

Make a Report Procedure

Introduction

Gippsland Grammar (the **School**) is committed to protecting its students from all aspects of harm, and has established strategies, practices, policies and procedures to uphold this commitment.

The School takes a zero-tolerance approach to any behaviours that jeopardise student safety (including child abuse and reportable conduct). The School regards its student safety responsibilities with the utmost importance and strives to deliver an academic care model that promotes the School's core values of compassion, leadership, excellence, respect and responsibility.

The School's aim is to create an environment where students can learn in a calm and focused environment characterised by ethical behaviour and defined professional boundaries, and where they feel safe and supported by the School.

This Make a Report Procedure (**Procedure**) is part of the School's Child Protection Program, and sets out the ways in which concerns about child abuse and other reportable conduct may be brought to the School's attention, and will otherwise be dealt with, both internally and in accordance with the School's external reporting obligations.

This Procedure is a procedure for responding to and reporting child abuse allegations for the purpose of *Ministerial Order No.870 – Child Safe Standards – Managing the Risk of Child Abuse in Schools*.

Definitions

A number of terms in this Procedure are defined in the Child Protection Program Definitions document (a copy of which is available on Complispace and the School's website).

Relevant Principles

The School and its staff have a variety of mandatory reporting obligations in relation to child abuse and other reportable conduct. The School is guided by this Procedure to fulfil its obligations and aims to ensure that:

- Its Student Protection Officers (**SPOs**) are carefully selected based on certain attributes and their role in the School;
- Contact details of SPO's are readily available and widely known to the School community;
- All concerns are treated seriously, with the utmost importance and are responded to in an appropriate and sensitive fashion;
- The School and its staff have knowledge and an understanding of their legal obligations with their reporting concerns, and comply with them proactively;
- Investigations are conducted fairly and without bias, promptly and without undue delay;

- All reasonable steps are taken to protect the identity and wellbeing of a student 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; and
- Members of the School community understand and have confidence in the processes that will be followed by the School in response to concerns.

When complying with this Procedure, it must be appreciated that fulfilling the roles and responsibilities contained herein will not displace or discharge any other obligations that arise if a person reasonably believes that a student is at risk of child abuse or reportable conduct.

Raising concerns

This section sets out when or how you may raise concerns with the School about child abuse and other reportable conduct involving a student.

If you have a belief that a student is in immediate danger, you should immediately phone the Police on 000.

If you are a member of the School community (other than a member of staff), with a concern about child abuse or reportable conduct involving a student, then you are encouraged to raise that concern with the Principal, or a member of the Executive Leadership Team or SPO.

As the welfare and the best interests of the student are paramount, you are encouraged to make a report, whether or not you have formed a belief on reasonable grounds that the abuse or conduct has occurred.

Relevant contact details are set out in the below table.

Name	Position	Contact details
Leisa Harper	Principal	Leisa.Harper@gippslandgs.vic.edu.au (03) 5143 6388
Michele Wakeham	Deputy Principal – Teaching and Learning	Michele.Wakeham@gippsland.vic.edu.au (03) 5143 6388
Sam Gladman Liz Bullers	Garnsey Campus SPO	Sam.Gladman@gippslandgs.vic.edu.au Liz.Bullers@gippslandgs.vic.edu.au (03) 5143 6388
Libby Crowe	Bairnsdale Campus SPO	Libby.Crowe@gippslandgs.vic.edu.au (03) 5153 9500
Lisa Goode	St Anne's Campus SPO	Lisa.Goode@gippslandgs.vic.edu.au (03) 5143 7155 ELC – St Anne's

Our Senior Student Protection Officer

The School has appointed the Principal as its Senior Student Protection Officer (**SSPO**). The SSPO has an important role in the promotion and maintenance of a student safe culture at the School.

Where a concern relates to a SPO, they should be reported to the SSPO.

Concerns about the Principal or the Board

Where a concern relates to the Principal or a Board member, concerns should be raised with the Board Chair, by email at board@gippslandgs.vic.edu.au

Alternatively, concerns can be raised with the Commission for Children and Young People on 1300 78 29 78.

How the School will deal with concerns

This section sets out how the School will acknowledge a concern about child abuse or reportable conduct involving a student.

- **Receiving a concern**

A member of School staff, upon becoming aware of a concern, is required to:

- Listen to the concern in a considerate and supportive manner (and appropriately where the concern is coming from a student);
- Identify the party or parties involved;
- Confirm the basic details, without seeking extensive information, casting judgment or asking suggestive or leading questions;
- Take a detailed file note;
- Remain balanced and not assess the validity of the concern(s) being raised;
- 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;
- Confirm that the School takes the concern seriously;
- Offer support to the student(s) involved in the concern, and their families; and
- Outline the process that will be followed by the School in dealing with the concern, in accordance with this Procedure.

The member of School staff should then:

- Consider his or her personal reporting obligations (as summarised in this Procedure).
- If not the Principal, nor an SPO or member of the Executive Leadership Team, notify a SPO about the concern;
- If a SPO or member of the Executive Leadership Team, notify the Principal about the concern;
- If the Principal is the subject of the concern, notify the Board Chair about the concern;

and

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 have been met.

- **Resolving the concern**

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.

The decision-maker will usually be the Principal (or his or her 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.

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, and 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).

To the extent that the School decides it is appropriate or practicable to do so, any investigation will usually involve:

- Interviewing the subject of the concern and key witnesses or individuals (noting that more than one interview may be required);
- Reviewing relevant documents, correspondence and materials of substance;
- Taking notes of any interviews (or where appropriate, transcripts of audio recordings of any interviews) during the investigation; and
- The relevant decision-maker determining whether, on the balance of probabilities, the concern is substantiated.

Witnesses being interviewed will not be unreasonably refused a support person.

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).

Following the conclusion of its investigation, the School will indicate the outcomes of the investigation to:

- The person, or student who raised the concern;
- The person subject of that concern (where appropriate); and
- Any external authorities (including CCYP, Victoria Police, Victorian Institute of Teaching and any other child protection bodies) to whom a report is required to be made.

- **The School may need to adjust this Procedure to reflect the circumstances**

This Procedure 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.

However, where a concern is raised with the School and:

- An investigation by Victoria Police, CCYP or the Victorian Institute of Teaching relevant to the concern is ongoing;
- Civil or criminal proceedings relevant to the concern are ongoing;
- The concern relates to the conduct of current or former students; or
- The concern relates to the conduct of former staff,

it may not be appropriate or possible for the School to investigate that concern in strict accordance with this Procedure. In such circumstances, the School will seek and act on legal advice to comply with this Procedure to the extent it is appropriate to do so (and in particular to protect the health and safety of all current students of the School).

Other considerations

- **Concerns relating to other students**

This Make a Report Procedure also applies to concerns involving the behaviour of other students. 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.

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 the Victoria Police Sexual Offences and Child Abuse Investigation Team (SOCIT).

Subject to any Police clearance which may be required, the School will otherwise deal with student-on-student behavioural issues in accordance with its Building Respectful Relationships Policy and any other relevant student discipline policies and procedures.

- **Records**

The School will make, keep and secure clear and contemporaneous records of any concerns raised in accordance with this Procedure, and the steps taken by the School to respond to those concerns.

- **Support**

The School will afford appropriate support to students the subject of concerns raised under this Procedure.

If a concern involves a student who identifies as Aboriginal or Torres Strait Islander, or is from a culturally and/or linguistically diverse background, steps will be taken to ensure that the student, and his or her family, is supported to understand the situation and are supported, including via the use of an interpreter where required.

If a concern involves a student with a disability, steps will be taken to ensure the student, and his or her family, understand the situation and are supported.

The School will also afford support, where appropriate, to staff who make mandatory reports under this Procedure.

- **Cooperation with the authorities**

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 Procedure or otherwise).

- **Confidentiality**

Appropriate confidentiality will be maintained at all times when dealing with concerns under this Procedure, with information only being provided to those who have a right or otherwise, on a “needs to know” basis.

- **Communication**

Where appropriate, the School will provide parents, carers and guardians with guidance and support where a student is the subject of a concern.

Staff do not require consent from a student’s parents, carers or guardians before making a mandatory report in accordance with this Procedure. Similarly, staff are not required to disclose that a mandatory report has been made.

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.

- **Victimisation is not tolerated**

The School will not tolerate victimisation towards someone because they have raised or participated in a process contemplated by this Procedure, including by raising a concern or making a mandatory report.

The School's reporting obligations

This section sets out the main mandatory reporting obligations that apply to the School and its staff.

The School treats seriously its reporting obligations and recognises that student protection is everyone’s responsibility. Whilst the Principal, the Executive Leadership Team and SPOs 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 Procedure by ensuring that student safety matters are reported internally, and externally where required.

Staff will receive training on their personal reporting obligations to achieve this, which are summarised below:

- **Reporting a Sexual Offence**

The *Crimes Act 1958* (Vic) makes it a crime to fail to disclose a sexual offence against a child.

As a result, anyone (and not just a member of staff) 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.

If you have formed a reasonable belief in relation to a sexual offence, you must immediately report the belief to Victorian Police by calling 000 in an emergency or otherwise, to the Sale Police Station on (03) 5142 2200.

You must then make a further report on each occasion on which you become aware of any further reasonable grounds for the reasonable belief.

Failure to make a report without reasonable excuse is an offence under section 327 of the *Crimes Act 1958* (Vic) and carries a potential prison term. Failure by a person in authority to protect a child from a sexual offence is also an offence under section 49O of the *Crimes Act 1958* (Vic).

However, it may not be an offence not to disclose a sexual offence against a child to Victoria Police if you:

- Have a reasonable fear that reporting your reasonable belief to Victorian 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);
- 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; or
- 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.

In these circumstances, you should seek advice from the Principal, the Executive Leadership Team or an SPO about whether you are still required to make a mandatory report.

- **The Reportable Conduct Scheme**

The *Children Wellbeing and Safety Act 2005* (Vic) established the Reportable Conduct Scheme (**Scheme**) managed by CCYP. The Scheme requires the School to report and investigate reportable allegations (as defined in the Child Protection Definitions).

Further, the Scheme requires the head of an entity (typically the Principal) to do certain things upon becoming aware of a reportable allegation about a member of staff. However, where a reportable allegation is about the Principal, the Board Chair will assume responsibility for complying with a head's obligations under the Scheme.

As soon as practicable after becoming aware of a reportable allegation, the head of the entity must respond to the reportable allegation. This Procedure sets out how the head of the entity will respond to an allegation, by providing a process for the allegation to be investigated and dealt with.

The head of the entity must also make several notifications to CCYP as follows:

- Initial notification – within three (3) *business days* after becoming aware of the reportable allegation
- Update – as soon as practicable and within thirty (30) *calendar days* after becoming aware of the reportable allegation
- Advice about investigation – as soon as practicable
- Outcome(s) of investigation – as soon as practicable

- **Mandatory Reporting**

Mandatory reporters (as defined in the Child Protection Definitions) have mandatory reporting

obligations under the *Children, Youth and Families Act 2005* (Vic). Failure to make a mandatory report can constitute an offence under that Act.

If you are a mandatory reporter, and you have formed a reasonable belief that:

- A child has suffered, or is likely to suffer, significant harm, as a result of physical injury or sexual abuse; and
- The child's parents have not protected, or are unlikely to protect, the child or young person from harm of that type,

you must **immediately** report the belief to Child Protection by calling 1300 655 795 during business hours, or 13 12 78 after hours. Additional reports must be made on each occasion where a mandatory reporter becomes aware of any further reasonable grounds for the belief.

Staff must check whether they are mandatory reporters.

A mandatory reporter must make a report even if a SPO does not share their belief that the report must be made. The School will afford support where appropriate to mandatory reporters who make a report under this Procedure.

- **Victorian Institute of Teaching (VIT)**

In accordance with the *Education and Training Reform Act 2006* (Vic), the School must notify VIT if it has taken any action against a registered teacher in response to allegations:

- Of serious incompetence
- Of serious misconduct
- That the teacher is unfit to be a teacher
- That the teacher's ability to practice as a teacher is seriously detrimentally affected, or likely to be seriously affected, because of an impairment
- Any other actions against a registered teacher that may be relevant to their fitness to teach

The School must also notify VIT if it becomes aware that a registered teacher has been:

- Charged with, convicted or found guilty of certain criminal offences that affect the right to hold a Working with Children Check (**WWCC**)
- Given a negative notice in relation to a WWCC

Communication

This Procedure is available to parents, students and the School community via the School's website.

This Procedure is available to staff as part of the Child Protection Program. The Child Protection Program forms part of the School's induction program for incoming staff, and aspects of (and updates to) the Child Protection Program will be addressed in the School's professional development updates, training programs, bulletins and newsletters.

Authorisation and Evaluation

This document was authorised by the Principal in July 2021.

This document will be reviewed annually.

Related Policies

Child Protection and Safety Policy

Child Safety Staff Code of Conduct

Child Protection Program Definitions

Child Protection Responsibilities