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Procedures to Protect Children from Abuse

1. Rationale/Background

Penleigh and Essendon Grammar School is committed to creating and maintaining a child-safe and child-friendly school, where our children and young people are safe and feel safe. The school has a zero tolerance for child abuse. School staff, Board Directors, contractors, volunteers, visitors and members of the public have a range of reporting and legal obligations to protect children and young people from abuse. All members of the school community, including students, parents and caregivers, have a shared responsibility to respond to and report any instances of suspected child abuse.

This procedure includes obligations under:

- Mandatory reporting obligations to report suspected cases of child abuse (under the *Child Youth and Families Act 2005*) – which apply to **specified professions** (in a school setting these include, but are not limited to, registered teachers, Principals, early childhood teachers and workers, nurses, psychologists, chaplains, and school counsellors or other staff providing student health and wellbeing support)
- Community obligations to disclose or protect a child from sexual abuse (under the *Crimes Act 1958 (Vic)* and *Crimes Amendment (Protection of Children) Act 2014 (Vic)* – which apply to **all adult members of the community (including students aged 18 years and over)**. These are reinforced by criminal offences:
 - failure to disclose a sexual offence
 - grooming for sexual conduct
 - failure to protect a child from sexual abuse
- Reportable Conduct Scheme obligations to report allegations of child abuse and misconduct made against workers or volunteers to the Commission for Children and Young People (CCYP) regulatory body– which applies to the **school (via the Principal)**
- Child Safe Standards and *Ministerial Order No 1359 – Implementing the Child Safety Standards - Managing the risk of child abuse in schools and school boarding premises* – which apply to all of the **school community**, to report any breaches of the **Child Safety Policy, Policy for Interactions of Staff and Students or Codes of Conduct**, which outline expectations for professional conduct and behaviour.

This procedure outlines the steps to **respond** to allegations of child abuse, ensuring each complaint or concern is taken seriously; responded to appropriately; and managed promptly, thoroughly and with sensitivity.

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This procedure also outlines the steps for **reporting** allegations, suspicions or disclosures of child abuse to relevant authorities. In the school environment, these reports and notifications are undertaken by the Principal, Vice Principal or Head of Section, in consultation with others involved.

2. Purpose

The purpose of this procedure is to:

- Ensure staff are aware of and comply with their reporting and legal obligations to protect children and young people from harm
- Outline the process for **reporting** to an incident, disclosure or suspicion of child abuse using the Four Critical Actions
- Outline the process for **reporting** an incident, disclosure or suspicion of child abuse undertaken by the Principal, Vice Principal or Head of Section.
- Outline the process for **reporting** and managing incidents or allegations against school staff, Board Directors, contractors or volunteers through the Reportable Conduct Scheme

3. Scope

This procedure applies to any allegations of child abuse made by or in relation to a child or student, school staff, contractors (including third party providers), volunteers, visitors or other persons while connected to a school environment.

4. Understanding legal obligations relating to suspicions, disclosures or incidents of child abuse

School staff, Board Directors, contractors, volunteers and all adults over 18 years (including students) have a range of reporting and legal obligations to protect children and young people from abuse, report suspected child abuse and provide ongoing appropriate support. These obligations are outlined below.

The Principal, Vice Principal and/or Head of Section are the primary contact for any member of the school community, at the first indication of any incident, disclosure or suspicion of abuse and will facilitate and take responsibility for any required notifications or reporting to authorities.

4.1 Mandatory reporting

Specified professions (refer to definitions section) are identified as mandatory reporters, under the *Child Youth and Families Act 2005*. In a school setting these include, but are not limited to, registered teachers, Principals, early childhood teachers and workers, nurses, psychologists, chaplains, and school counsellors or other staff providing student health and wellbeing support.

A mandatory reporter must report to **Child Protection** (under the Department of Families Fairness and Housing (DFFH)) as soon as practicable, if in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that:

- A child (under 17 years) has suffered, or is likely to suffer, significant harm as a result of physical and/or sexual abuse and
- The child's parents have not protected or are unlikely to protect the child from harm of that type.

If a mandatory reporter witnesses, suspects or receives a disclosure of child abuse, including exposure to family violence, they will need to determine whether they have formed a reasonable belief or belief on reasonable grounds that a child has or is being abused or at risk of being abused. Reporters are not expected to have evidence or be certain. Child Protection will assess the report and decide how to respond. Forming a belief on reasonable grounds may include:

- A child stating they have been abused
- Any person telling you they believe someone has been abused (sometimes the child may be talking about themselves)

- Physical indicators of abuse such as non-accidental or unexplained injuries; persistent neglect; or inadequate care and supervision lead you to believe that the child has been abused
- Behavioural indicators of abuse lead you to believe the child has been abused
- Other signs such as family violence, parental substance misuse, psychiatric illness or intellectual disability that is impacting the child's safety, stability or development.

It may be a criminal offence not to report in these circumstances.

Reporters should refer to the [Four Critical Actions for Schools](#) which outlines the steps to respond to incidents, disclosures and suspicions of child abuse.

If a reporter believes the child is not subject to abuse, but still holds significant concerns for their wellbeing, they still must act. This may include making a referral or seeking advice from:

- **Orange Door** Family Violence support service – if the family are open to receiving support
- **Child Protection**
- **Victoria Police**

Contact details and additional resources are listed below.

4.2 Community obligations and associated criminal offences

All adult members of the community in Victoria, have obligations to disclose or protect a child from sexual abuse under the *Crimes Act 1958 (Vic)* and *Crimes Amendment (Protection of Children) Act 2014 (Vic)*. These are reinforced by criminal offences:

- failure to disclose a sexual offence
- grooming for sexual conduct
- failure to protect a child from sexual offence.

4.2.1. Failure to disclose a sexual offence

All adults over 18 years in the community 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.

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.

If an adult reasonably believes that a sexual offence has been committed against a child under the age of 16 years by another adult, then they must call Victoria Police on 000 or the local police station.

The school will provide support for members of its community to undertake this responsibility.

4.2.2. Grooming for sexual conduct

The criminal offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time. Any adult over the age of 18 years that communicates, by word or conduct, with a child under the age of 16 years, or with a person who has care, supervision or authority for the child, with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.

Grooming can be conducted in person or online (e.g. via social media, web forums or emails). Grooming does not necessarily involve any sexual activity or even discussion of sexual activity, for example it may involve establishing a relationship with the child, parent or caregiver for the purpose of facilitating sexual activity at a later time.

The school is committed to protecting students from this conduct. Any suspicions of grooming behaviour should be reported to the **Principal** and/or **Victoria Police** immediately.

4.2.3. Failure to protect a child from sexual abuse

Any person in a position of authority (at organisations that provide services to children), including Principals or school leadership staff, who becomes aware that an adult associated with the school (employee, contractor, volunteer or visitor, or student over 18 years) poses a risk of sexual abuse to a child under the care of the school (including grooming) 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.

4.3 Reportable Conduct Scheme

Registered schools are in scope of the Reportable Conduct Scheme, under the *Child Wellbeing and Safety Act 2005*. This scheme applies to allegations raised about the conduct of the following people (over 18 years of age) employed or engaged by the school:

- Employees
- Volunteers
- Contractors
- Office holders
- Ministers of religion and Officers of a religious body
- Labour hire workers (including agency workers, relief teachers, support workers at kindergartens, students on placements at schools) as at 1 July 2024.

There is an allegation of reportable conduct where a person has a reasonable belief that there has been:

- A sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child
- Behaviour causing significant emotional or psychological harm to a child
- Significant neglect of a child
- Misconduct involving any of the above.

This applies whether the alleged victim is or was a student at the school.

All allegations of reportable conduct must be reported to the Principal. The Principal has obligations to report this to the **Commission for Children and Young People (CCYP)**

4.4 Child Safe Standards and breaches to Child Safety Policies or Codes of Conduct

All schools are required to comply with the Child Safe Standards and Ministerial Order 1359 to create and maintain a child safe organisation where children and young people are protected from abuse.

The school's **Child Safety Policy, Policy for Interactions of Staff and Students** and **Codes of Conduct** set out the expectations for professional conduct and behaviour for all staff (and others interacting with students), contractors, volunteers, visitors and parents/caregivers, when interacting with children.

Any identified breaches of these policies or codes of conduct should be discussed with and reported to your Head of Section or Director, Vice Principal or Principal.

4.5 Duty of care

All school staff have a duty of care to take reasonable steps to protect children in their care from harm that is reasonably foreseeable. In relation to child abuse, reasonable steps include (but are not limited to):

- Acting on concerns and suspicions of abuse as soon as practicable
- Seeking appropriate advice or consulting with other professionals or agencies

- Reporting the suspected child abuse to appropriate authorities such as Victoria Police or Child Protection (referring to the [Four Critical Actions for Schools](#))
- Arranging counselling and/or other appropriate welfare support for the child
- Providing ongoing support to the child or young person
- Sharing information with other school staff who will also be responsible for providing ongoing support for the child

4.6. Student sexual offending

Student sexual offending refers to sexual behaviour that is led by a student 12 years and over which may amount to a sexual offence. These offences may include sexual assault, rape or indecent acts.

Under Victorian law children between 12-15 years can only consent to sexual activity with a peer no more than two years their senior. They must also have the capacity to understand the context and possible consequences of the act. Therefore, sexual contact led by a student with a child outside of these age parameters may amount to student sexual offending.

School community members that witness an incident, receive a disclosure or form a suspicion that a student is a victim of a student sexual offending, or a student has engaged in student sexual offending then they must act by contacting the Principal and referring to the [Four Critical Actions for Schools: Responding to Student Sexual Offending](#).

5. Student pathways for reporting child abuse

Everyone has the right to be safe and protected from abuse.

No one should behave in a way that makes you feel unsafe or afraid, including anyone in your family, anyone at school or anywhere else in the community.

It's everyone's responsibility.

Adults must listen and respond to concerns about child abuse. If you suspect abuse of any child or young person, you have the responsibility to report it, even if you are not sure.

Students may experience abuse (of any form including physical and sexual abuse) by another student or an adult from within or outside the school, or they may observe or suspect that another student has experienced or is experiencing abuse.

Any student who has experienced any form of abuse or suspects that another student has been the subject of abuse, should report this as soon as possible to:

- Student Safety Officer
- Head of Section
- Coordinator
- Teacher
- School Psychologist or Chaplain
- Or other trusted adult at the school.

This staff member you report to may refer you to the Head of Section and both of them may then discuss with you any relevant information regarding this report of abuse, including those involved, so that they can gather the right information to proceed with the necessary steps to keep the student and others safe.

It is important to keep this information confidential and not to discuss this with other students or staff, while the investigation and response is underway.

The students impacted, including bystanders, will be provided with appropriate support, this may take the form of a support plan.

The Head of Section will keep you informed of the progress of the investigation and response.

Contact the Head of Section immediately if any other incidents or suspected abuse occurs.

6. Responding to incidents, disclosures or suspicions of child abuse

All members of the school community must act if they:

- Witness or observe an incident of child abuse
- Receive a disclosure of child abuse
- Form a reasonable belief or suspicion that a child has been, is being or is at risk of being abused, including exposure to family violence.

All staff members must contact their relevant Head of Section, Vice Principal or Principal in the first instance. They will facilitate the response and undertake any notification or reporting to relevant authorities, in consultation with you.

Steps for school personnel in **responding** to incidents, disclosures or suspicions of abuse:

- a) Treat all disclosures, complaints or concerns seriously
 - Listen attentively and with empathy
 - Take notes if appropriate, with their permission
 - Reassure the person that their concern will be responded to promptly, thoroughly and sensitively
 - Inform the person that you must discuss this with the Head of Section, Vice Principal or Principal who will work together with you to undertake the necessary steps to keep them safe
 - Continue to communicate with the person about each step in the process.
- b) Contact your Head of Section, Vice Principal and/or Principal as soon as possible.

AND

- c) Take any appropriate emergency action if the child is in immediate risk to their health and safety or requiring first aid or medical attention.

The remaining steps will be facilitated by the Head of Section, Vice Principal and/or Principal. They will work collaboratively and in consultation with you throughout the process.

- d) Notify the Principal, if this hasn't already occurred.
- e) The Principal, Vice Principal and/or Head of Section, will refer to the [Four Critical Actions for Schools](#) and follow the appropriate steps, in consultation with you.
 1. Respond to an emergency
 2. Report to authorities / referral to services
 3. Contact parents/caregivers
 4. Provide ongoing support
- f) The Principal, Vice Principal or Head of Section will document all details of the incident, disclosure or suspicion of child abuse and the school's response. This may include referring to the [PROTECT Recording your actions Template](#).

- g) The Principal, Vice Principal or Head of Section will make arrangements to report to relevant authorities such as **Victoria Police** and **Child Protection** in consultation with you.
- h) The Principal will make any required notifications and reports to the **Commission for Children and Young People (CCYP)**.
- i) The Principal will advise when appropriate notifications and reports have been completed.
- j) The Principal must consult with Child Protection or Victoria Police to determine what information can be shared with parents/caregivers. They may advise:
 - not to contact the parents/caregivers where the allegations may be against them
 - to contact parents/caregivers and provide agreed information – this contact must be made as soon as possible
 - how to communicate with all relevant parties with consideration of their safety

Following such advice from Child Protection and Victoria Police, the Principal will contact parents or caregivers as directed.

- k) Provide appropriate ongoing support to the student such as the development of a Student Support Plan, in consultation with wellbeing professionals. Some additional strategies may include development of a safety plan, direct support and referral to wellbeing professionals and supports.
- l) Provide support to any other person affected by the incident or allegations.

7. Reporting child abuse to relevant authorities

This section follows on from the process for responding to incidents, disclosures or suspicions above. Steps under this section are led by the Principal, Vice Principal and/or Head of Section.

Steps for **reporting** incidents, disclosures or suspicions to relevant authorities, undertaken by the Principal, Vice Principal or Head of Section in consultation with you:

If the source of suspected abuse is a person **within the school**:

- a) Notify the Principal, if this hasn't already occurred.
- b) The Principal, Vice Principal or Head of Section will report the suspected abuse to **Victoria Police** by contacting the local police station.
- c) The Principal, Vice Principal or Head of Section will report the suspected abuse internally to the Principal and/or the Board Chairperson, as soon as practicable.
- d) The Principal will report the suspected abuse to the **Commission for Children and Young People (CCYP)** by contacting them by phone on **1300 782 978**, within three days of the incident, disclosure or suspicion.
- e) The Principal will report the identified abuse/reportable conduct to any other relevant authorities where applicable (e.g. Victorian Institute of Teaching (VIT), WorkSafe, eSafety Commissioner, Office of the Australian Information Commissioner etc)
- f) The Principal will conduct an investigation, subject to police clearance on criminal matters, and advise the CCYP of who is undertaking the investigation.
- g) The Principal will provide the CCYP with detailed information of the incident and any actions taken by the school, within 30 days of the incident/allegation.

- h) The Principal will fulfill any information sharing obligations for the Child Information Sharing Scheme (CISS).
- i) The Principal will ensure any records of the incident, disclosure or suspicion are completed and retained by the school.
- j) The Principal will report the outcome to the Board of Directors.
- k) The Principal will report the findings, reasons for the outcome and any disciplinary action to CCYP at the conclusion of the investigation.

If the source of suspected abuse is a person **within the family or community**:

- a) The Principal, Vice Principal or Head of Section will report the suspected abuse to **Child Protection** by contacting them by phone on **1300 664 977**, if the child is considered to be needing protection from child abuse and at risk of harm (or has been harmed) and the harm impacts the child's safety, stability or development.
- b) The Principal, Vice Principal or Head of Section will report all instances of suspected sexual abuse (including grooming) to **Victoria Police** by contacting the local police station.
- c) The Principal, Vice Principal or Head of Section will report the suspected abuse internally to the Principal or the Board Chairperson as appropriate and to any other relevant authorities where applicable.

Authority	Contact details
Emergency services: Police Ambulance Fire	In an Emergency Call 000
Victoria Police	Moonee Ponds Police Station Address: 766 Mt Alexander Rd, Moonee Ponds VIC 3039 Phone: (03) 9373 5200 Fax: (03) 9244 2274 Email: MOONEEPONDS-UNI-OIC@police.vic.gov.au
Child Protection	North Division Phone: 1300 664 977 After Hours, Weekends, Public holidays Phone: 13 12 78
Commission for Children and Young People (CCYP)	Phone: 1300 782 978 https://ccyp.vic.gov.au/reportable-conduct-scheme/about-reporting-allegations/
Orange Door	Orange Door Broadmeadows 1093 Pascoe Vale Rd Broadmeadows VIC 3047 1800 271 151

Authority	Contact details
	hma@orangedoor.vic.gov.au Phone 1800 737 732 (1800RESPECT) https://www.vic.gov.au/about-the-orange-door

8. Privacy and information sharing

Subject to the conditions of the Child Information Sharing Scheme (CISS) or Family Violence Information Sharing Scheme (FVISS) and when certain threshold requirements are met, the school will share confidential health and personal information with other Information Sharing Entities, including family services, within a reasonable period of time. Refer to the Privacy Policy for additional information about this procedure.

9. Risk management

The school manages child safety risks via the Child Safety Risk Register and reports these risks to the Board of Directors on an annual basis, in accordance with the Child Safety Policy. Activity-specific risk assessments are completed for excursions, camps and trips which identify and mitigate Child Safety related risks.

10. Definitions

Term	Meaning
Child abuse	Child abuse includes any act committed against a child involving <ul style="list-style-type: none"> • A sexual offence • Grooming • Physical violence • Serious emotional or psychological harm • Serious neglect of a child Source: Child Wellbeing and Safety Act 2005
Child-connected work	<ul style="list-style-type: none"> • work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present • occasional direct or indirect contact with children that is incidental to the work may occur Note: Working with Children clearance is required by law only for people who engage in child-related work. Schools may also choose to require suitability checks (including Working with Children clearance) for visitors and volunteers engaging in child-connected work. Source: Ministerial Order 1359
Child-related work	<ul style="list-style-type: none"> • involves an adult working with children under 18 years old (both paid and unpaid work) • having direct contact with children (physical, face-to-face, written, oral or electronic contact) and • is a usual part of the person's duties (and is not occasional or incidental to their work) Source: Ministerial Order 1359
Mandatory reporter	Individuals who are required to report: <ul style="list-style-type: none"> • Victorian Institute of Teaching (VIT) registered teachers, including principals and early childhood teachers • School staff who have been granted permission to teach by VIT

Term	Meaning
	<ul style="list-style-type: none"> • Registered medical practitioners, nurses and midwives • Police officers • Registered psychologists • People in religious ministry • Early childhood workers • Youth justice workers • Out of home care workers • School counsellors including staff who provide direct support to students for mental, emotional or psychological wellbeing (including school health and wellbeing staff, primary welfare officers, student wellbeing coordinators, mental health practitioners, chaplains, student support services staff)
Reasonable belief	<p>A reasonable belief is formed if a reasonable person, in the same position, would have formed the belief on the same grounds. This includes the observation of signs of sexual abuse when the person making the observation is not in a professional role. A reasonable belief that a child is in need of protection is likely formed in circumstances where:</p> <ul style="list-style-type: none"> • A child states they have been physically or sexually abused • A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves) • Someone who knows a child states that the child has been physically or sexually abused • Professional observations of the child’s physical condition or behaviour or development lead a professional to form a belief that a child has been physically or sexually abused • Other circumstances lead to the suspicion that a child has been abused
Reasonable excuse (Under Failure to disclose offence)	<p>A reasonable excuse under the Failure to Disclose offence includes:</p> <ul style="list-style-type: none"> • A reasonable fear exists for their own or another person’s safety (other than the perpetrator) • A reasonable belief exists that the information has already been reported to Victoria Police or Child Protection authorities and the person has no new information to add to the disclosure • The information is disclosed in confidence to a counsellor or registered medical practitioner • The victim is 16 years or older and requests confidentiality • The person is a child when they form a reasonable belief • The information would be privileged • The information is in the public domain.
Grooming	<p>Grooming is when a person engages in predatory conduct to prepare a child or young person for sexual activity at a later time.</p> <p>Grooming can include communicating or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer.</p> <p>Examples of grooming behaviour may include:</p> <ul style="list-style-type: none"> • giving gifts or special attention to a child or young person, or their parent or carer, making the child or young person feel special or indebted to an adult

Term	Meaning
	<ul style="list-style-type: none"> • making close physical contact sexual, such as inappropriate tickling and wrestling or play fighting • openly or pretending to accidentally expose the victim to nudity, sexual material and sexual acts (this in itself is classified as child sexual abuse but can also be a precursor to physical sexual assault) • controlling a child or young person through threats, force or use of authority making the child or young person fearful to report unwanted behaviour. <p>Groomers may rely on mobile phones, social media and the internet to interact with children in inappropriate ways and will often ask the child to keep their relationship a secret. The grooming process may continue for months before the offender arranges a physical meeting.</p> <p>Grooming is now a criminal offence under the Crimes Act 1957. This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in a sexual activity at a later time.</p> <p>Source: Child sexual exploitation and grooming</p>
Reportable conduct	<p>There is an allegation of reportable conduct where a person has a reasonable belief that there has been:</p> <ul style="list-style-type: none"> • A sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child • Behaviour causing significant emotional or psychological harm to a child • Significant neglect of a child • Misconduct involving any of the above <p>by a staff member, Board Director or office holder, contractor, or volunteer</p>

11. Related Legislation, Regulations and Standards

- Education and Training reforms Act 2006
- Ministerial Order No. 1359 Implementing the child safe standards – managing the risk of child abuse in schools and school boarding premises
- Child Safe Standards
- Child Wellbeing and Safety Act 2005 (Vic)
- Child Wellbeing and Safety Regulations 2017
- Child Youth and Families Act 2005 (Vic)
- Reportable Conduct Scheme
- Crimes Act 1958 (Vic)
- Crimes Amendment (Grooming) Act 2014 (Vic)
- Failure to Protect Offence
- Failure to Disclose Offence

12. Related Documents

- Bystander Code of Conduct
- Child Safety Policy
- Code of Conduct for staff and others interacting with students

- Code of Conduct for visitors and others with incidental contact with students
- Parent Code of Conduct
- Policy for Positive Interactions of Staff and Students
- Policy of Mutual respect
- Privacy Policy
- ICT Policy
- Complaints and Appeals Policy (for students)
- Complaints and Appeals Policy (for parents)

13. References and Resources

- [Department of Education Protecting Children - Reporting and Other Legal Obligations](#)
- [Victorian Government - Report child abuse in schools](#)
- [Child Safe Standards and Reportable Conduct Scheme](#)
- [Identifying signs of child abuse](#)
- [Failure to disclose offence](#)
- [Grooming offence](#)
- [Failure to protect offence](#)
- [Identifying and Responding to All Forms of Abuse in Victorian Schools](#)
- [Four Critical Actions for Schools](#)
- [Identifying and Responding to Student Sexual Offending](#)
- [Four Critical Actions for Schools: Responding to Student Sexual Offending](#)
- [Recording your actions: Responding to suspected child abuse – A template for Victorian schools](#)
- [Principal Checklist Responding to Student Sexual Offending](#)

14. Appendices

Appendix 1: Four Critical Actions for Schools

Appendix 2: Flowchart for Protecting Children from Abuse