



MELBOURNE  
GRAMMAR SCHOOL  
AN ANGLICAN SCHOOL

# Child Safety

## Procedure for Responding to Allegations of Suspected Child Abuse

### Purpose

These procedures have been in accordance with the School's obligation to maintain a child safe environment under Ministerial Order No 870. They apply to allegations or disclosures of suspected child abuse made by or in relation to a child, staff member, contractor, volunteer, visitor or other person whilst connected to Melbourne Grammar School.

### Scope

All members of the School community share a responsibility to ensure the welfare of all students.

These procedures extend to School students, staff (whether permanent, fixed term or casual employees of MGS, whether teaching or non-teaching), volunteers, contractors, visitors or other persons (including children) who may be connected to the School.

### Standards

In December 2015, the Victorian Deputy Premier and Minister for Education released the Ministerial Order No 870 which outlines minimum standards for maintaining "child safe environments" for all organisations with direct and regular contact with children.

These minimum standards form a requirement for MGS registration which requires the School to meet all of the standards of this Ministerial Order. These minimum standards will continue to enhance and promote our culture in which protecting our students from abuse is part of everyday thinking and practice within MGS.

These procedures address Child Safe Standard No 5: processes for responding to, and reporting, suspected child abuse.

### Definitions

For the purpose of ensuring a clear understanding of the relevant parts of the Ministerial Order 870:

**Child Abuse** includes any act committed against a child involving:

- A sexual offence
- A grooming offence
- The infliction on a child of physical violence, serious emotional or psychological harm or serious neglect.

Child Abuse includes but is not limited to Child Sexual Abuse.

**Child Safety** encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

**School environment** means any physical or virtual place made available or authorised by MGS for use by a child during or outside school hours including:

- a campus of the school including Boarding Houses
- online school environments (including email and intranet systems), and
- other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).



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School staff means an individual member of staff working for MGS who is:

- directly engaged or employed by the School's governing body
- a volunteer
- contracted service provider (whether or not they are employed through a body corporate or any other person is an intermediary)
- a minister of religion.

**Child FIRST:** The Family Information Referral Support Team run by a registered community service in a local area.

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

**DFFH:** Department of Families, Fairness and Housing.

**Mandatory Reporter/Notifier:** In the context of MGS, this is the Headmaster, a VIT registered teacher, a person holding Permission to Teach from VIT, a Registered Psychologist, a Registered Nurse, a School Counsellor or a Person in Religious Ministry.

**Mandatory Reporting:** Requirement imposed on a Mandatory Notifier to report to government authorities, as required by the Children, Youth and Families Act 2005 (Vic), in the event that the Mandatory Notifier forms a belief on reasonable grounds that a child has suffered, or is likely to suffer significant harm as a result of physical or sexual abuse in circumstances where the parents have not protected, or are unlikely to protect, the child from that harm.

**Teacher:** a qualified teacher with VIT registration or a person holding Permission to Teach from VIT.

**Registered Nurse:** a person registered under the Health Practitioner Regulation National Law to practice in the nursing and midwifery profession as a nurse.

**Registered Psychologist:** a person registered with the Psychology Board of Australia, which forms part of the Australian Health Practitioner Regulation Agency, to practice as a psychologist.

**School Counsellor:** a person who works (other than on a voluntary basis) to provide direct support to school students, at or directly connected with a school, for mental, emotional or psychological wellbeing.

**Person in Religious Ministry:** a person authorised by a church or other religious organisation to perform functions such as teaching of beliefs; leading services such as weddings, baptisms or funerals; or otherwise providing spiritual guidance to the community.

## Responsibility

The School Council and Headmaster have delegated the responsibility for monitoring overall school compliance with this procedure to the Heads of School.

## Procedures

The intention of these procedures is to support the School Community in ensuring a child safe environment at the School, in particular 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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These procedures do not displace the obligations of a Mandatory Notifier under relevant legislation. Nor do they displace the obligation placed on any adult under the Crimes Act (Vic) which requires any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years of age to report that information to police (this includes grooming). Further information on these obligations may be found in the following policy document:

- Mandatory Reporting of Child Abuse

### Grooming

The Crimes Act 1958 includes the offence of grooming for sexual conduct, which applies where a person 18 years of age or more communicates with a child under the age of 16 (or their carer) with the intention of that child being involved in a sexual offence.

### What is Child Abuse?

Some examples of Child Abuse are:

- Physical injury which results from abuse or neglect
- Sexual abuse which refers to a situation in which a person uses power or authority over a child to involve the child in sexual activity, and the child's parent or caregiver has not protected the child
- Emotional abuse which involves a parent or caregiver repeatedly rejecting the child or using threats to frighten the child
- Neglect which occurs when a parent or caregiver fails to provide the child with the basic necessities of life; food, clothing, shelter, medical attention or supervision; to the extent that the child's health and development is, or is likely to be, significantly harmed.

### Reporting Suspected Child Abuse

In accordance with the Children, Youth and Families Act 2005 (Vic), and the School's Mandatory Reporting of Child Abuse Policy, if a mandatory reporter forms a reasonable belief that a child is in need of protection from **physical or sexual abuse**, a report **must** be made to **Child Protection Services** as soon as possible. The Head of School, Deputy Headmaster or Headmaster should be kept informed. All concerns and observations should be recorded in a confidential file

If a mandatory reporter or any other general staff member, contractor or volunteer forms a belief that a child needs immediate protection from harm such as emotional abuse, abandonment or neglect, a report should be made to **Child Protection Services**. For concerns where the immediate safety of the child is not compromised, a report should be made to **Child FIRST**. If you are still unsure who to report or refer to, you should contact either Child Protection or Child FIRST for further advice. The Head of School, Deputy Headmaster or Headmaster should be kept informed. All concerns and observations should be recorded in a confidential file.

There may be circumstances in which a report to Child Protection Services/Child FIRST is not applicable and/or other steps should be taken. Other responses to allegations, disclosures or concerns may include:

- Reporting the matter to the Police: If it is believed that the child's safety is in immediate risk the circumstance will be immediately reported to the Police.
- Contacting the parent or caregiver of the Child.
- Convening the MGS Critical Incident Management Team (e.g. if an allegation is made against a current member of staff). This will be done by the Headmaster or Deputy Headmaster, if appropriate.
- Steps to remove the source of concern (e.g. standing down a member of School Staff or student, restricting access



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to campus of a volunteer or contractor), consistent with appropriate legal advice.

- Taking all necessary steps to ensure that the child or children who make or is affected by an allegation of child abuse, has a safe School environment and is given appropriate support by MGS.
- Ensuring that any response by MGS will also take into account the needs of children from culturally and linguistically diverse backgrounds, children with disabilities and children who are vulnerable.
- An investigation – to be carried out by the Headmaster or his nominee, subject to the requirements of any government authority. The School will act appropriately on the findings of any investigation. Where child abuse has resulted from the actions of a member of School Staff, this may include disciplinary action against that person and reporting to authorities in accordance with applicable legislation.
- A review – the School will conduct a review of its actions in relation to any instance of child abuse and will incorporate any modifications / learnings into these procedures, as may be deemed necessary.

If a staff member forms a reasonable belief of child abuse, they are legally required to make a report as soon as possible. Approval is not required; however, staff can seek support by their School section head who can escalate for effective crisis management.

In all cases, the School will also act in accordance with its legal obligations which may involve reporting the matter to appropriate authorities including:

- Victoria Police
- Department of Families, Fairness and Housing
- Department of Education and Early Childhood Development
- The Commission for Children and Young People

In certain circumstances, this may result in the matter (including investigation) being taken over by the relevant authority.

The possible outcomes will depend on the nature of the complaint and allegations. Where an investigation has found that a complaint of child abuse is substantiated, appropriate action will be taken by the School against the person found to be the perpetrator. For employees, this may include a range of sanctions including termination of employment. For students, this may include expulsion from the School.

There may be times when a staff member has a 'reasonable excuse' for not reporting child abuse. Examples include when a staff member has fears for his safety or the safety of the other person, or if the abuse has already been formally reported. A reasonable excuse may be tested in a court of law. In this case, the staff member is recommended to seek confidential advice from a member of the School Executive.

## Documentation

It is important that all concerns and observations are documented in a confidential file and that notes and records are accurate and contemporaneous. It is also important to record all actions taken. This process of documentation may occur over a period of time. Documentation and records must be stored securely to protect the privacy of all parties involved. Information about child abuse should remain confidential.

It is noted that a Mandatory Notifier acting in good faith under the Children, Youth and Families Act 2005 or an adult acting in good faith under Crimes Act (Vic) has certain protections as to privilege and confidentiality.

## 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 Policy for Dealing with Complaints of Historical Child Sexual Abuse. Action may also need to be taken under this Policy if the allegation or disclosure relates to a current School staff member.



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### Applicable Legislation

The legislation relevant to this Policy includes:

Children, Youth and Families Act 2005 (Vic)  
Education and Training Reform Act 2006 (Vic)  
Crimes Act 1958 (Vic)

Crimes Act Amendment (Protection of Children) 2014  
Working with Children Act 2005  
Child Safety and Wellbeing Act 2005

### Related Policies & Documents

"Protecting the safety and wellbeing of children and young people: a joint protocol of the Department of Health and Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools" (May 2010):

<https://www.education.vic.gov.au/school/principals/spag/safety/Documents/protectionofchildren.PDF>

MGS Policies:

- Mandatory Reporting of Child Abuse Policy
- Historical Child Sexual Abuse Policy

### Breaches of these Procedures

The School expects that any School staff member who becomes aware of a breach of these instructions and policy by another School staff member will advise the relevant Head of School, Deputy Headmaster/Head of Senior School or the Headmaster without delay. The School will consider each breach of these procedures in the context in which it has occurred and will determine if the matter is a minor breach or a serious breach. In the case of School employees, a serious breach may result in disciplinary action, up to and including termination of employment. In relation to volunteers and contracted service providers, a breach may result in the termination of the person's engagement with MGS and the withdrawal of permission for them to be on the School premises. For students, this may include expulsion from the School.

### Further Information

Further information concerning any aspect of this policy may be directed to the Headmaster or the Deputy Headmaster/Head of Senior School.