



- 3.1 *Crimes Act 1958 (Vic)*
- 3.2 *Worker Screening Act 2020 (Vic)*
- 3.3 *Education and Training Reform Act 2006*

- (c) Contact details of Student Safety Officers are readily available and widely known to the School community.
- (d) All concerns are treated seriously, with the utmost importance and are responded to in a prompt, appropriate, sensitive and thorough fashion.
- (e) The School and its staff have knowledge and an understanding of their legal obligations with their reporting concerns, and comply with them proactively.
- (f) The School's processes for responding to student safety and wellbeing concerns (and the complaints process generally) are legally compliant (with regard to privacy laws, reporting obligations and employment law), culturally safe and understood broadly - including by children and young people, their families and staff.
- (g) Investigations are conducted fairly and without bias, promptly and without undue delay.
- (h) All reasonable steps are taken to protect the identity and wellbeing of a student who is the subject of a concern, and ensure that no adverse action is taken against a person who raises, or is the subject of a concern.
- (i) All reasonable steps are taken to co-operate with law enforcement agencies regarding concerns raised under this policy, and that they are reported to relevant authorities regardless of the legal obligation to do so.
- (j) Members of the School community understand and have confidence in the processes that will be followed by the School in response to concerns.
- (k) This policy is student-focused and can be easily understood by the School community, in particular students.

5.2 When complying with this policy, it must be appreciated that fulfilling the roles and responsibilities contained herein will not displace or discharge any other obligations that

6.4 Relevant contact details for the School's Student Safety Officers are set out in the below table.

Jessica Richards	Head of Eblana (ELC)	jsr@mentonegrammar.net 0438 433 563
Mary Craven	Head of Riviera	mtc@mentonegrammar.net 0481 602 161

- (f) Explain that other people may need to be informed about the concern, in order to stop any inappropriate or unlawful behaviour and to comply with the School's legal obligations and procedures.
- (g) Confirm that the School takes the concern seriously.
- (h) Offer support to the student(s) involved in the concern, and their families. This may include encouragement to access confidential wellbeing and support services, either internal or external to the School.
- (i) Outline the process that will be followed by the School in dealing with the concern, in accordance with this policy.

7.3 The member of School staff should then:

- (a) Promptly and thoroughly manage the response of the School (including by monitoring the School's overall compliance with this policy and accounting for alternatives if the staff member allocated to resolve the concern is unable to perform their role).
- (b) Comply with their personal reporting obligations as set out in this policy.
- (c) Notify the Principal, a Student Safety Officer or member of the Executive Team, about the concern.
- (d) If the Student Safety Officer or member of the Executive Team is the subject of the concern, notify the Principal about the concern.
- (e) If the Principal is the subject of the concern, notify the Board Chair about the concern.

7.4 The School will then take such steps as it considers appropriate to protect any student connected with a concern until it is resolved, including by ensuring that any mandatory reporting obligations are met, and also, that allegations, suspicions or disclosures are made to relevant authorities (including but not limited to Child Protection and CCYP) have been met, regardless of whether there is a legal obligation to report.

7.5 The School will investigate the concern where appropriate, which will ordinarily require a determination, on the balance of probabilities, whether the concern is substantiated or not.

7.6 When doing so, the School will take into account the diversity and characteristics of the school community to ensure equity is upheld and act to reduce barriers to inclusion.

7.7 The decision-maker will usually be the Principal (or their nominee), although where the concern relates to the alleged conduct or misconduct of the Principal then the decision-maker will be the Board. The School may rely on legal or third-party assistance to investigate or determine the concern.

7.8 Where a concern involves allegations against a staff member, the School will need to notify the staff member about those allegations (to the extent that it is appropriate to do so, which may initially involve only notification that there has been a concern), outline the process to

be followed, and advise the staff member about the process pending the resolution of the concern (which may, in appropriate cases include the staff member being stood down, without judgment, while the concern is being dealt with).

- 7.9 To the extent that the School decides it is appropriate or practicable to do so, any investigation will usually involve:
- (a) Interviewing the subject of the concern and key witnesses or individuals (noting that more than one interview may be required).
 - (b) Reviewing relevant documents, correspondence and materials of substance.
 - (c) Taking notes of any interviews (or where appropriate, transcripts of audio recordings of any interviews) during the investigation.
 - (d) The relevant decision-maker determining whether, on the balance of probabilities, the concern is substantiated.
- 7.10 Witnesses being interviewed will not be unreasonably refused a support person.
- 7.11 If the concern is substantiated, the School will take appropriate action (which may, in the case of a current staff member, potentially include summary dismissal for serious misconduct). Even if a concern is not substantiated, the findings made by the School during the course of investigating the concern may, in certain cases, still result in disciplinary action (including dismissal).
- 7.12 Following the conclusion of its investigation, the School will indicate the outcomes of the investigation to:
- (a) The person, or student who raised the concern.
 - (b) The person subject of that concern (where appropriate).
 - (c) Any external authorities (including CCYP, Victoria Police, VIT and any other child protection bodies) to whom a report is required to be made.
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- 7.13 This policy applies regardless of whether the alleged behaviour which is the subject of a concern, occurred on or outside School grounds, or concerns current or former students.
- 7.14 It may not be appropriate or possible for the School to investigate that concern in strict accordance with this policy where a concern is raised with the School and:
- (a) An

- 7.15 In such circumstances, the School will seek and act on legal advice to comply with this policy to the extent it is appropriate to do so (and in particular to protect the health, safety and wellbeing of all current students of the School).
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- 7.16 It is the School's preference that members of the School community (including students, staff, volunteers, parents, etc) promptly inform the Principal, a member of the Executive Team or a Student Safety Officer of any matters on the subject of a potential reporting obligation under this policy which relate to the School community, so that the School can coordinate the information and support the Police and affected students and their families as required.

However, the School appreciates that in some cases it will be necessary for an external report to be made before the School is notified (and nothing in this policy is intended to limit a person's right, or obligation, to make external reports). At the very least, the Principal, a member of the Executive Team, or a Student Safety Officer should be notified after an external report is made.

- 7.17 It is important that the School's student safe practices are subject to continuous improvement.
- 7.18 The School will analyse complaints, concerns and safety incidents to identify causes and (if applicable) systemic changes to inform continuous improvement.
- 7.19 The School will report on the findings of relevant reviews of student safety and wellbeing practices to staff, students and the community, particularly where the School's usual practices are improved as a result.
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- 8.1 This policy also applies to concerns involving the behaviour of other students.
- 8.2 For example, mandatory reporting obligations are not limited to the actions of staff, and the failure to disclose offence can also apply to alleged sexual activity by adult students.
- 8.3 Where a concern involves child abuse or other inappropriate behaviour allegedly perpetrated by a student, the School will comply with its mandatory reporting obligations, and may otherwise exercise its discretion to inform SOCIT.
- 8.4 Subject to any Police clearance which may be required, the School will otherwise deal with student-on-student behavioural issues in accordance with its Student Code of Conduct and any other relevant student discipline policies and procedures.
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- 8.5 Students are provided with age-appropriate information during class time and through School assemblies about what to do in response to an allegation of suspected child abuse

- 8.13 The School will also provide appropriate support to staff who make mandatory reports under this policy, or who are assisting the School or families with the process outlined in this policy.
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- 8.14 The School will cooperate with any investigation by Victoria Police, CCYP or any other relevant authority in relation to a concern or report (whether made under this policy or otherwise).
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- 8.15 Appropriate confidentiality will be maintained at all times when dealing with concerns under this policy, with information only being provided to those who have a right or otherwise, on a "needs to know" basis.
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- 8.16 Where appropriate, the School will provide parents, carers and guardians with guidance and support where a student is the subject of a concern.
- 8.17 Staff do not require consent from a student's parents before making a mandatory report in accordance with this policy. Similarly, staff are not required to disclose that a mandatory report has been made.
- 8.18 However, the School will keep families updated as it considers appropriate about the way in which it is dealing with concerns affecting that family's child.
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- 8.19 The School will not tolerate victimisation towards someone because they have raised or participated in a process contemplated by this policy, including by raising a concern or making a mandatory report.
- 9.1 This section sets out the out the main mandatory reporting obligations that apply to the School and its staff.
- 9.2 The School treats seriously its reporting obligations and recognises that student protection is everyone's responsibility. Whilst the Principal, the Executive Team and Student Safety Officers are primarily entrusted with day-to-day responsibility for ensuring that these reporting obligations are met, all staff and appropriate personnel are required to uphold the ethos of this policy by ensuring that student safety matters are reported internally, and externally where required.
- 9.3 Staff will receive training on their personal reporting obligations to achieve this, which are summarised below:
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- 9.4 The *Crimes Act 1958* (Vic) makes it a crime to fail to disclose a sexual offence against a child.

- 9.5 As a result, anyone (and not just a not just professionals who work with the School's students, or with children and young people generally) aged 18 or over must make a report to Victoria Police if they form a reasonable belief that a sexual offence has been committed against a child under the age of 16 years, by a person aged 18 years or over.
- 9.6 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) A student states that they have been sexually abused.
 - (b) A student states that they know someone who has been sexually abused (sometimes the student may be talking about themselves).
 - (c) Someone who knows a student states that the student has been sexually abused.
 - (d) Professional observations of the student's behaviour or development leads a professional to form a belief that the student has been sexually abused or is likely to be abused.
 - (e) Signs of abuse lead to a belief that the student has been sexually abused.
- 9.7 If you are not sure whether you have a reasonable belief, you must consult with the Principal, a member of the School's Executive Team, a Student Safety Officer or the appropriate body to which a report must be made.
- 9.8 If you have formed a reasonable belief in relation to a sexual offence, you must immediately report the belief to Victoria Police by calling 000 in an emergency or otherwise, to the Mordialloc Police Station on (03) 9588 2988 or Cheltenham Police Station on (03) 9583 9767.
- 9.9 You must then make a further report on each occasion on which you become aware of any further reasonable grounds for the reasonable belief.
- 9.10 Failure to make a report without reasonable excuse is an offence under section 327 of the *Crimes Act 1958* (Vic) and carries a potential term of imprisonment.
- 9.11 However, it may not be an offence not to disclose a sexual offence against a child to Victoria Police if you:
- (a) Have a reasonable fear that reporting your reasonable belief to Victoria Police may pose a risk to your own or another person's health and safety (including the relevant child or young person, but not including the alleged perpetrator of sexual offence).
 - (b) Were told about the sexual offence by the alleged victim, who was 16 or older at the time they disclosed the abuse, and they have asked you not to report the abuse.
 - (c) Believe on reasonable grounds that the information has already been disclosed to Victoria Police by another person (such as a Child Protection authority) and you have no further information.

- 9.12 If there is uncertainty about the need for a report to Police (or another body) you should seek advice from the Principal, the Executive Team or a Student Safety Officer about whether you are still required to make a report.

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- 9.13 The *Children Wellbeing and Safety Act 2005* (Vic) established the Reportable Conduct Scheme (managed by CCYP. The Scheme requires the School to report and investigate reportable allegations (as defined in the Student Safety Definitions document) against a current member of staff.

- 9.14 The Principal (or their delegate) will notify CCYP of any alleged reportable conduct or alleged misconduct that may involve reportable conduct in respect of a staff member.

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- (b) the child's parents have not protected, or are unlikely to protect, the child or young person from harm of that type,

Mandatory reporters (and anyone in Victoria) may also report in relation to other types of significant harm to a child, including:

- (c) Abandonment or parental incapacity
- (d) Emotional or psychological harm
- (e) Harm to physical development

- 9.26 Anyone with a concern for a student's wellbeing can make a referral to The Orange Door. If the Principal does not wish to make a mandatory report, this does not discharge the mandatory reporter's legal obligation to do so *if the mandatory reporter continues to hold a reasonable belief that abuse or a sexual offence may have occurred* (including in circumstances where the student's parents have not or are unlikely to protect their child from that harm). In that circumstance, the mandatory reporter must still make a report to Child Protection or a referral to Orange Door and in the case of a sexual offence, Victoria Police.
- 9.27 Examples of situations where a referral to The Orange Door may be appropriate include:
- (a) Significant parenting problems that may be affecting the student's development.
 - (b) Family conflict, including family breakdown.
 - (c) A family under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement.
 - (d) Young, isolated and/or unsupported families.
 - (e) Significant social or economic disadvantage that may adversely impact on a student's care or development.
- 9.28 Many cases will not fit neatly into these categories. For guidance about whether a referral to The Orange Door should be considered, staff can refer to the School's Student Safety Officers and information available on the DFFH's website.
- 9.29 Orange Door can be contacted at 1800 319 353.
- 10.1 This policy is made publicly available on the School's website.
- 10.2 This policy is available to staff as part of the School's and the Board's internal policies and procedures. Aspects of (and updates to) the School's student safety and wellbeing framework, including this policy will be addressed in the School's professional development updates, training programs, bulletins and newsletters.
- 10.3 To properly implement this policy:
- (a) The Board will review this policy and the School's student safe practices at least every two years (or more frequently after a significant student safety incident) and implement improvements where applicable.
 - (b) Families and the School community will be afforded the opportunity to contribute to the review and development of the School's student safe policies and practises (including this policy).
 - (c) Periodic training and refresher sessions on this policy are provided to all staff.
- All staff must ensure that they abide by this policy and assist the School in implementing this policy.