



## VCEPP531 CHILD SAFETY - RESPONSE AND REPORTING PROCEDURE

### PURPOSE

These procedures set out how NMGC 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, College staff, visitors or other persons while connected to the NMGC College environment;
- requires compliance with mandatory reporting obligations by an NMGC staff member; or
- leads a College 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.

Fulfilling the roles and responsibilities contained 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.

### SCOPE

This policy applies to all staff of North Melbourne Grammar College's (NMGC).

North Melbourne Grammar College is committed to promoting and protecting the interests and safety of children. We have zero tolerance for child abuse.

Everyone working at NMGC is responsible for the care and protection of children and reporting information about child abuse.

We have published a Statement of Commitment to Child Safety which acts as a guiding document in terms of all stakeholder's interactions with children.

Our Mission and Aims and Core Values will also reflect our commitment to child safety.

### DEFINITIONS

<b>Child</b>	A person below the age of 18 years, under the law applicable to the child, majority is attained earlier.																		
<b>Child Abuse</b>	All forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child																		
<b>Child connected work</b>	Work that is authorised by NMGC that is performed by an adult in the NMGC College environment while children are present or reasonably expected to be present																		
<b>Child Protection</b>	Any responsibility, measure or activity undertaken to safeguard children from harm.																		
<b>Child Safety Team</b>	<p>The NMGC Child Safety Team is responsible for ensuring staff, students and parents all understand their roles in ensuring the organisation is child safe. The <b>NMGC Child Safety Team</b> comprises:</p> <table border="0"> <tr> <td>* A College Committee of Management representative (ie the COM's nominated member – current the Chair)</td> <td>P</td> <td>03 9020 5180</td> </tr> <tr> <td></td> <td>E</td> <td>zubair@nmgc.edu.au</td> </tr> <tr> <td>* The College Principal (current Mr Paolo Familiar)</td> <td>P</td> <td>03 9020 3068</td> </tr> <tr> <td></td> <td>E</td> <td>principal@nmgc.edu.au</td> </tr> <tr> <td>* The Student Welfare Representative (currently Ms Lynn Kee)</td> <td>P</td> <td>03 9020 5180</td> </tr> <tr> <td></td> <td>E</td> <td>welfare@nmgc.edu.au</td> </tr> </table>	* A College Committee of Management representative (ie the COM's nominated member – current the Chair)	P	03 9020 5180		E	zubair@nmgc.edu.au	* The College Principal (current Mr Paolo Familiar)	P	03 9020 3068		E	principal@nmgc.edu.au	* The Student Welfare Representative (currently Ms Lynn Kee)	P	03 9020 5180		E	welfare@nmgc.edu.au
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<p><b>Child Sexual Assault</b></p>	<p>Any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards.</p> <p>Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography.</p> <p>It includes <i>child grooming</i>, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.</p>
<p><b>COM</b></p>	<p>Committee of Management</p>
<p><b>NMGC or College</b></p>	<p>North Melbourne Grammar College</p>
<p><b>Reasonable grounds for belief</b></p>	<p>Belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.</p> <p>A reasonable belief is formed if a reasonable person believes that:</p> <ul style="list-style-type: none"> <li>(a) The child is in need of protection,</li> <li>(b) The child has suffered or is likely to suffer "significant harm as a result of physical injury",</li> <li>(c) The parents are unable or unwilling to protect the child.</li> </ul> <p>A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than mere rumour or speculation.</p> <p>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:</p> <ul style="list-style-type: none"> <li>a) A child states that they have been physically or sexually abused;</li> <li>b) A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);</li> <li>c) Someone who knows a child states that the child has been physically or sexually abused;</li> <li>d) Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or</li> </ul> <p>Signs of abuse lead to a belief that the child has been physically or sexually abused.</p>
<p><b>The Student</b></p>	<p>An individual person who is formally enrolled to study at the NMGC. The individual person is that who appears on the enrolment documents and who is assigned a NMGC student ID</p>
<p><b>SWO</b></p>	<p>Student Welfare Officer</p>



## STATEMENT

North Melbourne Grammar College (NMGC) strives to create a safe, respectful, nurturing environment where each member of the College community plays an important role in promoting student wellbeing.

NMGC:

- has zero tolerance for child abuse
- actively works to listen to and empower children
- has systems to protect children from abuse, and will take all allegations and concerns very seriously and respond to them consistently in line with the College's other 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 NMGC's commitment to child safety and cover all forms of child abuse, sexual assault and mandatory reporting obligations that apply to all College staff at NMGC.

## PROCEDURAL ROLES AND RESPONSIBILITIES

### THE PRINCIPAL

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

The Principal's contact details are:

Mr Paolo Familiarì	Principal	North Melbourne Grammar College 41 Boundary Road North Melbourne VIC 3061
Telephone	+613 9020 5180	
Email	<a href="mailto:principal@nmgc.edu.au">principal@nmgc.edu.au</a>	

In the absence of the Principal, the Student Welfare Officer becomes responsible for managing NMGC's response.

The Student Welfare Officer's contact details are:

Miss Lyn Kee	Student Welfare Officer	North Melbourne Grammar College 41 Boundary Road North Melbourne VIC 3061
Telephone	+613 9020 5180	
Email	<a href="mailto:welfare@nmgc.edu.au">welfare@nmgc.edu.au</a>	

Where a report needs to be made to the Board directly, please contact the College and ask for contact details for the CEO of SCEI.

### THE CHILD SAFETY TEAM

The members of the NMGC Child Safety Team are the persons holding the following positions:

- Designated Member of the NMGC Board of Management (contact Reception for details)
- The College Principal
- The College Student Welfare Officer



## RESPONDING TO ALLEGATIONS OR DISCLOSURES OF CHILD ABUSE

Upon being informed of any allegation or disclosure of child abuse all College staff must immediately inform the Principal or another member of the NMGC Child Safety Team.

College 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.

NMGC 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.

Upon learning of an allegation or a disclosure of child abuse, the Principal will ensure that NMGC:

- responds to the allegation or disclosure of child abuse in a timely and sensitive way
- provides appropriate support to the student who has disclosed the child abuse
- continue to observe the child (record what you observe)
- provides clear information to the alleged victim about what NMGC will do in response to their allegations or disclosure
- provides a safe environment for the alleged victim and any other students alleged to be involved or affected
- informs the student of the obligation of NMGC to report the allegations or disclosure to the appropriate authorities
- 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 notes and records of all conversations, disclosures and of all follow-up actions or interactions

## INFORMING AUTHORITIES

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

In relation to cases of mandatory reporting, NMGC will support the relevant staff member in making a report to the Victorian Child Protection Service, Department of Human Services.

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, NMGC will report any incident to the Sexual Offences and Child Abuse Investigation Team (SOCIT) of the Victoria Police.

In cases of emergency, College staff should not hesitate to immediately contact the Victoria Police or Ambulance Victoria on: Telephone – 000

## REPORTING OBLIGATIONS

### Voluntary Reporters

According to the Children, Youth and Families Act 2005 (VIC) a voluntary reporter may make a report if the person has a significant concern for the wellbeing of a child (under 17 years of age). In this case the reporter would follow the procedures mapped out below *except* they would identify themselves as a voluntary reporter. *Any adult* can be a voluntary reporter.



## 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 his or her duties as an employee of NMGC, a child is in need of protection. A child is in need of protection if he or she 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 the harm.

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

The following persons employed at NMGC are mandated reporters:

- the Principal
- a registered teacher
- a person who has been granted Permission To Teach by VIT
- the Student Welfare Officer

It is the College's policy that (where feasible) all mandatory reports should be made through the Principal (or a member of the Child Safety Team) who will assist and support the staff member in relation to their reporting obligations. However, in the absence of the Principal (or member of the Child Safety Team) please be aware that the staff member is obligated to make the report in a timely manner rather than wait for the presence of an appropriate Child Safety Team member.

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 concern about the safety and wellbeing of students and their obligation to make a mandatory report with the 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 NMGC, the mandated reporter should nevertheless make a mandatory report. Where this is the case the staff member will still have the full support of the NMGC Child Safety Team.

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.

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.

Steps in reporting an allegation of abuse:

1. Identify the behaviour / concerns that need to be reported
2. Assess the immediate danger the child may be in
3. Advise the appropriate person of the allegation
4. Make a report to the relevant authorities
5. Continue to support the child
6. Provide the required documents to the authorities

## Obligations to disclose a sexual offence committed against a child

All NMGC staff members 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 NMGC staff member has concerns about whether they are required to disclose information to the police they should speak to the 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.

#### **Failure to protect offence**

This offence applies where there is substantial risk that a child under the age of 16 who is under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that school/organisation.

A relevant organisation is one that exercises care, supervision or authority over children. A person in a position of authority in a relevant organisation will commit 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.

#### **PROTECTION OF CHILDREN CONNECTED TO ALLEGED CHILD ABUSE**

NMGC will provide ongoing support within the College 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 College environment;
- appointing a support staff member or members, such as the College Welfare Officer, 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 as is 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 College environment or from having further contact with the child;
- ensuring that the College 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.



## KEEPING RECORDS OF THE INCIDENT

Staff members should make a clear and sequential 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 NMGC 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.

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

- the date of disclosure or when the College 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 College in responding to the disclosure or allegations and its response.

Nothing in this policy should be read as prohibiting staff from making records in relation to an allegation or disclosure of child abuse. In certain cases the College's records and communications may be subject to legal professional privilege and therefore not subject to disclosure to others.

All personal information collected, held and stored by NMGC will be managed in accordance with the Privacy Act 1988 (Cth) and the Australian Privacy Principles (APPs).

Data on issues relating to Child Abuse are to be held in file for 25 years.

## BREACH OF THIS PROCEDURE

Any breach of this Procedure will be considered by the Principal (or relevant delegate), and will be dealt with on a case by case basis.

A failure by mandated staff members 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.

## RELATED DOCUMENTS

VCEPP406 Learning Support Policy and Procedure  
VCEPP804 Incident Policy and Procedure  
VCEDOC50001 Student Handbook  
VCEDOC50002 Student Protection Handbook  
VCEFOR50025 International Under 18 Student Agreement  
VCEFOR30308 Form G (Guardianship and Accommodation Form)  
VCECHK30501 Homestay Family Inspection Checklist  
VCEFOR30502 Homestay Australia Application Form



### LEGISLATIVE CONTEXT

- Education Services for Overseas Students (ESOS) Act 2000
- The National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018, known as 'the National Code 2018'
- Education Services for Overseas Students Regulations 2001
- Education Services for Overseas Students Act 2000
- Education, Training and Reform Act (2006)
- Betrayal of Trust report
- Ministerial Order 870
- Children, Youth and Families Act (2005)
- Crimes Act (1958)
- Victorian Institute of Teaching Act (2001)
- Child Safe Standards - <https://providers.dhhs.vic.gov.au/child-safe-standards>

### RESPONSIBILITIES

Role within NMGC	Area of responsibility
Principal	Approval Authority
Principal	Development/Review
Compliance Manager	Monitoring and Evaluation
Compliance Manager	Compliance
Principal	Implementation

Authorised by	NMGC Committee of Management
Effective date	October 2018
Version	V1.2
Review date	October 2020 The policy review should be scheduled 2 years from the approval date