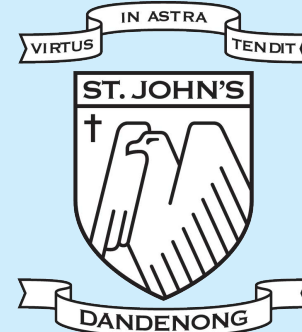




## PROTECT Procedure

### Responding to student sexual offending



## Purpose

This procedure seeks to ensure that all staff are aware of and follow their obligations in recognising and reporting suspected student sexual offending.

All school staff have a duty of care towards all students impacted by student sexual offending (including an alleged victim, the student engaging in the behaviours and any other impacted students).

## Scope

All Melbourne Archdiocese Catholic Schools Ltd (MACS) staff members (which includes the MACS board directors, board committee members, school staff, volunteers, contractors, other service providers and those in religious ministry) must take any complaint or concern relating to student sexual offending seriously. Staff have a range of reporting and legal obligations to report suspected student sexual offending and provide ongoing support. These obligations may overlap, and multiple reports may need to be made in a single circumstance. Obligations include:

- the Victorian Child Safe Standards
- the Reportable Conduct Scheme
- mandatory reporting
- criminal offences – failure to disclose, failure to protect and grooming
- duty of care
- responding to student sexual offending
- responding to significant concerns for the wellbeing of a child.

Staff must act, and follow the [Four Critical Actions for Schools: Responding to Student Sexual Offending](#), as soon as they become aware of a student sexual offending incident. Staff must ensure that they act promptly and thoroughly in their response. The response to any child safety concern or complaint must not undermine a student's right to privacy, access to information, social connection or learning opportunities.

This procedure does not apply to harmful sexual behaviours in students under the age of 10. In this circumstance, contact the MACS Student Wellbeing Information and Support Service (SWISS) who can facilitate internal referrals through the MACS Complex Issue Management Team if required.

## Procedures

### Becoming aware of a student sexual offending incident

There are several ways which a staff member may become aware that a child is experiencing, or is at risk of experiencing a sexual offence from another student:

#### Witnessing an incident

Any staff who witness an incident and believe a child has been subjected to, or may be at risk of, abuse, including student sexual offending, must first take immediate action (refer to [Critical Action 1: Responding to an emergency](#)) to protect the safety of the child or children involved.

#### Forming a suspicion or reasonable belief

All suspicions that a child has been a victim of student sexual offending and/or a student has engaged in student sexual offending must be taken seriously, including suspicions that the abuse is taking or may take place outside school grounds or

|                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                         | <p>areas. If a suspicion develops into a reasonable belief, staff must act.</p> <p>In some circumstances, staff may also form a reasonable belief that a student's sexual behaviour is indicative of their own experience of child abuse.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>Receiving a disclosure about or from a current student</b></p> <p><i>The role of staff remains the same if disclosures are made by a past student, parent/guardian/carer, a sibling or a peer, or if disclosures involve family violence.</i></p> | <p>All disclosures must be treated seriously. You should immediately follow the Four Critical Actions below.</p> <p>Staff should reassure and support a child or young person who makes a disclosure of student sexual offending and ensure that the disclosure is taken seriously. Staff should never promise to keep any disclosures confidential, as all disclosures of abuse must be reported.</p> <p>For strategies on how to manage a disclosure, refer to <a href="#">PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools</a> and the PROTECT page on the CEVN website <a href="https://cevn.cecv.catholic.edu.au">https://cevn.cecv.catholic.edu.au</a> under <i>Student Support</i> / <a href="#">PROTECT</a>.</p> |
| <p><b>Receiving a disclosure about or from a former student</b></p>                                                                                                                                                                                     | <p>If a disclosure is received from a former student about historical student sexual offending, staff must act.</p> <p>If the former student is currently of school age and attending a Victorian school – follow the Four Critical Actions as soon as practicable.</p> <p>If the former student is no longer of school age or attending a Victorian school – report to Victoria Police.</p>                                                                                                                                                                                                                                                                                                                                                           |

## Notes and records

All staff members are to keep clear and comprehensive notes relating to incidents, disclosures and allegations of student sexual offending and may find it helpful to use the [PROTECT: Responding to Suspected Student Sexual Offending: Template for Victorian Schools](#).

If a staff member decides not to make a report, they must still accurately document their notes relating to the incident, disclosure or allegation of student sexual offending.

Notes and records must be kept securely on school grounds and must not be destroyed as per the *Public Records Act 1973* (Vic.).

## The Four Critical Actions

There are Four Critical Actions for Schools, which must be taken when responding to and reporting a student sexual offending incident, disclosure or suspicion:

### Critical Action 1: Responding to an emergency

*This first step is only applicable if a child has just been abused or there is a risk of immediate harm.*

*If this is not the case, go straight to [Critical Action 2: Reporting to authorities](#).*

If student sexual offending has just taken place, or is at risk of taking place, you must take reasonable steps to protect all impacted students, including:

- separating the alleged victim and others involved, ensuring that if the parties involved are all present at the school, they are supervised separately by a school staff member
- arranging and providing urgent medical assistance where necessary, including administering first aid or calling 000 for an ambulance

- calling 000 for urgent police assistance if the person who is alleged to have engaged in the student sexual offending poses an immediate risk to the health and safety of any person.

If the incident has occurred at school or in a school environment (e.g. camp, excursion), staff should also ensure that reasonable steps are taken to preserve the environment, the clothing and other items, and to prevent any potential witnesses (including school staff members, volunteers and contractors) from discussing the incident until Victoria Police or relevant authorities arrive on the premises.

## Critical Action 2: Reporting to authorities

*Following any incident, suspicion or disclosure of student sexual offending, a report must be made as soon as possible to the appropriate authorities.*

*Failure to report physical and sexual child abuse may amount to a criminal offence.*

**In all cases, staff members must report internally to the principal or, if the principal is unavailable, to the leadership team.**

### Keep notes

Keep comprehensive notes that are dated and include:

- a description of the concerns (e.g. physical injuries, student behaviour)
- the source of those concerns (e.g. observation, report from child or another person)
- the actions taken as a result of the concerns (e.g. consultation with the principal, report to the Department of Families, Fairness and Housing (DFFH) Child Protection).

The template provided in [PROTECT: Responding to Suspected Student Sexual Offending: Template for Victorian Schools](#) can be used.

Ensure all notes are stored according to the *Public Records Act 1973* (Vic.).

### Discuss concerns

Due to the complexity of student sexual offending incidents, disclosures and suspicions, it is recommended that concerns and observations regarding sexual abuse of a child are discussed with:

- the principal or a member of the leadership team
- and/or MACS SWISS
- and/or the MACS Regional General Manager (RGM).

This is not a legal requirement, however, it will help to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.

Staff (particularly mandatory reporters) must then make their own assessment about whether they are required to make a report about the child or young person and to whom the report should be made. It is important to remember that the duty to report student sexual offending, or suspicions of student sexual offending, exists even if the principal, member of the leadership team or a representative of MACS advises you not to proceed.

### Gather and document information

The relevant information necessary to make the report includes:

- full name, date of birth and residential address of both the student alleged to have engaged in the student sexual offending and the victim

- details of the concerns and the reasons for those concerns
- your involvement with the student(s)
- details of any other agencies which may be involved with either student.

This information can be collected and documented using [PROTECT: Responding to Suspected Student Sexual Offending: Template for Victorian Schools](#).

It is critical that consulting and completing the template does not impact on reporting times.

### **Make the report**

*To report concerns which are life-threatening, phone 000 or the local police station.*

Where there is an incident, allegation or you form a suspicion that a student is a victim of student sexual offending and/or a student has committed student sexual offending:

- contact Victoria Police
- report internally to the principal, or a member of the leadership team if the principal is unavailable
- contact MACS SWISS.

Where the victim's parents/guardians/carers are unable to protect the child, and/or the student who is alleged to have engaged in the sexual offending is:

- over 10 and under 15 years of age and may need therapeutic treatment to address their sexually abusive behaviours
- exhibiting behaviour that leads you to form a reasonable belief that they may be a victim of child abuse

you must:

- report the matter to [DFFH Child Protection](#) if you consider the child to be in need of protection due to child abuse, or that they have been, are being or are at risk of being harmed due to any form of abuse, including family violence. If after hours, call the Child Protection Emergency Service on 13 12 78
- report internally to the principal, or a member of the leadership team if the principal is unavailable
- contact MACS SWISS.

### **Document written records of report**

Make a written record of the report, including:

- the date and time of the report, and a summary of what was reported
- the name and position of the person who made the report
- the name, position and contact details of the person who received the report.

All information provided to either Victoria Police or DFFH Child Protection must be stored securely and maintained indefinitely by the school to ensure that records are accessible upon request by external authorities investigating the matter.

### **Additional steps for overseas students**

Where a student sexual offending incident, disclosure or suspicion involves an international student at the school and the school has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter for that student (thereby assuming responsibility for the child's accommodation, support and general welfare), the school will also need to contact the Victorian Registration and Qualifications Authority (VRQA).

### **Making additional reports**

If after a report is made, staff continue to suspect that a child is at risk and in need of protection, any further observations or incidents should continue to be recorded and a report made on each separate occasion where a reasonable belief has been formed that a child is a victim of student sexual offending or has engaged in student sexual offending.

Where a staff member is aware that another school staff member has formed a reasonable belief about the same child on the same occasion or based on the same indicators of student sexual offending, and has made a report to the appropriate authority, the staff member need not make a further report.

However, if the staff member has formed a reasonable belief of further student sexual offending on different observations, further indicators or additional information, a further report must be made to the appropriate authority detailing this additional information.

### **Harmful sexual behaviour**

Most children and young people are likely to engage in some level of age-appropriate sexual behaviour as part of typical development. Research identifies a continuum of sexual behaviours from common sexual play through to very concerning sexual behaviour.

Harmful sexual behaviour in children under 10 years may include:

- frequent, repeated behaviour, for example, compulsive masturbation
- sexual behaviour between children who do not know each other well
- high-frequency occurrences of sexual behaviour that interfere with normal childhood activities
- sexual behaviour associated with emotional distress
- sexual behaviour between children of different ages and developmental levels
- aggressive, forced and/or coerced interaction between children
- behaviour that does not stop once the child is told to stop, or occurs in secret
- behaviour that causes harm to the child or other children.

Students older than 10 may also exhibit harmful sexual behaviours that are not sexual offending.

In all cases, staff need to consider whether the behaviour is abnormal, whether the child should be referred for specialist

assistance, and when to report an incident to the appropriate agencies. School staff should consider:

- consulting with wellbeing professionals (including student support services) to support the student displaying problem sexual behaviours
- convening a student support group
- developing a student support plan to determine and document support strategies for students displaying problem sexual behaviours and strategies to maintain the safety of other students and school community members
- whether the child may be the victim of child abuse and the harmful sexual behaviour may be a physical or behavioural indicator that this may be occurring. Harmful sexual behaviour in a child does not necessarily indicate that the child has been sexually abused. However, if staff form a reasonable belief that the child is being abused within the family or community, they must report to DFFH Child Protection and/or Victoria Police.

If you are unsure of what action to take in response to your concerns about a child, speak to the principal or a member of the school's leadership team, or contact DFFH Child Protection or The Orange Door for further advice. Staff can also contact MACS SWISS or MACS Legal and Professional Standards Unit for advice.

### Critical Action 3: Contacting parents/guardians/carers

*Following an incident, disclosure or suspicion of student sexual offending, timely communication with parents/guardians/carers of impacted students can be critical.*

*However, **school staff must always seek advice from Victoria Police or DFFH Child Protection** to ensure that it is appropriate to contact the parents/guardians/carers.*

Advice from Victoria Police or DFFH Child Protection will depend on several factors, including whether:

- a disclosure to the parents/guardians/carers may result in abuse to the child
- the child is a mature minor and has requested that their parents/guardians/carers not be notified – the school should insist that another responsible adult is notified in lieu of the parents/guardians/carers
- the notification of parents/guardians/carers would adversely affect an investigation of the matter by external authorities.

Where advised that it is appropriate to do so, school staff should make sensitive and professional contact with parents/guardians/carers as soon as possible, on the day that school staff became aware of the incident, disclosure or suspicion of student sexual offending.

### Critical Action 4: Providing ongoing support

*Staff members have a critical role to play in supporting students impacted (including students who are victims of student sexual offending, students who have engaged in student sexual offending and students who have witnessed or otherwise been impacted*

Support provided to students includes (but is not limited to):

- regular communication with the student or students and their parents/guardians/carers where appropriate
- a Student Support Group of school wellbeing staff and teachers to plan, support and monitor affected students
- Student Support Plans for students impacted by the incident to ensure appropriate levels of care and support are provided depending on their involvement
- access to counselling

*by student sexual offending) to ensure that they feel supported and safe at the school.*

- contacting MACS SWISS for information regarding the range of school-based support services that may be available (e.g. SAFEMinds, referrals to family violence services, Centres Against Sexual Assault (CASA) or headspace, Child Youth Mental Health Service (CYMHS)).

Our school and MACS, as our governing body, have a duty to provide support to staff who have witnessed an incident or disclosure, or who have made a report to external authorities about student sexual offending. Staff may have also experienced child abuse or sexual offending in their own lives. Staff requiring wellbeing support can contact the relevant Employee Assistance Program (EAP) provider.

A review of the reporting process must occur four to six weeks after a report has been made to identify if any further follow-up support actions are needed.

### **Providing developmentally and culturally appropriate support**

While a child or young person's background should not impact a decision to report suspected abuse, it is important to be sensitive to their individual circumstances when providing support and working with families impacted by abuse. Considering the diversity of all children may include (but not be limited to):

- Children with disabilities
  - consider their chronological age, developmental age and cognitive functioning to tailor developmentally appropriate support strategies
  - consider vulnerability to ongoing abuse.
- Aboriginal and Torres Strait Islander children
  - consider culturally appropriate support.
- Children from Culturally and Linguistically Diverse (CALD) backgrounds
  - consider culturally appropriate support that ensures the child's safety and wellbeing
  - engage interpreters as necessary to assist communication and engagement with family members.
- Children from refugee backgrounds
  - trauma, dislocation and loss may impact both the child/ young person and their family. Specialist support services may be consulted as required
  - engage interpreters as necessary to assist communication and engagement with family members.
- International students
  - additional supports must be considered given the child's family may not be present to provide support in the home environment.

## **Potential consequences of making a report**

### **Confidentiality**

The identity of a reporter must remain confidential unless:

- the reporter chooses to inform the child, young person or parent of the report

|                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                              | <ul style="list-style-type: none"> <li>the reporter consents in writing to their identity being disclosed</li> <li>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</li> <li>a court or tribunal decides that, in the interests of justice, the reporter is required to provide evidence.</li> </ul> <p>In the event there is a breach of your confidentiality, and the above exceptions do not apply, please contact the MACS Legal and Professional Standards Unit.</p> |
| <b>Professional protection</b>               | <p>If a report is made in good faith:</p> <ul style="list-style-type: none"> <li>it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter</li> <li>the reporter cannot be held legally liable in respect of the report.</li> </ul>                                                                                                                                                                                                                                                                                      |
| <b>Interviews</b>                            | <p>DFFH Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without their parent/guardian/carer's knowledge or consent.</p> <p>When external authorities are investigating a report of abuse or risk of abuse, it is the role of the principal to ensure that students are supported throughout interviews at the school.</p> <p>For more information, refer to PROTECT Procedure: Police and Child Protection interviews at school.</p>                                                                              |
| <b>Support for the child or young person</b> | <p>The roles and responsibilities of the principal or other school staff in supporting children who are involved with DFFH Child Protection may include:</p> <ul style="list-style-type: none"> <li>acting as a support person for the child or young person</li> <li>attending DFFH Child Protection case-planning meetings</li> <li>observing and monitoring the child's behaviour</li> <li>liaising with professionals.</li> </ul>                                                                                                                                       |
| <b>Requests for information</b>              | <p>DFFH Child Protection and/or The Orange Door and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.</p> <p>Refer to PROTECT Procedure: Responding to Police and Child Protection requests for further information.</p>                                                                                                                                                                                                                                  |
| <b>Witness summons</b>                       | <p>If DFFH Child Protection makes a protection application in the Children's Court of Victoria, any party to the application may issue a witness summons to produce documents and/or to give evidence in the proceedings.</p> <p>Where schools receive a subpoena or witness summons, they should contact the MACS Legal and Professional Standards Unit for support and advice.</p>                                                                                                                                                                                        |
| <b>Responding to complaints or concerns</b>  | <p>Complaints or concerns about staff management of a child abuse incident may be received. These complaints or concerns may be voiced by parents/guardians/carers or others.</p> <p>The Complaints Handling Policy must be followed to ensure that all complaints, concerns or feedback on school policies, procedures or processes are effectively captured and appropriately managed.</p>                                                                                                                                                                                |

If the complaint raises concerns that child abuse or a risk of child abuse has gone unreported, or provides further information about a report, the [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) must be followed to ensure that any new information received through a complaint or concern is reported to authorities where required.

## Definitions

### Child abuse

Child abuse includes:

- (a) any act committed against a Child involving:
  - (i) a sexual offence
  - (ii) an offence under section 49B(2) of the Crimes Act 1958 (grooming)
- (b) the infliction, on a Child, of:
  - (i) physical violence
  - (ii) serious emotional or psychological harm
- (c) serious neglect of a Child.

### Child Information Sharing Scheme (CISS)

The CISS, implemented by the Victorian Government, is a scheme enabling information sharing between authorised organisations to promote a child's wellbeing or safety. All Victorian children and young people from 0 to 18 years of age are covered by the CISS.

### Child safety

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 ([Ministerial Order No. 1359](#)).

### Department of Education (DE)

Victorian government department that leads the delivery of education and development services to children, young people and adults.

### Family Violence

Family violence is defined under the *Family Violence Protection Act 2008* (Vic.) to include behaviour that causes a child to hear, witness or be exposed to the effects of family violence such as abusive, threatening, controlling or coercive behaviour. While family violence does not form part of the official definition of 'child abuse' in the *Child Wellbeing and Safety Act 2005* (Vic.), the impact of family violence on a child can be a form of child abuse, for example, where it causes serious emotional or psychological harm to a child. A child can also be a direct victim of family violence.

### Family Violence Information Sharing Scheme (FVISS)

Implemented by the Victorian government under the *Family Violence Protection Act 2008*. The scheme enables the sharing of information between authorised organisations to assess and manage family violence risk and supports effective assessment and management of family violence risk.

### Grooming

Grooming refers to predatory conduct undertaken by an adult (18 years or over) to prepare a child for sexual activity at a later time. It is a sexual offence under section 49M of the *Crimes Act 1958* (Vic.) carrying a maximum 10-year term of imprisonment. Under section 49M, the adult's words or conduct must be intended to facilitate the child engaging or being involved in the commission of, or attempt to commit, a sexual offence by the adult or another adult.

**Melbourne Catholic Archdiocese Schools Ltd (MACS)**

MACS is a reference to Melbourne Archdiocese Catholic Schools Ltd, and/or its subsidiaries, MACSS and/or MACSEYE (as the context requires).

**MACS board or board**

The board of Melbourne Archdiocese Catholic Schools Ltd (MACS), being also the board of Melbourne Archdiocese Catholic Specialist Schools Ltd (MACSS) and the board of Melbourne Archdiocese Catholic Schools Early Years Education Ltd (MACSEYE) in an ex officio capacity (as the context requires).

**MACS school or school**

A school which operates with the consent of the Catholic Archbishop of Melbourne and is owned, operated and governed by MACS, directly or through MACSS (as the context requires). References to schools or MACS schools also includes boarding premises of schools operated by MACS and specialist schools operated by MACSS.

**Melbourne Archdiocese Catholic Schools Early Years Education Ltd (MACSEYE)**

Melbourne Archdiocese Catholic Early Years Education Ltd, a subsidiary of MACS established to conduct early childhood education and care services.

**MACSEYE service**

An early childhood education and care service which is owned, operated and governed by MACSEYE.

**Melbourne Archdiocese Catholic Specialist Schools Ltd (MACSS)**

Melbourne Archdiocese Catholic Specialist Schools Ltd, a wholly owned subsidiary of MACS established to conduct and operate specialist schools.

**Mandatory reporters**

Mandatory reporters listed under the *Children, Youth and Families Act 2005* (Vic.) include:

- Victorian Institute of Teaching (VIT) registered teachers (including principals and early childhood teachers)
- school staff who have been granted permission to teach by VIT
- registered medical practitioners, nurses and midwives
- people in religious ministry
- youth justice workers
- out-of-home care workers (excluding voluntary and kinship carers)
- school counsellors, including staff who provide direct support to students for mental, emotional and psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare officers, student wellbeing coordinators, mental health practitioners, and chaplains.

**Mandatory reporting**

Mandatory reporting is the legal requirement under the *Children, Youth and Families Act 2005* (Vic.) to protect children from harm relating to physical and sexual abuse. A child, for the purposes of the relevant parts of this Act, is any person under the age of 17 years ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)).

**Mature minor**

A mature minor is an individual in a MACS school who is assessed by the principal of that school to be a mature minor.

**Physical violence**

Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways, including beating, shaking, burning or using weapons (such as belts and paddles). Physical harm may also be caused during student fights.

**Policy**

A high-level, principles-based directive that must be complied with across MACS, MACSS and MACSEYE.

**Principal/director**

Individual appointed by MACS as principal in a MACS school or director in a MACSEYE service.

**Procedure**

A step-by-step or detailed instruction for the implementation of MACS policy that is mandatory across MACS, MACS schools and MACSEYE.

**Process**

A process is a method of implementation of a MACS framework, policy or procedure.

**Reasonable belief**

A reasonable belief or a belief on reasonable grounds is not the same as having proof but is more than rumour or speculation. A reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds.

A reasonable belief might be formed if:

- a child states that they have been physically or sexually abused
- any person tells you that they believe someone has been abused (this may include a child who is talking about themselves)
- you observe physical or behavioural indicators of abuse, as described in [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#)
- a child or young person exhibits sexually abusive or age-inappropriate behaviour(s)
- professional observations of the child's behaviour or development cause you to form a belief that the child has been physically or sexually abused, or is likely to be abused.

While any indicators of possible child abuse or neglect are concerning, it is important to understand that the presence of a number of indicators that suggest either physical or sexual abuse of a child may be sufficient to form a reasonable belief in a mandatory reporter's mind, which must be reported.

**Reportable allegation**

A reportable allegation means any information that leads a person to form a reasonable belief that an employee has committed reportable conduct, or misconduct that may involve reportable conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.

**Reportable conduct**

Reportable conduct for the purposes of the Reportable Conduct Scheme is:

- a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded
- 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 that causes significant emotional or psychological harm to a child
- significant neglect of a child as defined in the *Child Wellbeing and Safety Act 2005* (Vic).

**Risk**

Risk is defined as the effect of uncertainty on objectives. An effect is a deviation from the expected – positive and/or negative. Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances or knowledge) and the associated likelihood of occurrence.

**Risk management**

The coordinated activities to direct and control an organisation regarding risk.

### **School Advisory Council**

Supports the principal of a MACS school by providing a forum for discussion and discernment where parent voice and community perspective can help inform decision-making.

### **School/service environment**

Means any of the following physical, online or virtual places used during or outside school/service hours:

- a campus of the school
- a campus of a MACSEYE service
- online or virtual school/service environments made available or authorised by MACS or a MACS school or MACSEYE service for use by a child or student (including email, intranet systems, software, applications, collaboration tools and online services)
- other locations provided by the school/service or through a third-party provider for a child or student to use including, but not limited to, locations used for camps, approved homestay accommodation, delivery of education and training, sporting events, excursions, competitions and other events) ([Ministerial Order No. 1359](#)).

### **School/service staff**

Means an individual working in a school/service environment who is:

- directly engaged or employed by a school/service governing authority
- a contracted service provider engaged by MACS or MACSEYE (whether or not a body corporate and whether or not any other person is an intermediary) engaged to perform child-related work for a MACS school or MACSEYE service
- a minister of religion, a religious leader or an employee or officer of a religious body associated with MACS ([Ministerial Order No. 1359](#)).

### **Serious emotional or psychological harm**

Serious emotional or psychological abuse may occur when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child is disturbed, or their emotional development is at serious risk of being impaired. Serious emotional or psychological harm could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

### **Serious neglect**

Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. Significant neglect causes harm to a child that is more than trivial or temporary. Serious neglect is when the child is exposed to an extremely dangerous or life-threatening situation and there is a continued failure to provide a child with the basic necessities of life.

### **Sexual offences**

For the purposes of this policy, a sexual offence occurs when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child's age and development. Sexual offences are governed by the *Crimes Act 1958* (Vic.). Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.

### **Student**

Student means a person who is enrolled at or attends a MACS school.

### **Student sexual offending**

Student sexual offending means sexual behaviour by a student 10 years and over which may amount to a sexual offence. A sexual offence includes rape, sexual assault, indecent acts and other unwanted sexualised touching.

## The Orange Door

The Orange Door is a family information, referral and support team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to relevant services.

## Volunteer

A person who performs work without remuneration or reward for MACS, a MACS school or MACSEYE service in the school/service environment.

## Support

**MACS Legal and Professional Standards Unit** seeks to provide schools with support and advice on legal matters.

- Phone: 9267 0228
- Email: [legal@macs.vic.edu.au](mailto:legal@macs.vic.edu.au)

**MACS Student Wellbeing Information and Support Service (SWISS)** seeks to address matters that impact the wellbeing and educational outcomes of young people arising using a solution-focused framework, and empower and enhance the capacity, competence and confidence of staff to address matters related to the wellbeing of young people.

- Phone: 9267 0228
- Email: [swb@macs.vic.edu.au](mailto:swb@macs.vic.edu.au)

## Related policies and documents

### Supporting documents

PROTECT: Identifying and Responding to Abuse – Reporting Obligations Policy  
PROTECT Procedure: Informing staff of reporting obligations  
PROTECT Procedure: Police or DFFH Child Protection interviews at school  
PROTECT Procedure: Responding to all forms of child abuse  
PROTECT Procedure: Responding to offences under the *Crimes Act 1958* (Vic.)  
PROTECT Procedure: Responding to police and Child Protection requests for further information  
Police or DFFH Child Protection interviews at school – Student Interview Template

### Related MACS policies and documents

Child Safety Code of Conduct  
Child Safety and Wellbeing Policy  
Child Safety and Wellbeing Record Keeping Policy  
Complaints Handling Policy  
ICT Acceptable Usage Policy  
Duty of Care Policy for MACS Schools  
Pastoral Care Policy for MACS Schools  
Recruitment Policy – Schools  
Reportable Conduct Policy  
Supervision Policy

## Resources

[Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#)  
[Child Information Sharing Scheme](#)  
[Child Information Sharing and Family Violence Reforms on the CEVN website](#)  
[DET Mature Minors and Decision Making \(2020\)](#)  
[Family Violence Information Sharing Scheme](#)  
[Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#)  
[Four Critical Actions for Schools: Responding to Student Sexual Offending](#)  
[National Framework for Protecting Australia's Children 2021–2031](#)

[Policy and Advisory Library \(PAL\): Police and Child Protection Interviews](#)  
[PROTECT on the CEVN Website](#)  
[PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#)  
[PROTECT: Identifying and Responding to Student Sexual Offending](#)  
[PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#)  
[PROTECT: Responding to Student Sexual Offending: Principal Checklist](#)  
[PROTECT: Responding to Student Sexual Offending: A Template for all Victorian Schools](#)

## Legislation and standards

*Child Wellbeing and Safety Act 2005 (Vic.)*  
*Children, Youth and Families Act 2005 (Vic.)*  
*Crimes Act 1958 (Vic.)*  
*Education and Training Reform Act 2006 (Vic.)*  
*Education and Training Reform Regulations 2017 (Vic.)*  
*Family Violence Protection Act 2008 (Vic.)*  
*Information Privacy Act 2000 (Vic.)*  
*Ministerial Order 1359: Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises*  
*Victorian Institute of Teaching Act 2001 (Vic.)*  
*Working with Children Act 2006 (Vic.)*  
*Wrongs Act 1958 (Vic.)*

## Policy information table – Procedure

|                              |                                    |
|------------------------------|------------------------------------|
| <b>Procedure owner</b>       | General Manager, Student Wellbeing |
| <b>Approving authority</b>   | Director, Education Excellence     |
| <b>Approval date</b>         | 1 November 2023                    |
| <b>Preliminary review by</b> |                                    |
| <b>Major review by</b>       | March 2025                         |
| <b>Publication</b>           | Gabriel, CEVN, School website      |

| POLICY DATABASE INFORMATION |                                                             |
|-----------------------------|-------------------------------------------------------------|
| <b>Assigned framework</b>   | Child Safety and Wellbeing                                  |
| <b>Related documents</b>    | See list of supporting documents and related policies above |
| <b>Superseded documents</b> |                                                             |
| <b>New procedure</b>        | New                                                         |