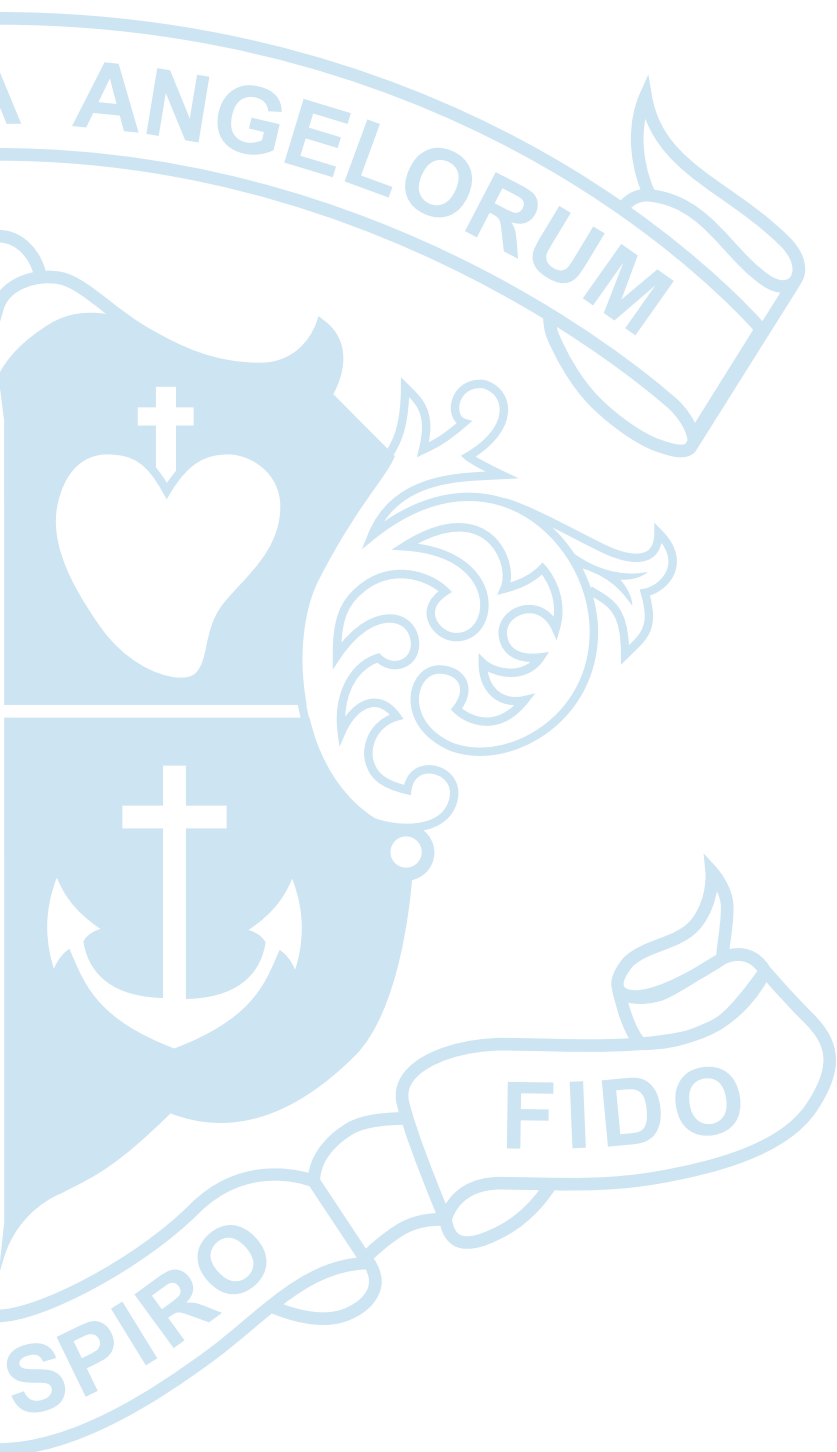


Child Safety Reporting Policy



WARRINGTON



LORETO Mandeville Hall Toorak

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INTRODUCTION

At Loreto Mandeville Hall Toorak, we hold the care, safety and wellbeing of all students at our school as a central and fundamental responsibility of our School. This document provides an outline of the procedures and strategies developed when an allegation of sexual abuse occurs.

Catholic schools have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected, their voices are heard and they are safe and feel safe ([CECV Commitment Statement to Child Safety](#)).

This policy takes into account relevant legislative requirements within the state of Victoria, including the specific requirements of the Victorian Child Safe Standards as set out in [Ministerial Order No. 870](#), the Children, Youth and Families Act (2005), the Working with Children Act (2005), and Catholic Education Melbourne Policy 2.19 Child Protection-Reporting Obligations (2015)

This policy applies to school staff, including school employees, volunteers, contractors and clergy.

RATIONALE

This policy outlines the broad considerations applicable when Loreto Toorak receives an allegation of sexual misconduct or abuse from or about a person and their time at school. It sets out in broad terms the procedures it uses in responding to complaints and allegations of misconduct or abuse against current or former employees, or volunteers, from current or former students.

DEFINITIONS

In this policy context, the following definitions apply:

Child: A child or a young person enrolled as a student at the school.

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. ¹

Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.²

¹ [Ministerial Order No. 870](#)

² [Ministerial Order No. 870](#)



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Child neglect: The failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing.³

Child physical abuse: Generally, child physical abuse refers to the non-accidental use of physical force against a child that results in harm to the child. Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. The fabrication or induction of an illness by a parent or carer (previously known as Munchausen syndrome by proxy) is also considered physically abusive behaviour.⁴

Child protection: Statutory services designed to protect children who are at risk of serious harm.⁵

Child sexual abuse: Any sexual activity between a child under the age of consent (16) and an adult or older person (ie a person five or more years older than the victim) is child sexual abuse.

Child sexual abuse can also be:

- any sexual behaviour between a child and an adult in a position of power or authority over them (e.g. a teacher); the age of consent laws do not apply in such instances due to the strong imbalance of power that exists between young people and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated
- any sexual behaviour between a child and an adult family member, regardless of issues of consent, equality or coercion
- sexual activity between peers that is non-consensual or involves the use of power or coercion
- non-consensual sexual activity between minors (eg a 14 year old and an 11 year old), or any sexual behaviour between a child and another child or adolescent who, due to their age or stage of development, is in a position of power, trust or responsibility over the victim. Sexual activity between adolescents at a similar developmental level is not considered abuse.⁶

Employee: For the purpose of the Reportable Conduct Scheme, an employee is a person of or over the age of 18 years who is employed by the School or engaged by the School to provide services, such as a volunteer, contractor, office holder or officer (whether or not the person provides services to children).

Mandatory Reporting: The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons include teachers, nurses, police, psychologists, psychiatrists and medical practitioners.⁷

Reasonable Belief: When staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a 'reasonable belief'. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere 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.

³ [Safe Schools Hub](#)

⁴ [Safe Schools Hub](#)

⁵ [Safe Schools Hub](#)

⁶ [Safe Schools Hub](#)

⁷ [Safe Schools Hub](#)



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School environment means any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:

- (a) a campus of the school
- (b) online school environments (including email and intranet systems)
- (c) other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).⁸

School staff means an individual working in a school environment who is:

- (a) directly engaged or employed by a school governing authority
- (b) a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary)
- (c) a minister of religion.⁹

De-identified information refers to copies of reports, files, and information in which the individual identity of persons has been protected by redacting or blacking out the names of individuals or other information about them that might cause them to be identified.

Confidentiality refers to LORETO TOORAK's duty to protect and respect the privacy of complainants, victims and other parties involved in any process or investigation carried out under this policy. Complainants are under no obligation to keep their complaint secret or confidential and the School acknowledges that they may wish to disclose allegations to the Police or to other parties at any time.

Designated person is the person appointed by the Principal to manage the complaint process. This person is responsible for ensuring that the process is as supportive as possible for the complainant, that it is kept within acceptable and agreed timeframes, and considers what implications should be drawn from the complaint for the School. This person is responsible for meeting with the complainant in the first instance, clarifying their complaint and the outcome they are seeking. They should ensure that appropriate support is available to the complainant to assist them in this process. The person will be the Deputy Principal in most circumstances.

Investigator refers to the person appointed by the Principal to analyse the complaint, inquire into allegations made and to prepare a report with findings on the complaint. These findings must always be based on the principle of procedural fairness.

GUIDING PRINCIPLES

Any current or past student from Loreto Toorak has the right to make a complaint about any aspect of their School experience.

Complainants who raise allegations of a criminal act will be advised of their right to make a formal complaint to the Police.

All complaints will be taken seriously and will be addressed and responded to as soon as possible.

⁸ [Ministerial Order No. 870](#)

⁹ [Ministerial Order No. 870](#)



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In circumstances in which students at Loreto Toorak have suffered abuse whilst at the School, the School accepts in full the responsibility to support and assist that person, whether it is a current or former student.

When Loreto Toorak believes that a complaint should be upheld, the response from the School will include some form of reparations.

Reparations may include, but will not be limited to

- Acknowledgement of any failures in the Loreto Toorak duty of care.
- Provision of a formal apology in a format and manner agreed with the complainant.
- Assistance with access to counselling or other support services.
- Remedial actions to prevent the reoccurrence of any similar acts of sexual abuse against Loreto Toorak students.
- A financial payment

Reparations may only be offered to the claimant, victim or victims with the approval of the Principal and the Loreto Toorak Council.

The Child Safety-Reporting Policy will:

- Be based on principles of procedural fairness for all parties.
- Treat complainants respectfully, supportively and professionally.
- Be as open and transparent as possible, whilst respecting people's rights to privacy and confidentiality.
- Take a humane view, rather than a legalistic approach.
- Reflect a commitment to address past grievances and provide a pathway towards recovery and healing.
- Endeavour to ensure staff maintain confidentiality and appropriate record-keeping.
- Consider the complainant's expressed wishes, gender, culture, language and accessibility, throughout the process.
- Respect the rights of the alleged perpetrator with regard to untested allegations.
- The School will always release its student file to a complainant, subject to "blinking out"/ removing material that would identify others (breach the privacy rights of other persons).
- Use de-identified information where it is possible to do so, in the course of the investigation.
- Where a crime appears to have been committed, the complainant will be encouraged to report it to the Police.
- The School will always act in a way consistent with its legal and ethical obligations. The authorities will always be advised, where that is mandated under law, or in circumstances where the School views that as appropriate to prevent further harm (eg where the perpetrator is still teaching at the School or elsewhere). To this extent, the School may not be able to provide an undertaking as to confidentiality to either the complainant or the alleged perpetrator.



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RECEIVING COMPLAINTS

The School will investigate all complaints in relation to sexual abuse that may have occurred to students in its care.

- A complaint is a registration of dissatisfaction with the School, lodged verbally or in writing by a complainant or their representative. A complaint may be related to a specific episode, occurrence of failure in provision of service that has resulted in an impact on an individual or group. A general expression of concern is not a complaint.
- A complaint may be made by a person who was the victim of the alleged conduct, or their representative. Where the complainant is not the victim, they will need to demonstrate that they have the authorisation of the victim to make the complaint.
- A complaint may relate to the conduct of a current or past employee, contractor, volunteer or student.
- When received initially by reception or frontline staff, the complainant should be referred to the Deputy Principal.
- The Deputy Principal will explain and refer the complainant to the Loreto Toorak Child Protection-Reporting Policy and will encourage the complainant to outline their complaint in writing, if not already done so.
- In accordance with Privacy legislation, Loreto Toorak will provide the complainant with full access to and copies of any information and records that contain information about her and her time at Loreto Toorak.
- The Deputy Principal will offer the support of the School Counsellor. The Principal will be informed about the alleged abuse. The Principal will determine if further reporting must occur, eg to the Chair of the Board, LML, CEM, the Police in accordance with Ministerial Order No 870.
- Should the complainant decide that they do not wish to proceed with the complaint, the Deputy Principal will offer appropriate support persons or organisations.
- Loreto Toorak may seek to proceed with an investigation after a complaint has been withdrawn where it deems it appropriate to do so, especially when it holds concerns for the welfare of any current or former students. Loreto Toorak will comply with all recommendations of Ministerial Order No 870

INVESTIGATIONS

When the School is made aware of specific allegations/rumours/hearsay, then it will record the specific details in writing, in so far as they can be ascertained, and it will act in accordance with Ministerial Order No 870.

It **will** investigate these matters:

- If formalised as a complaint; or
- If a current student is alleged to have been abused.

It **may** investigate them if it believes this to be appropriate and, in making this decision, will have regard to factors such as:

- The particular circumstances involved
- Whether corroborative evidence exists (eg similar allegations against an alleged perpetrator).



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- Whether there is a reasonable belief that further harm could be done (eg the alleged perpetrator is still teaching at the School or elsewhere).
- The potential impact on the alleged victim.

REPORTABLE CONDUCT SCHEME

The Reportable Conduct Scheme has been introduced under amendments to the Child Wellbeing and Safety Act 2005. The Scheme is administered by the Commission for Children and Young People, including overseeing investigations or conducting investigations itself.

Under the Scheme the Principal is obliged to notify the Commission of any reportable allegation against an employee of their school within 3 business days after becoming aware of the allegation and then, as soon as practicable and within 30 days after becoming aware of the allegation, notify the Commission of:

- detailed information about the reportable allegation
- whether or not the school proposes to take any disciplinary or other action in relation to the employee and the reasons why
- any written submissions of the employee in relation to what disciplinary or other action should be taken by the school.

Reportable conduct under the Scheme includes:

- a. a sexual offence committed against, with or in the presence of, a child
- b. sexual misconduct committed against, with or in the presence of, a child
- c. physical violence committed against, with or in the presence of, a child
- d. any behaviour that causes significant emotional or psychological harm to a child
- e. significant neglect of a child.

The Principal is obliged to investigate a reportable allegation against an employee or permit either VRQA or an independent investigator engaged by the school to investigate the allegation. The Principal is also required to inform the Commission of the identity of the investigator and then give the Commission a copy of the findings of the investigation and the reasons for those findings, and details of any disciplinary or other action that the Principal proposes to take and the reason why, or why no such action will be taken.

Loreto Toorak's Child Safe Policies and Procedures enable the School to ensure that it meets its obligations under the Act by having the following in place to:

- a system for preventing the commission of reportable conduct by an employee of the school within the course of the employee's employment



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- a system for enabling any person, including an employee of the school, to notify the Principal of a reportable allegation against an employee of which the person becomes aware
- a system for enabling any person, including an employee of the school, to notify the Commission of a reportable allegation involving the Principal of which the person becomes aware
- a system for investigating and responding to a reportable allegation against an employee of the school.

INCIDENTS INVOLVING A CURRENT STUDENT

The School has a clear approach set out in the Critical Incident Management Plan

The School's Mandatory Reporting Policy (refer staff handbook) is relevant.

ACCOUNTABILITIES

The Principal is responsible for determining the most appropriate response to the complaint and any reparations offered.

The Principal is ultimately accountable for ensuring that complaints from current or past students are handled in accordance with this Policy and its Procedures. She is also responsible for ensuring that the Loreto Toorak Board is informed of all findings and recommendations which result from complaint investigations.

The Deputy Principal is responsible for acting as a 'Designated Person' in accordance with this Policy and its Procedures in handling all complaints. She is also responsible for providing annual summaries and statistics regarding such complaints to the Loreto Toorak Board and School Leadership Team. She is responsible for maintaining a register and file system of all complaints.

INCIDENTS INVOLVING A PAST STUDENT

Any allegations or complaints made by a past student or his or her representatives are to be referred to the Deputy Principal who will make the initial contacts and notes.

- The Principal shall be informed as soon as possible and she will inform the Board Chairman.
- The welfare of the past student is paramount. Immediate access to counselling services is to be offered, as appropriate.
- The School will, as far as possible, seek to adopt an investigative process sympathetic to the complainant and appropriate to the circumstances.
- The Deputy Principal will convene a meeting with relevant Senior Staff to plan an investigation and record all relevant dates, details, names and locations. She may choose to use an outside agency such as the CEM at this point to ensure a balanced and professional investigation process. Insurers will be informed and may become involved when formal legal claims are made.



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- All evidence will be given to the Principal who will discuss the outcome of the investigation and decide on further action with the Board Chairman and the Loreto Toorak Board, as appropriate.
- All decisions will be explained and relayed personally to the complainant at the end of the investigative process.
- Should there be grounds for criminal investigation, the complainant will be strongly urged to refer the matter to the Police or, in matters of mandatory reporting, Loreto Toorak will report the matter itself.

INCIDENTS INVOLVING A CURRENT STAFF MEMBER

Any allegations or complaints made about a current staff member are to be referred to the Deputy Principal who will make the initial contacts and notes.

- The Principal shall be informed as soon as possible and she will inform the Board Chairman.
- The School will, as far as possible, seek to adopt an investigative process sympathetic to the complainant and appropriate to the circumstances.
- The staff member will be informed of allegations against them and be asked to take leave with pay while the matter is investigated.
- The Deputy Principal will convene a meeting with relevant staff to plan an investigation and record all relevant dates, details, names and locations. She may choose to use an outside agency such as the CEM at this point to ensure a balanced and professional investigation process. Insurers will be informed and may become involved when formal legal claims are made.
- All evidence will be given to the Principal who will discuss the outcome of the investigation and decide on further action with the Board Chairman and the Loreto Toorak Board, as appropriate.
- All decisions will be explained and relayed personally to the complainant at the end of the investigative process.
 - Should there be grounds for criminal investigation, the complainant will be strongly urged to refer the matter to the Police or, in matters of mandatory reporting, Loreto Toorak will report the matter itself.
- The School's Mandatory Reporting Policy (refer staff handbook) is relevant.

INCIDENTS INVOLVING A PAST STAFF MEMBER

- Any allegations or complaints made about a past staff member are to be referred to the Deputy Principal who will make the initial contacts and notes.
- The Principal shall be informed as soon as possible and she will inform the Board Chairman.
- The School will, as far as possible, seek to adopt an investigative process sympathetic to the complainant and appropriate to the circumstances.
- The Deputy Principal will convene a meeting with relevant staff to plan an investigation and record all relevant dates, details, names and locations. She may choose to use an outside agency such as the CEM at this point to ensure a balanced and professional investigation process. Insurers will be informed and may become involved when formal legal claims are made.
- All evidence will be given to the Principal who will discuss the outcome of the investigation and decide on further action with the Board Chairman and the Loreto Toorak Board, as appropriate.



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- All decisions will be explained and relayed personally to the complainant at the end of the investigative process.
- Should there be grounds for criminal investigation, the complainant will be strongly urged to refer the matter to the Police or, in matters of mandatory reporting, Loreto Toorak will report the matter itself.



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EMPLOYMENT PROACTIVE PROCEDURES

Loreto Toorak will apply thorough and rigorous screening processes in the recruitment of employees and volunteers involved in child-connected work. Our commitment to child safety and our screening requirements are included in all advertisements for such employee, contractor and volunteer positions, and all applicants are provided with copies of the school's Child Safety Code of Conduct and the Child Safety Policy.

When recruiting and selecting employees, contractors and volunteers involved in child-connected work, we make all reasonable efforts to:

- In employing staff, the School always undertakes comprehensive reference checking and background checks, as are reasonable in the employment context.
- All teaching staff must hold current VIT registration.
- All other staff must hold either a current VIT registration or Working With Children Check National Police Check status and/or professional registration (as relevant)
- The School will obtain proof of personal identity and any professional or other qualifications
- The School will verify the applicant's history of work involving children. The School maintains HR systems to ensure that VIT registrations and WWCC's held by staff remain current.
- Where contractors come on site regularly in circumstances where they would not be directly supervised by a staff member holding a VIT or WWCC accreditation, they must have a current WWCC.
- The School will obtain references that address the applicant's suitability for the job and working with children.

Loreto Toorak will monitor and assess the continuing suitability of school staff to work with children, including regular reviews of the status of Working with Children Checks and staff professional registration requirements such as Victorian Institute of Teaching (VIT) registration.

- A register of complaints/allegations is to be held by the Deputy Principal



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Responsible Officer	Deputy Principal
Approved by	Deputy Principal
Approved and commenced	28 July 2016
Reviewed	July 2017
Review by	July 2018
Relevant Legislation	Children, Youth and Families Act 2005 (Vic.), Child Wellbeing and Safety Act 2005 Crimes Act 1958 (Vic.) Education and Training Reform Act 2006 (Vic.) Equal Opportunity Act 2010 (Vic.) Ministerial Order No 870 – <i>Child Safe Standards: Managing the Risk of Child Abuse in Schools</i> Privacy and Data Protection Bill 2014 (Vic) Working with Children Act 2005
Related Policies & Procedures	<ul style="list-style-type: none">• Child Safety Code of Conduct• Child Safety Policy• Duty of Care Policy• Grievance Procedures• ICT Staff Policy• ICT Parent and Student Policy• Pastoral Care Policy• Privacy Policy• Parent Charter• Staff Charter• Staff Induction Policy• Student Code of Conduct• Student Supervision Policy
Version	2 (Child Safety Reporting Policy)
Amendments to version	July 2017 - insertion of: <ul style="list-style-type: none">• Reportable Conduct Scheme (p8);• definition of “employee” (p3); and• Child Wellbeing and Safety Act 2005 (p12)



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