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# Child Safety and Wellbeing Reporting Procedure

## Introduction

Child safety response and mandatory reporting procedures

Melbourne Grammar School (the School) is committed to promoting and protecting the interests, safety and wellbeing of all children and students. The School has no tolerance for child abuse and harm to children and students.

All staff as defined by this Procedure, are responsible for providing a supportive and safe school environment and school boarding environment where every child and student has a place, a voice and their story is known and respected.

MGS regards its child safety, wellbeing and protection responsibilities with the utmost importance and as such, is committed to providing the necessary resources to ensure compliance with all relevant child safety, wellbeing and protection laws and regulations and maintain a child-safe culture.

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

## Purpose

The purpose of this procedure is to:

- set out how we 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
- identify indicators of a child or young person being (or at risk of being) "abused," "otherwise harmed", "in need of protection", or subjected to "Reportable Conduct"
- understand how to inform the School about students in these situations, and take action to protect and support the student and others who may be impacted
- comply with the School's organisational duty of care and their own duty to protect students (including obligations under the Failure to Protect offence)
- comply in a timely and appropriate manner with obligations (under the law and under School policy) to report child safety incidents or concerns to relevant external authorities, including:
  - mandatory reporting of physical and sexual abuse to the Department of Families, Fairness and Housing (DFFH Child Protection)
  - mandatory reporting of sexual offences against children (including grooming) to police
- comply with obligations under the Victorian Reportable Conduct Scheme
- comply with other laws, regulations, and relevant standards relating to recognising, reporting and responding to child safety incidents or concerns, including, in particular, Ministerial Order 1359.
- ensure all complaints, concerns and safety incidents are reported so that they can be analysed to identify causes and systemic failures and inform continuous improvement;
- ensure all complaints, concerns and safety incidents are documented, all required reports are made, and information is shared lawfully
- provide assurance that complaints of child abuse and harm will be taken seriously, reported, properly investigated, and responded to in a child-focused manner.

## Scope

This Procedure applies to all staff representatives of the School which includes school staff, school boarding premises staff, and volunteers and contractors.

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For clarity, staff representatives ('representatives') includes:

- school boarding premises staff, school staff, and volunteers;
- all employees and volunteers of the School, including council members, coaches, non-teaching staff and temporary or casual staff;
- third party contractors engaged by the School in child connect work;
- people in religious ministry associated with the School;
- external education providers of the School;

Staff must always comply with this procedure. This procedure applies in all areas of the School environment and the school boarding environment. Where an allegation involves a student who is no longer at the School, also refer to the Historical Sexual Abuse Policy. Action may also be taken under this procedure if the allegation relates to a current or past staff member.

## Criminal offences

### Failure to disclose

All adults must report to Victoria Police when they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16. The police can be contacted on 000 or via the local police station.

Failure to disclose the information may be a criminal offence unless there is a 'reasonable excuse' or an individual has an 'exemption' from doing so.

### Failure to protect

The Headmaster or Child Safety Officer who becomes aware that an adult associated with the School (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care of the School (including grooming), they must take all reasonable steps to remove or reduce that risk.

This may include removing the adult from child-connected and child-related work pending investigation. Failure to do so may be a criminal offence.

The obligation to protect a child applies to any staff member in a position of authority (for example Headmaster, Deputy Headmaster and Heads of Campus).

## Duty of Care

All representatives of the School must understand their role to keep children and young people safe. In particular, staff and volunteers have an obligation to avoid acts or omissions (failures) that could be reasonably foreseen to injure or harm students.

As part of this duty of care, all representatives of the School must report situations that may result in reasonably foreseeable risks of any kind of harm to students (including risks of child abuse and other harm). Reports should be made internally to the Headmaster or member of the Whole School Executive as well as externally to relevant authorities.

## Procedures

The intention of these procedures is to support the School community in ensuring a child safe environment at the School by providing guidance and procedures for school staff and others connected with the School to appropriately respond to allegations or disclosures or concerns that they have of suspected child abuse or regarding the wellbeing of a child.



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Representatives of the School must follow the *PROTECT Four Critical Actions* for responding to child abuse and four critical actions for responding to student sexual offending.

The [PROTECT](#) Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse (Four Critical Actions)

The [PROTECT](#) Four Critical Actions for Schools: Responding to Student Sexual Offending (Student Sexual Offending Four Critical Actions)

We will display the PROTECT posters outlining the actions in our staffrooms and other strategic areas of the School to ensure that all representatives are aware of the actions to take as soon as they witness a child safety incident or develop a child safety concern, receive a disclosure or form a reasonable suspicion or belief that a child has been, or is at risk of being, abused or harmed.

As required by the Four Critical Actions and the Student Sexual Offending Four Critical Actions, all representatives of the School must:

- meet their legal obligations to protect students from harm, and take action in response to any emergency situations involving child safety incidents or concerns (including those that occur at the School or school events)
- report any and all child safety incidents or concerns involving our students to the School (including incidents or concerns that involve students aged 18 or over)
- make any and all reports to external authorities that are required by law or by the Four Critical Actions/Student Sexual Offending Four Critical Actions/School policy (these are explained further in the **Procedures** section, below)
- provide ongoing support to affected students and representatives of the School.

Reporting internally to or consulting with a Child Safety Officer or the Headmaster, does not change any obligation under legislation to report to an external authority.

All representatives of the School must make reports to the relevant external authority if they form the required belief about a matter, even if the person they reported to internally at the School does not share that belief.

## The School's response to internal reports

The School will take appropriate, prompt action in response to all child safety incidents or concerns, including all complaints, allegations or disclosures of abuse or other harm, when these are reported to the School, whether by representatives, students, parents/carers or anyone else.

The School's response will include:

- reporting all matters that meet the required relevant thresholds externally to DFFH Child Protection, the Police, the CCYP, and/or the Victorian Institute of Teaching, depending on the issues raised
- fully cooperating with any resulting investigation by an external agency
- protecting any student connected to the child safety incident or concern until it is resolved and providing ongoing support to those affected
- taking particular measures in response to child safety incidents or concerns about an Aboriginal or Torres Strait Islander student, a student from a culturally and linguistically diverse background, a student with a disability, and other vulnerable students (such as students who are unable to live at home or students who identify as lesbian, gay, bisexual, transgender or intersex)
- sharing information with, or requesting information from, external people or agencies as permitted or required



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- under the Child Information Sharing Scheme and/or the Family Violence Information Sharing Scheme
- securing and retaining records of the child safety incident or concern and the School's response to it
- taking broader actions to improve child safety at the School (including systemic reviews and resulting improvements).

There are a number of legal obligations that the School and representatives of the School must follow when responding to child safety incidents or concerns. In addition to these legal obligations, the School also requires representatives of the School to respond to and to report certain child safety incidents and concerns to external authorities in situations where this is not required by law.

These legal and policy-based obligations, and their procedures, align with the Four Critical Actions/Student Sexual Offending Four Critical Actions and are summarised below.

## Critical Action One: Respond to Emergencies

### **1.1 *Becoming aware of a child safety incident or concern***

Representatives of the School may become aware of a child safety incident or concern through:

- witnessing a child safety incident
- observing:
  - key indicators of child abuse or other harm in a child or young person
  - conduct towards a child or young person by an adult that breaches the Child Safe Codes of Conduct (if the adult is associated with the School) or is otherwise indicative of child abuse or other harm
- being told about a child safety incident by the child or young person themselves (a disclosure), directly or indirectly through assignments, artwork or other means
- being told about a child safety incident or concern by a third party, such as a friend, parent/carer, other family member or other person (including as part of complaint)
- being told, by a former student, about an historical child safety incident that occurred at or involved the School or its staff, volunteers or contractors, (including as part of a complaint).

For guidance on how to manage each of these situations, refer to the protocol [PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

### **1.2 *Responding to an Emergency***

If a student has just been or is at immediate risk of being harmed, all representatives of the School must ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling 000 for urgent medical assistance or police assistance to address immediate health and safety concerns
- briefing the delegated Senior Child Safety Officer to be the future liaison with the police on the matter.

When a child safety incident occurs at the School or at a School event, all representatives of the School must preserve evidence of the incident, if it is safe to do so, by:

- Environment: do not clean up the area; preserve the sites where the alleged incident occurred.
- Clothing: take steps to ensure that the person who has allegedly committed the abuse and the child who has allegedly been abused remain in their clothing. If this is not possible, ensure the clothes are not washed, are handled as little as possible and are stored in a sealed bag. Other physical items: ensure that items such as weapons, bedding and condoms are untouched.



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- Potential witnesses: reasonable precautions must be taken to prevent discussion of the incident between those involved in or witnesses of the alleged incident.

## 1.3 **Failure to Protect/Duty to Protect**

In Victoria, it is a crime if a person who occupies a position within or in relation to the School:

- knows that there is a substantial risk that:
  - a child (aged under 16) who is under the care, supervision or authority of the School
  - will become a victim of a sexual offence committed by an adult associated with the School and
- has, by reason of their position, the power or responsibility to reduce or remove that risk and
- negligently fails to reduce or remove that risk.

This criminal offence is known as "Failure to Protect" and, in the School context, it covers failures to protect a student aged under 16 from sexual abuse by representatives of the School who are adults (students aged 18 or over and parents/carers are not "adults associated with the School" for the purposes of the Failure to Protect Offence).

The School also has a common law duty to protect all students from reasonably foreseeable risks of harm, including risks of all types of child abuse or other harm that may arise from all people associated with the School (including representatives, students aged 18 or over, parents/carers and other family members of students).

To help representatives meet both their Failure to Protect and Duty to Protect obligations, the School requires that:

- (a) if a **Representative of the School** knows that:
  - **any** adult associated with the School (including Staff, Volunteers, Contractors, students aged 18 or over, parents/carers and other family members of students)
  - poses a substantial risk of sexually abusing a student or a reasonably foreseeable risk of any form of child abuse or other harm to a student
- (b) they **must**:
  - take any actions to reduce or remove that risk that are within their power or responsibilities to take
  - report the matter to the Headmaster (or, if the adult who poses the risk is the Headmaster, to the Chair of School Council)
  - follow their obligations to make appropriate external reports as listed below.

Actions that could be taken to protect students include, but are not limited to:

- immediately removing the person from contact with students
- ensuring that the person is not left alone with a student
- if the person is a parent, not allowing them to act as a parent volunteer or to attend School events.

## Critical Action Two: Report (internally and to authorities)

### 2.1 **Internal Reporting of Child Safety Incident or Concerns**

The School requires that all representatives of the School must report any and all child safety incidents or concerns involving our students (including those involving students aged 18 or over) to a Child Safety Officer or the Headmaster.

School Advisory Council members must make any internal reports directly to the Headmaster. The Headmaster must advise the School Advisory Council member, in writing, of the actions that the School has taken or will take in response to their report within three business days after receiving the report. If a matter involves the Headmaster, the internal report must instead be made to the School Advisory Council Chair.



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## 2.2 **Mandatory reporting to Child Protection**

Although everyone has a moral and social responsibility to report concerns about child abuse or other harm, some professionals are legally required to make a report to DFFH Child Protection in certain circumstances.

DFFH Child Protection has a responsibility to provide child protection services for all children and young people under the age of 17 years, or where a protection order is in place, for children under the age of 18.

The main functions of DFFH Child Protection are to:

- receive reports from people who believe that a child is in need of protection or have significant concerns about the wellbeing of a child
- provide consultation and advice to people making reports
- investigate matters where it is believed that a child is at risk of significant harm
- refer children and families to services that assist in providing for the ongoing safety and wellbeing of children.

*Who are mandatory reporters at the School?*

At our School, the following people are Mandatory Reporters:

- Victorian Institute of Teaching (VIT) registered teachers, including principals, and early childhood teachers
- the Headmaster
- school staff who have been granted permission to teach by the VIT
- nurses
- police officers
- registered psychologists
- people in religious ministry
- early childhood workers
- school counsellors including staff who provide direct support to students for mental, emotional, or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare officers, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff.

Representatives of the School in the above categories are Mandatory Reporters regardless of whether they are engaged by the School as a staff member, volunteer or contractor.

*When Must a Mandatory Report be Made?*

A Mandatory Report must be made if – during the course of their professional work or carrying out duties of their office, position or employment – a Mandatory Reporter:

- forms a belief on reasonable grounds
- that a child who is aged under 17 (or who is aged 17 but is under a child protection order) is "in need of protection" because:
  - 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 (including if they are unable) to protect the child from the harm.

Mandatory Reporters must make their report to DFFH Child Protection "as soon as practicable" after forming their belief on reasonable grounds.



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## *What is a Belief on Reasonable Grounds?*

The concept of a "belief on reasonable grounds" requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It is a low threshold.

You may have a belief on reasonable grounds, such that a Mandatory Report should be made, if:

- you witness the physical or sexual abuse of a child
- a child tells you that they have been physically or sexually abused
- a child tells you that they know someone who has been physically or sexually abused
- someone who knows the child tells you that the child has been physically or sexually abused
- a child shows physical or behavioural signs of being physically or sexually abused.

## *How to Make a Mandatory Report*

Mandatory Reports can be made either to DFFH Child Protection or to the Police.

If you have contacted the Police, either as a result of **Responding to an Emergency** above or **Reporting to Police** below, then you have made your Mandatory Report.

If you have not contacted Police, you must report to DFFH Child Protection. You must do this by:

- during business hours (8:45am-5:00pm, Monday to Friday), telephoning the Child Protection intake service for the local government area where the child resides, listed at <https://services.dffh.vic.gov.au/child-protection-contacts>.
- after hours, telephoning DFFH Child Protection on **13 12 78**.

## *Mandatory Reporting and Other External Reports*

Where the School is aware of or makes a Mandatory Report, the School must also notify the VRQA if the alleged abuse or other harm relates to an international student and the School has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter in relation to that student, thereby assuming responsibility for approving the student's accommodation, support and general welfare.

## **2.3 Non-Mandatory Reporting to Child Protection**

Under the law, **anyone** can report the following to DFFH Child Protection:

- significant concerns for the wellbeing of a child aged under 17 (wellbeing reports)\*\*
- a child aged under 17 who the person believes on reasonable grounds to be in need of protection (protective intervention reports)
- a child (aged under 18) who the person believes on reasonable grounds is in need of therapeutic treatment because they are exhibiting sexually abusive behaviours (therapeutic treatment reports).

\*\*For example, persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a student's safety, stability or development.

We refer to these reports as "Non-Mandatory Reports to Child Protection."

All of these reports are voluntary under the law. This means that all staff, students, parents/carers, external education providers, contractors, volunteers or other community members who have concerns that a child may be subject to abuse or other harm can report to DFFH Child Protection, or they can contact one of the School's Child Safety Officers.

However, the Four Critical Actions/Student Sexual Offending Four Critical Actions require that representatives who are



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staff members (including those who are not Mandatory Reporters) must make wellbeing reports, protective intervention reports and therapeutic treatment reports to DFFH Child Protection (or, in some circumstances, to the Police or Orange Door/the Orange Door\*\*).

Therefore, it is the School's policy that wellbeing reports, protective intervention reports and therapeutic treatment reports must be made by representatives who are staff members to either DFFH Child Protection, police or Orange Door/the Orange Door.\*\*

For guidance on the different kinds of Non-Mandatory Reports and when to report/who to report to/how to report, refer to the protocol [PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools](#) and the School's **Non-Mandatory Reporting to Child Protection Policy and Procedures**.

\*\*Child and Family Information, Referral and Support Teams (Orange Door) were introduced to give families an opportunity to obtain family services earlier at their own request or following a referral from others, including school staff.

Orange Door ensures that vulnerable children, young people and their families are linked effectively to relevant services. Orange Door is staffed by family services practitioners who are experienced in assessing the needs of vulnerable children and their families. Orange Door teams work closely with community based DFFH Child Protection workers.

The role of Orange Door includes:

- providing a point of entry to a local network of family services
- receiving reports about vulnerable children where there are significant concerns about their wellbeing
- undertaking an initial identification and assessment of the risks to the child and the child's needs in consultation with DFFH Child Protection
- Identifying appropriate service responses for families.

## 2.4 Failure to Disclose: Mandatory Reporting (of Sexual Offences Against Children) to Police

Victorian law requires that any adult (a person aged 18 or over) who forms a reasonable belief that a sexual offence has been committed by another adult against a child aged under 16 must report that information to the Police, except in certain circumstances.

We call this "Mandatory Reporting (of Sexual Offences Against Children) to Police." Failure to do this is a criminal offence known as "Failure to Disclose."

### *Who Must Make a Mandatory Report (of Sexual Offence Against Children) to police?*

Any adult at the School, including **all representatives who are adults, must** report to Police when they have the required belief.

### *When Must a Mandatory Report to Police be Made?*

Representative must make these reports when they have a **reasonable belief** that:

- an adult (including a staff member, volunteer, contractor, parent/carer or any other adult)
- has committed a sexual offence
- against a person who, at the time of the offence, was aged under 16 (including but not limited to current or former students).

It does not matter whether the other adult is associated with the School.

Sexual offences committed against a child aged under 16 by a student at the School aged under 18 do not fall under the





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Failure to Disclose offence. However, this must still be reported to Police under School policy (see Non-Mandatory Reporting to Police below).

## *What is a Reasonable Belief?*

A "reasonable belief" is formed if another person in the same position would have formed the same belief on the same grounds.

A "reasonable belief" might be formed when:

- a child tells you that they are being or have been sexually abused
- a person aged over 16 tells you that they were sexually abused when they were aged under 16
- a child tells you that they know someone who is being or has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child tells you that the child is being or has been sexually abused
- signs of sexual abuse lead you to believe that a child is being or has been sexually abused.

## *How to Report to Police*

- In emergencies, or if the crime is happening now or has just happened and the suspected offender may still be in the area: call 000
- All other matters: call your local police station, the details of which you can find [here](#).

## **2.5 Non-Mandatory Reporting to Police**

The Four Critical Actions/Student Sexual Offending Four Critical Actions require, and therefore it is School policy, that **all** Representatives of the School must report the following to Police, even though this is not required by law:

- sexual offences committed by a student aged under 18 against any other person (see Responding to Student Sexual Offending below).
- concerns for a student's immediate safety (see Responding to an Emergency above)
- knowledge or suspicions that a student aged 18 or over is being abused or harmed, but only if the student consents to the report
- where a student is partaking in illegal activity that is extreme in nature or poses a high risk to the student (see Responding to Other Concerns About the Wellbeing of a Student below).

## **2.6 Reportable Conduct**

Victorian law requires that the "head" of the School report to the Commission for Children and Young People (CCYP) any allegation that an "employee" of the School (defined below) has committed "Reportable Conduct" or misconduct that may involve Reportable Conduct (a reportable allegation). They must also conduct an appropriate investigation into the matter, and report the outcome to the CCYP.

CCYP is an independent statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people. CCYP is responsible for administering the Reportable Conduct Scheme, which includes:

- Supporting and guiding organisations that receive allegations in order to promote fair, effective, timely and appropriate responses
- Independently overseeing, monitoring and, where appropriate, making recommendations to improve the responses of those organisations.

The "head" of the School is the Headmaster. They have authorised the Headmaster to undertake the following functions required under the Reportable Conduct Scheme, to assist them in meeting their obligations:



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- notifying and updating the CCYP of reportable allegations about the School's employees
- ensure investigations are undertaken into all reportable allegations made against the School's employees
- comply with all obligations of the "head" of the School under the Reportable Conduct Scheme.

## *What is Reportable Conduct?*

Reportable Conduct is defined in **Additional Definitions**, above.

## *Who is an Employee?*

For the purposes of the Reportable Conduct Scheme, an **employee** is anyone aged 18 or over who is:

- employed by the School, (i.e., all adult staff members)
- engaged by the School to provide services as a volunteer, contractor, office holder or other officer (i.e., all adult volunteers and all adult contractors).

It does not matter whether their work or activities relate to or involve providing services to children.

## *Internal Reporting of Reportable Conduct*

To enable the Headmaster to fulfil their authorised obligations and to meet their legal obligations under the Reportable Conduct Scheme, the School requires that those representatives who are school staff (including all staff members and direct contact contractors) and all volunteers (including School Council members) who:

- form a reasonable belief that
- an employee at the School has engaged in Reportable Conduct or misconduct that may involve Reportable Conduct

must immediately report their concerns to the Headmaster (or the Chair of the Council if the allegation involves the Headmaster).

They must also consider whether they are required to make a Mandatory or Non-Mandatory Report to DFFH Child Protection, a Mandatory or Non-Mandatory Report to Police, take any other action or make any other external reports. Any other Representative (e.g. regular and casual contractors) can also report concerns about reportable conduct by a School employee to the Headmaster (or the Chair of the Council if the allegation involves the Headmaster).

Any representative can also or instead make a report directly to the CCYP, by calling 1300 78 29 78 or emailing [contact@ccyp.vic.gov.au](mailto:contact@ccyp.vic.gov.au).

## *The School's Response to Reportable Allegations*

When they become aware of a reportable allegation (whether through receiving an internal report of Reportable Conduct, through receiving a complaint from a student, parent/carer or anyone else, or through any other means), the Headmaster (or the Chair of School Council if the allegation involves the Headmaster) must:

- notify the CCYP as soon as possible, and no later than three business days after becoming aware of the reportable allegation
- report the matter to police if the reportable allegation involves possible criminal conduct
- take any necessary interim action to ensure the safety and wellbeing of the child/ren involved and students at the School
- ensure that an appropriate internal investigation is conducted into the reportable allegation (subject to police advice, if the matter has been reported to police, and to consultation with DFFH Child Protection, if the matter has been reported to DFFH Child Protection) and notify the CCYP of the person who will be conducting the internal investigation
- provide the CCYP with an update about the School's response to the reportable allegation within 30 days of becoming aware of it



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- if, as a result of the internal investigation, a finding is made that the reportable allegation is "substantiated", this must be reported to relevant regulators such as the Victorian Institute of Teaching or Working With Children Check Victoria and, if the finding involves a criminal offence, to police if a report has not already been made
- decide what, if any, measures should be put in place to minimise any further risk of harm to students at the School
- notify the CCYP of the outcome of the internal investigation as soon as practicable after it has concluded.

## 2.7 **Teacher Misconduct that is Reportable to the Victorian Institute of Teaching (VIT)**

The Victorian Institute of Teaching (VIT) is an independent statutory authority for the teaching profession, whose primary function is to regulate members of the teaching profession.

Registered teachers in Victoria are exempt from the Working with Children Check (WWCC) scheme. To align teacher registration with the WWCC scheme, Victorian law requires that registered teachers notify the VIT if they are charged with, committed for trial, or convicted or found guilty of certain criminal offences (that accord with those relevant to Working with Children Checks) or if they have been issued with a negative notice in relation to the Working with Children Check.

Victorian law also requires that the School notify the VIT if it becomes aware that a teacher has been charged with, or convicted or found guilty of, these criminal offences or has been given a negative notice.

The School must dismiss or remove from its employment or engagement any teacher who has been convicted or found guilty of these criminal offences or been given a negative notice.

The School must also notify the VIT if the School has taken any action against a registered teacher in response to allegations that raise concerns about the teacher's fitness to teach.

To enable the School to fulfil its obligations, it requires that:

- **representatives who are registered teachers must** inform the Headmaster (or, if they are the Headmaster, the Chair of School Council) if they are charged with, committed for trial for, or convicted or found guilty of a relevant offence or if they have been given a negative notice in relation to a WWCC
- **all representatives who are staff members must** immediately report to the Headmaster (or, if the incident or allegation involves the Headmaster, to the Chair of the School Council any incident or allegation that raises concerns about a teacher's fitness to teach.

## 2.8 **Responding to Sexual Behaviour in Children and to Student Sexual Offending**

Knowing how to identify and respond to all sexual behaviour in students, whether it be age-appropriate, concerning, harmful or student sexual offending, helps representatives of the School to support the development of healthy sexuality and protect students from abuse and other harm.

### *Recognising and Responding to Sexual Behaviour in Children*

The School references the True Traffic Lights® Framework to enable representatives to identify, recognise and respond to all forms of sexual behaviour. The Traffic Lights® Framework categorises sexual behaviour as green, orange or red light.

As a general guide:

- Red light sexual behaviours are those that are problematic or harmful, including forceful, secretive, compulsive, coercive or degrading sexual behaviours. These behaviours signal the need to provide immediate protection and follow up support.



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- Orange light sexual behaviours are those that are outside normal behaviour in terms of persistence, frequency or inequality in age, power or ability. These concerning behaviours signal the need to monitor and provide extra support.
- Green light sexual behaviours are those that are normal, age-appropriate, spontaneous, curious, mutual, light-hearted and easily diverted experimentation. These behaviours provide opportunities to talk, explain and support.

All green, orange and red light behaviours require some form of action and support.

Most red light (harmful) sexual behaviour by a student aged 10 or over that is directed at another person would be considered student sexual offending. Some orange light (concerning) behaviours could also be student sexual offending.

Orange and red light behaviours may therefore require external reporting, such as Mandatory or Non-Mandatory Reporting to Child Protection or Non-Mandatory Reporting to Police above.

To enable the School to respond appropriately to students with concerning or harmful sexual behaviour, it requires that representatives who are staff members, direct contact volunteers and direct contact contractors must report orange light and red light sexual behaviours to a Child Safety Officer.

Contact details for our Child Safety Officers are set out in the responsibilities section, above.

## *Responding to Student Sexual Offending*

**Student sexual offending** refers to sexual behaviour that:

- is led by a student aged 10 or over
- is directed at another person and
- amounts to a sexual offence.

The School requires that, when Representatives who are staff members, direct contact volunteers and direct contact contractors become aware of, or suspect, student sexual offending, or that a student is at risk of perpetrating or suffering student sexual offending, they must follow the Student Sexual Offending Four Critical Actions (Appendix 2).

The Student Sexual Offending Four Critical Actions requires that incidents of or concerns about student sexual offending must be reported to police, and that additional reports must be made, if relevant, to DFFH Child Protection or Orange Door/Orange Door.

- In emergencies, or if the student sexual offending is happening now or has just happened and the student offender may still be in the area: call 000
- All other matters: call your local police station, the details of which you can find [here](#).

For guidance on identifying and responding to student sexual offending, refer to the protocol [PROTECT Identifying and Responding to Student Sexual Offending](#)

## **2.9 Responding to Other Concerns About the Wellbeing of a Student**

Any concerns about the wellbeing of a student, regardless of whether it has been caused by abuse or other harm, will be taken seriously and acted upon.

The School and Representatives who have students under their care owe a duty of care to all students at the School to ensure that they feel safe and are supported at the School.



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Concerns about the wellbeing of a student, that do not appear to be the result of abuse or other harm, may still be reported by Representatives of the School to:

- internally, one of the Child Safety Officers
- Victoria Police
- DFFH Child Protection
- Orange Door

depending on the age of the student and the nature of the concern.

The School will also consider whether a referral to a support service may assist.

## **2.10 Child Safety Record Keeping**

All internal and external reports of child safety incidents and concerns, as well as any other responses by the School must be recorded using [PROTECT Recording your actions: Responding to suspected child abuse - A Template for Victorian Schools](#) or, if the matter involves student sexual offending, [PROTECT Responding to Suspected Student Sexual Offending: Template for all Victorian Schools](#).

**Representatives who are staff members must** complete the relevant sections of these forms. In the case of representatives who are volunteers or contractors, this may instead be done by or with the assistance of a Child Safety Officer or the Headmaster. Completed forms must then be provided to a Child Safety Officer or the Headmaster. As the various responses of the School occur, a Child Safety Officer or the Headmaster must record these in the relevant sections of the form.

## **Critical Action Three: Contact Parents/Carers**

### **3.1 Communicating with Parents/Carers About Internal and External Reports**

It is usually critical that the parents/carers of a student who is the subject of a child safety incident or concern are notified as soon as practicable when an internal report has been received and/or that an external report has been or will be made. This enables the student's parents/carers to take steps to prevent or limit their child's exposure to further abuse or other harm and ensure that their child receives the support that is needed. However, this may not be appropriate in all circumstances.

- If a report has been or will be made to DFFH Child Protection or Police, then the Headmaster or Senior Child Safety Officer must seek advice from DFFH Child Protection or police (depending on who the report has been made to) before contacting parents/carers. They will advise whether it is appropriate to contact parents/carers at this stage and if so, what information can be shared with the parents/carers.
- If the matter involves an internal investigation of Reportable Conduct, then by law, the Headmaster (or the Chair of the School Council if the matter involves the Headmaster) can share information about the progress of the investigation, its findings and recommendations, and actions taken, with the child and their parents/carers. They must take into account a number of factors when deciding whether, to what extent, and at what point in the investigation, information about the matter should be shared with the child and their parents/carers.

Where information about an external report can be shared with parents/carers, the Headmaster must make sensitive and professional contact with the parents/carers as soon as practicable after the child safety incident or concern occurred or arose.



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## Critical Action Four: Provide Support

### **4.1 Support for Students, Families and Representatives Following Child Safety Incident or Disclosure**

#### *Supporting Students*

Ensuring a student feels safe and supported following an incident is of critical importance to our School. The School employs a range of measures to support students affected by a child safety incident or concern (including students making reports), depending on the particular circumstances of the matter and of the student and their family/

- Child Safety Officers may work with the student and their family to develop a Student Support Plan, including academic support.
- Support strategies that could be considered for students and/or their families might include offering or organising referrals to internal or external support, such as the School counsellor, family counsellor, bi-cultural workers and/or translators, or an external support agency and/or child advocacy organisation which specialises in supporting children and young people impacted by abuse or other harm.

Former students who disclose historical child safety incidents or concerns from their time at the School are also offered similar support by the School.

#### *Supporting Representatives*

Witnessing a child safety incident or receiving a disclosure of abuse or other harm can be a distressing experience for the representatives involved. The School assists impacted representatives to access necessary support.

#### *Supporting our School Community*

Key principles that we apply in the design of policy, procedure, interventions, support and reporting in our Child Safety Program are to ensure we:

- promote the cultural safety of Aboriginal or Torres Strait Islander 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.

#### *Student Awareness*

The School is committed to the protection of all children and young people from all forms of child abuse and other harm. 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 empower our students to have a voice and to take action for their own care.

Section 91 of the Wrongs Act 1958 (Vic) imposes a duty of care on the School, as an organisation, to take reasonable precautions to:

- prevent the physical or sexual abuse of a child under its care, supervision or authority
- by an individual associated with the School.

If a victim of physical or sexual abuse, that is alleged to have occurred at the School or to have involved our staff, volunteers or contractors, brings a negligence claim against the School, a court will presume that the School breached its duty of care unless the School can prove that we took reasonable precautions to prevent the abuse. Reasonable precautions to prevent the physical or sexual abuse of students at the School may include:



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- conducting employment screening and reference checking
- providing supervision and training to staff and relevant volunteers and contractors
- implementing systems to provide early warning of possible sexual or physical abuse by staff, volunteers and contractors
- performing random and unannounced inspections to deter misconduct
- encouraging children and adults to report to the School and/or external authorities any signs of inappropriate behaviour
- implementing improvements following a review of our policies and procedures, either as part of our regular review process or after a particular child safety incident.

## 4.2 Documenting Reasonable Precautions to Prevent Physical and Sexual Abuse

Records that document the actions taken by the School in response to child safety incidents and concerns, and that document our review and improvement processes, are kept by the School, to assist in demonstrating reasonable precautions taken by the School to prevent the physical or sexual abuse of its students.

These records must be kept for at least 50 years.

Anyone who has access to information regarding a case of suspected child abuse or other harm must keep such information confidential and secure and must only disclose or discuss this information with those involved in managing the situation.

Reports or referrals made to DFFH Child Protection or Orange Door are confidential and the reporter's identity is generally protected by law. Exceptions include if:

- the reporter chooses to inform the child or family of the report
- the reporter consents in writing to their identity being disclosed
- a court or tribunal decides it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child
- a court or tribunal decides the reporter is required to attend court to provide evidence.

The identity of the person who makes a report to the Police, including reports under section 327 of the Crimes Act 1958 (Vic) (Obligation to Report a Sexual Offence), will remain confidential unless:

- the person themselves discloses their identity or they consent in writing to their identity being disclosed
- a court or tribunal decides that it is necessary in the interests of justice for the person's identity to be disclosed.

A person who makes a Mandatory Report in accordance with the CYF Act, or a report under the CWS Act (Reportable Conduct Scheme) will not be held liable for the eventual outcome of any investigation.

## Record keeping

Staff must create and maintain records of any child safety incident, and actions taken in relation to responding to, reducing or removing the risks.

Staff members must document all concerns and observations in a confidential file. Notes and records must be accurate and contemporaneous. It is also important to record all actions taken. This process of documentation may occur over a period of time. These records must be retained indefinitely.



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## Privacy and confidentiality

Information about child safety concerns and complaints is confidential and will be handled according to the School's Privacy Policy, except when this information must be disclosed by law (for example, under the Reportable Conduct Scheme).

Documentation and records must be stored securely to protect the privacy of all parties involved. Information about child abuse should remain confidential.

The School will not share information about a child safety concern with a child or student's family if the School considers this will create or increase a risk of harm to the child or student.

The identity of a person making a report is confidential, unless:

- the reporter chooses to inform the child, young person, or family of the report;
- the reporter consents in writing to their identity being disclosed;
- a court or tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child; or
- a court or tribunal decides that, in the interest of justice, the reporter is required to attend court to provide evidence.

## Protection of reporters

Any Staff member who makes a report in good faith in accordance with their reporting obligations:

- will be supported by the School;
- will be protected from victimisation;
- will have their identity protected under confidentiality;
- will not be penalised by the School for making the report; and
- will be protected from prosecution and liability.

## Investigations

Before commencing an investigation under the Policy or this Procedure, the Headmaster will consult with relevant authorities, including police, to determine whether the School can commence an investigation.

## Further actions required to be taken by the Headmaster under the Reportable Conduct Scheme

Within days of becoming aware of a Reportable Allegation, the Headmaster must make a notification to the CCYP.

The Headmaster will appoint an investigator to conduct an investigation into the Reportable Allegation consistent with the requirements of the Reportable Conduct Scheme.

Within 30 calendar days after becoming aware of a Reportable Allegation, the Headmaster must provide the CCYP with:

- detailed information about the Reportable Allegation;
- information about proposed disciplinary or other action to be taken in response to the allegation (if available at that time); and
- any written submissions made by the Staff member, or about that disciplinary or other action (if available at that time).





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As soon as reasonably practicable after the independent investigation has concluded, the Headmaster must provide the CCYP with:

- a copy of the investigation findings and reasons;
- a copy of the investigation report produced by the investigator;
- any documentation and evidence annexed to the investigation report; and
- additional information about proposed disciplinary or other action to be taken in response to the allegation.

## Child Information Sharing Scheme

The Headmaster must ensure the School Council is notified following any incident in relation to Reportable Conduct by a staff member, and provided with high level de-identified information about the identification and response to child abuse and risk of harm to Students, including reports made to a relevant regulator.

When the School Council is notified following any incident in relation to child safety and wellbeing, the School Council must review and evaluate the Policy, this Procedure and child safety and wellbeing practices, including the effectiveness of risk controls and risk treatments.

### Child Information Sharing Scheme (CISS)

The CISS enables information sharing between Information Sharing Entities (ISE) to promote a child's wellbeing or safety. Information may be shared proactively or in response to a formal request.

The Headmaster will consider whether the School should disclose confidential information to another ISE about any person for the purpose of promoting the wellbeing or safety of a Student, child or group of children. If the:

- sharing of information would:
- promote the wellbeing and safety of a child; and
- help the receiving ISE make a decision, assessment or plan, start or conduct an investigation, provide a service and or manage any risk to child safety and wellbeing; and
- information is not excluded information (that is, it cannot be shared under the CISS);
- the Headmaster will share that information.

The Headmaster will act consistently with the School's obligations under the CISS to speak with the student or child (when age-appropriate) and/or family (when appropriate, considering the risk of harm to the child) prior to sharing information.

## Breaches

Staff must immediately report any breaches of this Procedure, the Policy, or Child Safety Code of Conduct to the Headmaster, Deputy Headmaster, relevant Head of School or when on an excursion or School trip, to the responsible CSO.

If the School becomes aware of a breach or suspected breach of this Procedure, the Policy, or Child Safety Code of Conduct, it will take immediate steps to ensure the safety and wellbeing of any Student or child who may be at risk.

Suspected breaches will be investigated in accordance with this Procedure, the Policy, and any relevant legislation (for example, the Reportable Conduct Scheme), and in a manner which is child-focused and provides procedural fairness. The School will consider all child safety concerns or complaints in the context in which it occurred, and with reference to the Policy, the Child Safety Code of Conduct and other relevant School policies and procedures to determine if the matter is a



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minor breach or a serious breach.

A serious breach by School staff or School Boarding House staff may result in disciplinary action, up to and including termination of employment.

A breach by volunteers or contracted service providers may result in the termination of the person's engagement with the School and the withdrawal of permission for them to be on the School premises.

At all times and in all decisions relating to a breach or potential breach of this Procedure, the Policy, or the Child Safety Code of Conduct, the safety of children and students is paramount.

## Past students

Where an allegation of Child Sexual Abuse is made in respect of a past student, it will be dealt with in accordance with the School's Historical Sexual Abuse Policy. Action may also need to be taken under this Procedure, the Policy, or the Child Safety Code of Conduct if the allegation or disclosure relates to a current School staff member.

This Procedure use the phrase "child safety incident or concern" rather than the more limited concept of "child abuse". **Child safety incidents or concerns** can take many forms. These include not only "abuse" of a child or young person by their parents/carers, but also conduct by other people that can cause harm to a child or young person. The perpetrator may be a parent, carer, staff member, volunteer, contractor, another adult or even another child.

At the School, we define "child safety incidents or concerns" as:

- incidents of or concerns about child abuse as defined in the Child Wellbeing and Safety Act 2005 (Vic) (CWS Act)
- incidents of or concerns about other harm, defined below
- incidents of or concerns about Reportable Conduct as defined in the CWS Act
- incidents of or concerns about a breach of the Child Safety Code of Conduct, by staff, volunteers and contractors, no matter how minor the breach
- incidents of or concerns about child abuse or other harm of a student by another student or by another person while at the School or a School event.

## Further Definitions

The nature of child abuse and other harm is complex. The abuse/harm may occur over time and potential indicators are often difficult to detect.

For definitions of all of the different types of child abuse and other harm, a comprehensive list of the indicators of these types of harm, and advice on identifying perpetrators of child sexual abuse, refer to the protocol PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools.

"School" means Melbourne Grammar School.

"School Boarding Premises Governing Authority" is the School Council and means:

- the provider of the School's boarding services;
- the governing body for the School's boarding premises (however described) as authorised by the provider of the School's boarding services or the Education and Training Reform Act 2006 (Vic) ("ETR Act").



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"**School Governing Authority**" is the School Council and is defined by Ministerial Order 1359 as:

- a proprietor of the School, including a person authorised to act for or on behalf of the proprietor;
- the governing body for the School (however described), as authorised by the proprietor of the School or the ETR Act; or
- the headmaster, as authorised by the proprietor of the School, the School Governing Body, or the ETR Act.

"**Student**" means a student enrolled at the School.

"**Staff**", "**Staff Members**" means School Staff, School Boarding Premises Staff and Volunteers.

"**School Boarding Premises Staff**", which means any individual working in a School Boarding Environment who is:

- directly engaged or employed by the School;
- a contracted service provider (whether or not a body corporate or any other person as an intermediary) engaged by the School Boarding Premises Governing Authority to perform child-related work; or
- a minister of religion, a religious leader or an employee or officer of a religious body associated with the School

"**School Staff**", which means any individual working in a School Environment who is:

- directly engaged or employed by the School (including employees and designated care givers);
- a contracted service provider (a body corporate or any other person) engaged by the School to perform child-related work; or
- a minister of religion, a religious leader or an employee or officer of a religious body associated with the School

"**Volunteer**" means any person who performs work without remuneration or reward for the School in the School Environment or the School Boarding Environment.

The "**School Environment**" includes:

- a campus of the School;
- online or virtual School Environments made available or authorised by the School for use by children and students (including email, intranet systems, software applications, collaboration tools, and online services); and
- any other locations provided by the School or through a third-party provider for a child or student to use, including, but not limited to, locations used for:
  - camps;
  - delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers or another school; or
  - sporting events, excursions, competitions or other events.

"**School Boarding Environment**" means any physical, online or virtual space made available or authorised by the School Boarding Premises Governing Authority for a child or student boarding at a school boarding premises to use at any time, including:

- Creswick House, School House, and Perry House;
- online or virtual school boarding environments (including email, intranet systems, software applications, collaboration tools, and online services); and



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- other locations provided by the provider of school boarding services or through a third party provider for a child or student to use including, but not limited to, locations used for:
  - camps;
  - delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers or another school; or
  - sporting events, excursions, competitions or other events.

"Child" or "children" means a child or young person under the age of 18 years, unless otherwise defined by law or noted in this Policy or Procedure. A young person is a child aged 10-17 years old.

"Child abuse" means:

Any act committed against a child involving:

- a sexual offence; or
- grooming; and

The infliction, on a child, of:

- physical violence; or
- serious emotional or psychological harm; and
- the serious neglect of a child.

"Grooming" is when a person engages in predatory conduct to prepare a child or young person for sexual activity at a later time. Grooming can include communicating or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer

"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 suspicions, incidents, disclosures, or allegations of child abuse.

"School Council" means the board of Directors of Melbourne Grammar School.

"CCYP" means the Commission for Children and Young People.

"Orange Door" The Family Information Referral Support Team run by a registered community service in a local area.

"DFFH" means Department of Families, Fairness and Housing.

"DFFH Child Protection Services" means Government Authority which takes responsibility for the protection of children and to whom reports are made.

"Mandatory Reporter" means a mandatory reporter under section 184 of the Children, Youth and Families Act 2005 (Vic) (as amended from time to time) and includes the Headmaster, Deputy Headmaster/Head of Senior School, Heads of School, registered teachers, registered nurses, registered psychologists, school counsellor, registered early childhood teachers and persons in religious ministry.

"Child-connected work" means work authorised by the School Council and performed by an adult in the School Environment while children or students are present or reasonably expected to be present.

"Child-related work" is defined under the Worker Screening Act 2020 (Vic) and means (among other things) work at



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educational institutions or homestay accommodation that usually involves direct contact with a child, including physical contact, face to face contact, communication by post or other written communication, communication by telephone or other oral communication, or communication by email or other electronic communication.

**"Physical injury"** means injury which results from physical abuse. The injury may be intentionally inflicted or may be the inadvertent consequence of physical punishment, or the physically aggressive treatment of a child.

**"Sexual abuse"** includes sexual offences and activity of a sexual nature which is not an offence.

A **"sexual offence"** includes:

- rape;
- indecent assault;
- sexual penetration;
- grooming a child for sexual conduct;
- encouraging a child to engage in, or be involved in, sexual activity;
- compelling sexual touching;
- assault with intent to commit a sexual offence;
- threat to commit a sexual offence;
- causing a child to be present during sexual activity;
- facilitating a sexual offence against a child;
- administration of an intoxicating substance for a sexual purpose;
- procuring a sexual act by fraud or threat; or
- an attempted sexual offence or an assault with intent to commit a sexual offence.

A **"Reportable Allegation"** is made where a person makes an allegation based on a reasonable belief that a Staff member has:

- committed Reportable Conduct; or
- committed misconduct which may constitute Reportable Conduct;
- including conduct which occurs outside a Staff member's employment

**"Reportable Conduct"** includes:

- sexual offences committed against, with or in the presence of a child;
- sexual misconduct committed against, with or in the presence of a child;
- physical violence committed against, with or in the presence of a child;
- any behaviour which can cause significant emotional or psychological harm to a child; and
- significant neglect of a child.

**"CISS"** means Child Information Sharing Scheme.

**"CSO"** means Child Safety Officer.

**"Reportable Conduct Scheme"** is the scheme which requires the School to respond to allegations of child abuse and child-related misconduct made against Staff, to notify CCYP of those allegations, and enable CCYP to oversee the School's responses to these allegations.



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## Key contacts

Service	Contact Number
Victoria Police	000
DFFH Child Protection (West Division Metro) (need to report to division where the child resides – for full list <a href="https://services.dffh.vic.gov.au/child-protection-contacts">https://services.dffh.vic.gov.au/child-protection-contacts</a> )	1300 664 977
DFFH Child Protection (After Hours)	131 278
Commission for Children and Young People	(03) 8601 5281
Orange Door	(03) 9329 4822
Department of Education and Training	(03) 9637 2000
Independent Schools Victoria	1300 782 978

## Further Information

Requests for further information concerning any aspect of this Procedure may be directed to the Headmaster or Deputy Headmaster.

## Child Safety Officers

The MGS Child Safety Officers are the member of the Whole School Executive. The Senior Child Safety Officer is the Headmaster. The Risk Manager can also be contacted with any queries.

Philip Grutzner	Headmaster and Senior Child Safety Officer
Ben Hanisch	Deputy Headmaster and Head Senior School
Anna-Louise Simpson	Head Wadhurst Campus
Royce Helm	Head Grimwade Campus
Dorothy Tselios	Director Human Resources
Damian Ferguson	Director Business and Finance
Andrew Baylis	Director Learning and Research
Kate Barnett	Director Community Relations
Justine Block	Risk Manager

## Related Policies, Procedures and Legislation

Related policies include:

- Child Safety and Wellbeing Policy
- Child Safety Code of Conduct
- Staff Code of Conduct
- Privacy Policy
- Record Keeping, Retention and Destruction Policy



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- ICT Responsible Use Agreement
- Social Media and Internet Policy
- Duty of Care Policy
- Bullying Prevention and Intervention Policy
- Online Safety and Online Conduct Statement
- Procurement Policy
- Recruitment and Screening Procedure.
- Consultation Guide and Process
- Diversity and Inclusion Policy
- Staff Complaint Policy
- Parental and Student Complaint Policy – Local Students
- Parental and Student Complain Policy – Overseas Students
- Equal Opportunity and Respectful Workplace Policy
- Historical Sexual Abuse Policy

Related legislation includes:

- Children, Youth and Families Act 2005 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Crimes Act 1958 (Vic)
- Education and Training Reform Act 2006 (Vic)
- Victorian Institute of Teaching Act 2001 (Vic)