serious harm and/or neglect**

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger a child is, the more vulnerable they are to abuse and the more serious the consequences are likely to be. There can be physical or behavioural indicators of child abuse and neglect, or a combination of both. While the presence of a single indicator, or even several indicators, does not necessarily prove that abuse or neglect has occurred, the repeated occurrence of either a physical or behavioural indicator, or the occurrence of several indicators together, should alert School staff to the possibility of child abuse or neglect. Child sexual abuse is more commonly perpetrated by someone who is known to and trusted by the child, and is often someone highly trusted within their families, communities, schools and/or other institutions.

### **2.2. Indicators of Harm**

There are numerous indications of possible child abuse and harm. They include:

#### **Physical abuse**

Physical indicators could include bruises, burns, fractures (broken bones), cuts and grazes to the face, and multiple injuries including internal injuries. Behavioural indicators could include disclosure of an injury inflicted by someone else, wearing unusual clothes to hide injuries, wariness or fear of a parent or other family member, reluctance to go home, habitual absences from school without explanation, regressive behaviour, and alcohol or drug misuse.

#### **Sexual abuse**

Physical indicators could include injury to the genital area, discomfort in toileting, the presence of sexually transmitted diseases, pregnancy, bruising to breasts, buttocks and thighs, and anxiety related illnesses (anorexia/bulimia). Behavioural indicators could include disclosure of sexual abuse, age-inappropriate sexual activity or behaviour, drawings that are sexually explicit, writing stories that are sexually explicit, regressive behaviour, truancy, depression, delinquent or aggressive behaviour, and sudden decline in academic performance.

#### **Emotional abuse**

Physical indicators could include speech disorders, delays in physical development and failure to thrive. Behavioural indicators could include being overly compliant, passive and undemanding behaviour, attention-seeking behaviour, poor self-image, age-inappropriate behaviour, fear of failure, setting overly high standards, excessive neatness and depression.

#### **Serious neglect and medical neglect**

Physical indicators could include consistently being unwashed, inappropriate dressing for weather conditions, consistent hunger and tiredness and unattended health problems. Behavioural indicators

could include begging or stealing food, gorging food, alienation from peers, withdrawal, aggressive behaviour, appearing miserable and irritable and poor attendance at school.

### **2.3. What Concerns Should Be Reported?**

Concerns about the safety and wellbeing of children can range from an uncomfortable feeling through to a direct observation of abuse. Staff, volunteers, contractors, visitors, students and families are encouraged to speak to someone if they have concerns and to be proactive.

Examples of child safety concerns include:

- inappropriate or special relationships developing between staff/volunteers/contractors and students
- inadequate staff to student supervision ratios
- breaches of the MGGS Code of Conduct, particularly if they are persistent
- feelings of discomfort about interactions between a staff member, volunteer or contractor and a student
- suspicions or beliefs that students are at risk of harm
- observations of concerning changes in behaviour
- observations or concerns about grooming behaviours
- concerns about a physical environment that may pose a risk to a student (this includes health and hygiene issues)
- concerns about the student not being able to live at home
- students' disclosures of abuse or harm, which must be reported to the police, Department of Families, Fairness and Housing, the Commission and, where appropriate, any other regulator.

Mandatory reporters (please refer to section 1.11) must make a report even if the Principal does not share their belief.

### **2.4. Duty of Care and Roles and Responsibilities**

Child protection is everyone's responsibility. At MGGS, the School Council and sub-committees, all staff and volunteers have a shared responsibility for contributing to the safety and protection of children and understanding their role to keep children safe. The School Council and sub-committees, staff and volunteers and have an obligation to avoid acts or omissions (failures) that could be reasonably foreseen to injure or harm students. Suspected child abuse must be reported to relevant authorities, the Principal or members of MGGS Child Safety Team.

Specific roles and responsibilities relating to protection and reporting include:

#### **Council**

The School Council is MGGS's governing authority. The Council is responsible for endorsing this procedure, ensuring this procedure is reviewed and updated as needed and reviewing the School's compliance with this procedure and child safety obligations.

#### **The Principal**

The Principal has ultimate responsibility for managing the response of MGGS to any allegations or disclosures of child abuse and for monitoring overall school compliance with this procedure.

#### **MGGS Child Safety Team**

The MGGS Child Safety Team is responsible for:

- being a first point of contact for all child safety concerns or queries for the school community

- co-ordinating the School's response to child safety incidents
- ensuring that the School's child safety policies and procedures are effectively implemented and communicated to all relevant stakeholders to ensure adequate awareness.

### **Staff, School Council members, External Education Providers, Contractors and Volunteers**

Staff includes teaching, non-teaching, casual and emergency relief teaches, sporting coaches and tutors. All staff, school Council members, external education providers, contractors and volunteers are required to be familiar with the content of this procedure and their legal obligations with respect to the reporting of child abuse.

It is each individual's responsibility to be aware of key risk indicators of child abuse, to be observant, and to raise any concerns they may have relating to child abuse with the Principal or the MGGS Child Safety Team. Individuals should also facilitate child-friendly ways for children and young people to express their views, participate in decision-making and raise their concerns about child abuse and other forms of harm.

MGGS undertakes to ensure that all staff and volunteers receive an appropriate induction and are aware of their responsibilities to children and young people, including record keeping, information sharing and reporting obligations.

### **2.5. Responding to Allegations/Disclosures of Child Abuse and Reportable Conduct**

The *Children, Youth and Families Act 2005* (Vic) ("CYFA") (section 184) requires Mandatory Reporters to report to the Department of Families, Fairness and Housing Child Protection when they believe that a child (aged under 17) is in need of protection from significant harm from physical injury or sexual abuse. A report must be made on each occasion a reporter forms a reasonable belief.

- Upon being informed of any allegation or disclosure of child abuse, all school staff must immediately inform the Principal or another member of the MGGS Child Safety Team.
- Staff may also inform the Principal of the details of any reportable allegation of which they become aware.
- School staff are not required to assess the validity of any allegations or to prove that child abuse did indeed take place before informing the Principal or another staff member of the allegations or disclosure.
- MGGS will act promptly and sensitively when informed of an allegation or disclosure of child abuse, whether or not, the allegation or disclosure is made directly by a student.
- The Principal and members of the MGGS Child Safety Team are the key persons to whom allegations or disclosures of child abuse should be reported. They are also responsible for responding appropriately to a child who makes or is affected by an allegation of child abuse.

In addition to the Principal, the members of the MGGS Child Safety Team are the persons holding the following positions:

- Deputy Principal
- Executive Director of Early Learning and Junior Years
- Executive Director of Middle Years
- Executive Director of Senior Years

The MGGS Child Safety Team can be contacted via [childsafetyteam@mggs.vic.edu.au](mailto:childsafetyteam@mggs.vic.edu.au)

Upon learning of an allegation or a disclosure of child abuse, the Principal or member of the Child Safety Team will ensure that MGGS:

- responds to the allegation or disclosure of child abuse in a timely and sensitive way

- provides a safe environment for the alleged victim and any other students alleged to be involved or affected, including support to the student who has disclosed the child abuse
- provides clear information to the alleged victim about what MGGS will do in response to their allegations or disclosure
- informs the person who has notified of the incident, including a student, of MGGS's obligation to report the allegations or disclosure to the appropriate authorities
- at the School's discretion, if the alleged victim is deemed at risk or requiring special management, the School would require a risk assessment and management plan completed by either the School Counsellor or an external professional
- immediately contact the parents/carers of the alleged victim, unless it is not appropriate in the circumstances to do so
- call for medical and/or police assistance in cases of emergency
- keep contemporaneous notes and records of all conversations, disclosures and of all follow-up actions.

Upon becoming aware of a reportable allegation against an employee, contractor, volunteer or officer of MGGS, in accordance with the *Reportable Conduct Scheme* the Principal will:

- investigate the allegation or engage an independent investigator to undertake an investigation;
- inform the **Commission for Children and Young People** on (03) 8601 5281 of the person who will conduct the investigation.

The Principal's contact details are:

Dr Toni Meath  
Principal  
Melbourne Girls Grammar  
86 Anderson Street  
South Yarra

Telephone 9862 9200 and Email – [principal@mggs.vic.edu.au](mailto:principal@mggs.vic.edu.au)

In the absence of the Principal, the Deputy Principal becomes responsible for managing MGGS's response.

In the event of a reportable allegation involving the Principal, any person, including an employee of the School, may directly notify the **Commission for Children and Young People** on (03) 8601 5281.

## 2.6. Informing the Authorities

In line with the *Reportable Conduct Scheme* (July 2017), upon being informed of a reportable allegation towards children made against an employee, contractor, volunteer or officer of MGGS, the Principal will report the allegation to the **Commission for Children and Young People** within three business days of the allegation.

Where a report is required to be made to an appropriate authority, the Principal and the Child Safety Team will manage and co-ordinate the report on behalf of MGGS.

In relation to cases of mandatory reporting, MGGS will make a report to the Victorian Child Protection Service, Department of Families, Fairness and Housing.

The contact details for **Child Protection** are:

- West Division Intake – Metropolitan – telephone **1300 664 977**
- After Hours emergency services – telephone **13 12 78**



In relation to cases of sexual abuse or sexual assault, MGGS will report any incident to the Sexual Offences and Child Abuse Investigation Team ("SOCIT") of the Victoria Police.

In cases of emergency or if a child is in immediate danger, School staff should not hesitate to immediately contact the Victoria Police or Ambulance Victoria – Telephone – **000**

Following an investigation into a reportable allegation towards children made against an employee, contractor, volunteer or officer of MGGS, the Principal will report to the **Commission for Children and Young People** within 30 days of becoming aware of the allegation:

- Detailed information about the reportable allegation
- Whether or not the school proposes to take any disciplinary or other action in relation to the employee and the reasons why
- Any written submissions of the employee in relation to what disciplinary or other action should be taken by the School.

Further child protection information and services are accessible at the Department of Families, Fairness and Housing ("DFFH") – <https://services.dffh.vic.gov.au/reporting-child-abuse> and the Orange Door (formerly Child First) – <https://services.dffh.vic.gov.au/child-first-and-family-services>.

## **2.7. Mandatory Reporting Obligations**

### **Mandatory reporters**

A mandatory reporting obligation arises under the *Children, Youth and Families Act 2005* if a mandated reporter forms the belief on reasonable grounds that, in the course of carrying out their duties as an employee of MGGS, a child is in need of protection.

A child is in need of protection if they have 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 the harm.

A mandatory reporter is obliged to report their reasonable belief, and the grounds for the belief, to **Child Protection** as soon as practicable after forming the belief that the child needs protection.

Mandatory reporters are defined by the CYFA and include teachers, the Principal, nurses, school counsellors, persons in religious ministry and medical practitioners.

The following persons employed at MGGS are mandated reporters:

- the Principal
- a registered teacher
- a person who has been granted permission to teach by VIT
- a registered nurse

If you are not a Mandatory Reporter, you still have the option of making a report to Department of Families, Fairness and Housing under the CYFA if you believe on reasonable grounds that a child is in need of protection. The CYFA states that any person who believes on reasonable grounds that a child is at risk of harm should report their concerns to Department of Families, Fairness and Housing Child Protection. All staff who have concerns that a student may be in need of protection or may have been the victim of a sexual offence should notify a member of the Child Safety Team as soon as possible to discuss their concerns. Other members of the School community including volunteers, contractors and visitors should also immediately notify MGGS in this situation.

It is MGGS's policy that all mandatory reports should be made through the Principal or Deputy Principal who will assist and support the staff member in relation to their reporting obligations.

### **Explanation of Reasonable Grounds**

It is an offence to fail to make a mandatory report when the circumstances suggest that a reasonable person ought to have arrived at the belief that a child was at risk. Therefore, mandated reporters are encouraged to discuss any concerns about the safety and wellbeing of students and their obligation to make a mandatory report with the Principal, Deputy Principal or any member of the Child Safety Team.

If a mandated reporter continues to hold a reasonable belief that a student is at risk but is not supported in that view by others at MGGS, the mandated reporter should nevertheless make a mandatory report. However, it is not expected that MGGS mandated reporters would be required to face a situation where they would be required to make a report without the support of MGGS.

Mandated reporters must ensure that a report has been made in instances where another mandated reporter has undertaken to make a report but has not done so.

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.

The concept of "reasonable grounds" requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well-founded and based on information from a reliable source. A report must be made on each occasion a reporter forms a reasonable belief.

The following may be reasonable grounds for forming such a belief if:

- a student states they have been physically or sexually abused
- a student states they know someone who has been physically or sexually abused
- someone who knows the student states the student has been physically or sexually abused
- a student shows signs of being physically or sexually abused.
- the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a student's safety, stability or development
- the staff member observes signs of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision.; or
- a student's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the student

Grounds for belief include matters of which a person has become aware and any opinions based on those matters.

"Significant" means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. What is "significant" is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare or wellbeing. Significant harm can result from a single act or omission or an accumulation of these.

### **Obligation to disclose a sexual offence committed against a child**

All MGGS staff members and members of the MGGS community who are adults who have information that leads them to form a reasonable belief that a sexual offence has been committed by another adult against a child under the age of 16 years must disclose that information to the police as soon as it is practicable to do so. Unless the adult has a reasonable excuse for not doing so, it is an offence under the *Crimes Act 1958* to fail to make such a disclosure to the police. The offence carries a maximum imprisonment term of 3 years.

The offence does not concern rumour or speculation about another person or a small piece of information that may be relevant. The offence is concerned about the failure of an adult to disclose information of a sufficient quality that would lead that adult to form a reasonable belief that a relevant sexual offence has been committed.

The circumstances in which an adult will have a reasonable excuse for failing to disclose information to the police include the following:

- where the adult may reasonably fear for their safety, or the safety of the child or another person (other than the alleged offender), if the offender was to find out that the offence had been disclosed to the police and the failure to disclose the information was a reasonable response in the circumstances
- where the adult believes on reasonable grounds that the information has already been disclosed to the police and the adult has no further information to add
- the victim, now being over 16 years of age, requests that the information not be disclosed to the police (unless the victim has an intellectual disability and does not have the capacity to make an informed decision).

If any MGGS staff member has concerns about whether they are required to disclose information to the police they should speak to the Principal, the Deputy Principal or any member of the Child Safety Team as soon as possible so that assistance can be provided in relation to the staff member's obligations.

### **Parents Have Not Protected, or Are Unlikely to Protect, the Child from Harm of That Type**

A parent who "has not protected or is unlikely to protect that child from harm of that type" includes a parent who wants to protect their child from harm but lacks the means to. It also includes a parent who has the means to protect their child from harm but does not want to.

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

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

"Parent" includes:

- The child's father
- The child's mother
- The spouse of the mother or father of the child
- The domestic partner of the mother or father of the child
- A person who has custody of the child
- A person who is named as the father on the child's birth certificate
- A person who acknowledges that he is the father of the child by an instrument under the Status of Children Act (Vic) 1974; and
- A person in respect of whom a court has made a declaration or a finding or order that the person is the father of the child.

It is also noted that mandatory reporters should not inform the parents or guardians of a child in respect of whom they have made a report to Child Protection, nor do they require their consent to do so. Child Protection will manage any relevant communications with parents and guardians when required. Protection of reports made in good faith. A mandatory reporter who makes a report in good faith is given protection by the Children, Youth and Families Act 2005. In particular, if a report is made in good faith:

- making the report does not constitute unprofessional conduct or breach professional ethics
- the reporter is not subject to any liability as a result of making the report

- evidence in a legal proceeding that identifies the reporter or is likely to lead to the identification of the reporter, is only admissible if the Court grants leave for the evidence to be given or the reporter consents in writing to that evidence being given.

## **2.8. Reportable Conduct Scheme**

The Victorian Reportable Conduct Scheme seeks to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers. The scheme is established by the Child Wellbeing and Safety Act 2005 (the Act).

The School Council is responsible for the School's compliance with the Scheme. The Chair of the School Council authorises the Principal to assist them in meeting their obligations under the Scheme.

The Principal is authorised to:

- notify and update the Commission of reportable allegations concerning the School's "employees" as defined under the Scheme, which includes staff members, volunteers, contractors, office holders and ministers of religion;
- ensure investigations are undertaken into all reportable allegations made against "employees"; and
- comply with all obligations of the head of the organisation under the Scheme.

The Reportable Conduct Scheme imposes obligations on the School's Principal. This includes requirements to:

- have in place systems to prevent child abuse and, if child abuse is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
- ensure that the Commission is notified and given updates on the organisation's response to an allegation.

The Principal needs to adhere the following requirements:

- Notify the Commission within three business days of becoming aware of a reportable allegation.
- Investigate an allegation – subject to police clearance on criminal matters or matters involving family violence. You must advise the Commission who is undertaking the investigation. You must manage the risks to children.
- Within 30 calendar days must provide the Commission detailed information about the reportable allegation and any action you have taken.
- Notify the Commission of the investigation findings and any disciplinary action the head of the entity has taken (or the reasons no action was taken).

The Principal will also make a confidential record of the following information:

- the date of disclosure or when the School is first advised of the allegation of child abuse or sexual assault
- the name of the person making the allegation or to whom the disclosure was made
- details of the allegations of child abuse including the identity of the alleged abuser/s and other persons involved (such as witnesses)
- details of the mandatory report to Child Protection
- the procedures followed by the School in responding to the disclosure or allegations and its response.

## **2.9. Alternative Pathways**

Where allegations involve the Principal, the Deputy Principal or other members of the MGGS Child Safety Team, the concerns must be immediately escalated to the Chair of the School Council.

## **2.10. Protection of Children Connected to Alleged Child Abuse**

MGGS will provide ongoing support within the School environment for children who are involved in allegations of child abuse and who may be vulnerable. This support may involve, as the circumstances require:

- developing a case plan for vulnerable children
- working with the child's family, parents or guardians, where appropriate, to ensure the safety and welfare of the child while in the School environment
- appointing a support staff member or members, such as a School Counsellor or an Executive Director, to oversee the student's safety and welfare and to observe and monitor the child's behaviour and assess their ongoing needs
- take such action considered necessary to protect any child connected to the alleged child abuse until the allegation is resolved, which may include removing the alleged perpetrator from the School environment or preventing them from having further contact with the child
- ensuring that the School has accurate and relevant information about the values and child-rearing practices of the cultural group to which the child belongs so that it understands and can act within the child's cultural context.

## **2.11. Supporting Our School Community**

Key principles that we must apply in the design of policy, procedure, interventions, support and reporting in our child protection program are to ensure we:

- promote the cultural safety of Aboriginal children and young people
- promote the cultural safety of children from culturally and linguistically diverse backgrounds
- promote the safety of children with any form of disability

## **2.12. Student Awareness**

The School is committed to the protection of all children from all forms of child abuse. It is important all our students are educated on how to raise any concerns and we raise their awareness of child safety concerns and concerning behaviours to report. We have designed and are implementing a comprehensive child safety program curriculum with age-appropriate education and awareness programs. This curriculum, further supported by our actions and processes, empowers our students to have a voice and to take action for their own care.

## **2.13. Record Keeping**

Staff members should make a clear and contemporaneous record of any disclosure or allegation of child abuse made to them. These records are to be retained and provided to the Principal.

All documentation and evidence received and collated by MGGS in relation to an allegation of child abuse, sexual assault or mandatory report will be securely stored in files under the supervision of the Principal. All personal information collected, held and stored by MGGS will be managed in accordance with the *Privacy Act 1988*. Nothing in this procedure should be read as prohibiting staff from making records in relation to an allegation or disclosure of child abuse. In certain cases, the School's records and communications may be subject to legal professional privilege and therefore not subject to disclosure to others.

## **2.14. Implementation**

The School community will be informed about this procedure and it will be publicly available. It will be available on the School's website and communicated in the School's newsletters. Our school community will also be informed of MGGS's commitment to child safety.

# **3. PROCEDURE COMPLIANCE**

### 3.1. Procedure Breach

Any breach of this procedure will be considered by the Principal or their delegate, such as the Deputy Principal, will be dealt with on a case by case basis, and may lead to disciplinary action. A failure by a mandated staff member to report a reasonable belief that a child is in need of protection may result in the person being prosecuted and a court imposing a fine under the *Children, Youth and Families Act 2005*. All breaches, near misses and risks related to this procedure should be reported to a member of the MGGS Child Safety Team.

### 3.2. Procedure Compliance monitoring

Compliance with this procedure will be monitored by the Child Safety Team, HR Manager and Risk and Compliance Manager and this may include independent audits and reviews.

## 4. DEFINITIONS

<b>Child</b>	An individual who is under the age of 18 years and who is enrolled as a student at MGGS.
<b>Child abuse</b>	Child abuse includes-  (a) any act committed against a child involving- (i) a sexual offence; or (ii) the offence of grooming; and (b) the infliction, on a child, of- (i) physical violence; or (ii) serious emotional or psychological harm; and (c) serious neglect of a child.
<b>Child-connected work</b>	This is work that is authorised by MGGS that is performed by an adult in the MGGS school environment while children are present or reasonably expected to be present.
<b>Child safety</b>	Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.
<b>Child Safety Team</b>	The MGGS Child Safety Team comprises the persons holding the following positions: <ul style="list-style-type: none"><li>• Principal</li><li>• Deputy Principal</li><li>• Executive Director of Early Learning and Junior Years</li><li>• Executive Director of Middle Years</li><li>• Executive Director of Senior Years</li></ul>
<b>Grooming</b>	<p>The <b>offence of grooming for sexual conduct with a child under the age of 16</b> is found in section 49M of the <i>Crimes Act 1958</i>.</p> <p>That section provides: (1) A person (A) commits an offence if— (a) A is 18 years of age or more; and (b) A communicates, by words or conduct (whether or not a response is made to the communication), with— (i) another person (B) who is a child under the age of 16 years; or (ii) another person (C) under whose care, supervision or authority B is; and (c) A intends that the communication facilitate B engaging or being involved in the commission of a sexual offence by A or by another person who is 18 years of age or more.</p>

	<p>(2) A person who commits an offence against subsection (1) is liable to level 5 imprisonment (10 years maximum).</p> <p>(3) A does not intend to facilitate B engaging or being involved in the commission of a sexual offence by A or by another person who is 18 years of age or more if, were the conduct constituting the sexual offence to occur, A or the other person would satisfy an exception, or have a defence, to that sexual offence.</p> <p>(4) It is immaterial that some or all of the conduct constituting an offence against subsection (1) occurred outside Victoria, so long as B or C was, or B and C were, in Victoria at the time at which that conduct occurred.</p> <p>(5) It is immaterial that B or C was, or B and C were, outside Victoria at the time at which some or all of the conduct constituting an offence against subsection (1) occurred, so long as A was in Victoria at the time that conduct occurred.</p> <p>(6) It is immaterial that A, B and C were all outside Victoria at the time at which some or all of the conduct constituting an offence against subsection (1) occurred, so long as A intended that the sexual offence would occur in Victoria.</p> <p>(7) In this section—  <b>communication</b> includes an electronic communication within the meaning of the <i>Electronic Transactions (Victoria) Act 2000</i>;  <b>sexual offence</b> means—  (a) an offence against a provision of Subdivision (8A), this Subdivision (other than section 49K(1) or this section), (8C), (8D), (8E), (8F) or (8FA); or  (b) an attempt to commit an offence covered by paragraph (a); or  (c) an assault with intent to commit an offence referred to in paragraph (a).</p> <p>Further information can be obtained at:  <a href="http://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/grooming-offence">www.justice.vic.gov.au/safer-communities/protecting-children-and-families/grooming-offence</a></p>
<b>Reportable conduct</b>	<p>Reportable conduct means:</p> <ul style="list-style-type: none"> <li>(a) a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded;</li> <li>(b) sexual misconduct committed against, with or in the presence of, a child;</li> <li>(c) physical violence committed against, with or in the presence of, a child;</li> <li>(d) any behaviour that causes significant emotional or psychological harm to a child; or</li> <li>(e) significant neglect of a child.</li> </ul> <p>Sexual misconduct is conduct that includes behaviour, physical contact or speech or other communication of a sexual nature, inappropriate touching, grooming behaviour and voyeurism.</p>
<b>School environment</b>	<p>The MGGS school environment is any physical or virtual place that was made available or authorised by MGGS for use by a child during or outside school hours, and includes:</p> <ul style="list-style-type: none"> <li>(a) our Morris Hall Campus in Caroline Street, South Yarra</li> </ul>

	<ul style="list-style-type: none"> <li>(b) our Merton Hall Campus, ELC and Boarding House facilities in Anderson Street, South Yarra</li> <li>(c) our Glenhope Campus on Punt Road, South Yarra</li> <li>(d) online school environments including email and intranet systems</li> <li>(e) other locations provided by MGGS for a child's use, including locations used for school camps, sporting events, excursions, competitions and other events.</li> </ul>
<b>School staff</b>	<p>School staff are individuals working in the MGGS school environment who are:</p> <ul style="list-style-type: none"> <li>• directly engaged or employed by MGGS;</li> <li>• a volunteer or a contracted service provider</li> <li>• a minister of religion.</li> </ul>
<b>Sexual assault</b>	Any unwanted sexual behaviour that causes humiliation, pain, fear or intimidation and includes offences under the <i>Crimes Act 1958</i> (Vic) including rape, indecent assault, indecent act with a child and grooming.
<b>Sexual offence</b>	<p>A sexual offence for the purposes of the reporting obligation includes the following offences committed against a child under the age of 16 by an adult and includes:</p> <ul style="list-style-type: none"> <li>• any attempt to commit any of these offences</li> <li>• an assault with intent to commit any of these offences.</li> </ul> <p>The offences include:</p> <ul style="list-style-type: none"> <li>• rape</li> <li>• indecent assault</li> <li>• sexual penetration of a child under 16</li> <li>• indecent act with a child under 16</li> <li>• administration of a drug with the intention of rendering the child incapable of resistance to enable a person to take part in an act of sexual penetration or commit an act of indecency with the child.</li> </ul>
<b>Student</b>	A person who is enrolled at or attends the school or a student at the school boarding premises.
<b>Volunteer</b>	A person who performs work without remuneration or reward for the school or school boarding premises in the school environment

## 5. RELATED POLICIES, PROCEDURES AND LEGISLATION

### 5.1. MGGS policy and procedure alignment

- *Child Safety Policy*
- *Child Safety Code of Conduct*
- *Child Safety Strategy*
- *Child Sexual Abuse Response Policy*

### 5.2. Related legislation

The following legislation, standards and regulations apply and this procedure aligns with these mandated requirements:

- *Ministerial Order 1359*
- *Education and Training Reform Act 2006* (Vic)



- *Children, Youth and Families Act 2005 (Vic)*
- *Privacy Act 1988 (Cth)*
- *Crimes Act 1958 (Vic)*
- *Wrongs Amendment July 2017*
- *Reportable Conduct Scheme July 2017*

Further information on this procedure can be obtained from the Deputy Principal.

## **6. PROCEDURE REVIEW AND APPROVAL**

This Procedure is rated very high risk and will be reviewed on an annual basis or more frequently, if required, following significant incidents and to keep up-to-date with changes to laws and government policies. This Procedure is to be reviewed by the Deputy Principal and Risk and Compliance Manager.

Any significant changes to this Procedure must be approved by the Principal and the School Council.