

# Procedures for Responding to and Reporting Child Safety Incidents or Concerns (including Mandatory Reporting)

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## 1.0 Purpose

The purpose of these Procedures for Responding to and Reporting Child Safety Incidents or Concerns (including Mandatory Reporting) (Procedures) is to inform our community of everyone's obligations to:

- Act safely and appropriately towards children.
- Respond to and report child safety incidents or concerns.

Kilvington Grammar School (the School) is committed to providing a child safe environment. We believe our students have the right to feel and be safe. We have zero tolerance for child abuse and are committed to acting in our students' best interests and keeping them safe from harm.

These procedures:

- Are to be followed by all School Staff, Volunteers, Contractors and Board members whether or not they work in direct contact with students.
- Are to be followed in all physical and online school environments used by students during or outside of school hours, including other locations, such as school camps, excursions and those provided by third-party providers.
- Should be read together with the School's Child Safety and Wellbeing Policy and Child Safe Codes of Conduct.

## 2.0 What are Child Safety Incidents or Concerns?

A child may be in need of protection if they have experienced or are at risk of significant harm, and their parents have not protected, or are unlikely to protect them from that harm. Significant harm may relate to:

- physical injury
- sexual abuse
- emotional or intellectual development
- physical development or health
- abandonment or parental incapacity.

The School defines child safety incidents or concerns to include:

- Child abuse or other harm as defined in various legislation and as outlined above.
- A breach of our Child Safe Codes of Conduct.

## 3.0 Responding to Child Safety Incidents or Concerns

Whenever there are concerns that a student is in immediate danger call the Police on 000.

Where any staff member, Volunteer, or Contractor becomes aware that an adult associated with the School poses a substantial risk of committing a sexual offence, or a foreseeable risk of child abuse or other harm, against a student or students under their care, they should immediately:

- Take any and all reasonable immediate steps to remove or reduce the risk to the student or students.
- Report to one of the School's Child Safety Officers or the Child Safe Champion as soon as practicable.
- Report to external authorities, if appropriate.

The staff member, Volunteer, or Contractor is required to document their actions in the Responding to an Incident, Disclosure or Suspicion of Child Abuse Form.

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## 3.1 Child Safety Officers and Child Safe Champion

The School's Child Safety Officers are:

- Head of Senior School
- Head of Junior School
- Deputy Head of Senior School
- Deputy Head of Junior School
- Head of Psychology Services
- School Psychologist
- Director of Human Resources and Operations

The School's Child Safe Champion is the Director of Business.

## 4.0 Reporting Child Safety Incidents or Concerns

### 4.1 Students

There are no limits on how or to whom students at Kilvington Grammar School can disclose any child safety incident or concern or make a complaint about a staff member, volunteer or contractor. We have multiple, child-focused pathways, including a pathway for anonymous disclosure, to enable all students to raise child safety incidents or concerns.

### 4.2 Parents/carers, family members and other community members

Parents/carers, family members and other community members who have child safety concerns about a student at the School are asked to follow the procedures set out in our Child Safety and Wellbeing Policy which is available on our public website.

### 4.3 Staff, Volunteers and Contractors

For the purposes of this procedure, all staff, volunteers and contractors are referred to as Staff or staff members.

Staff members must report any and all child safety incidents and concerns involving our students to the School. They can do this by contacting one of the School's Child Safety Officers.

Staff members must also follow our procedures for responding to incidents or disclosures of child abuse or other harm, or suspected child abuse or other harm, including by making any required reports to external agencies.

These policies and procedures make clear that reporting internally to or consulting with a Child Safety Officer does not change any obligation under legislation to report to an external authority.

When reporting an incident, disclosure or suspicion of child abuse, staff are to use the Responding to an Incident, Disclosure or Suspicion of Child Abuse Form.

## 5.0 Kilvington Grammar School's Response to Internal Reports

The School will take appropriate, prompt action in response to all child safety incidents or concerns, including all allegations or disclosures of abuse or other harm, that are reported internally to the School, including by:

- Reporting all matters that meet the required relevant thresholds to Child Protection, the Police, the Social Services Regulator, and/or the Victorian Institute of Teaching, depending on the issues raised.
- Fully cooperating with any resulting investigation by an external agency.
- Protecting any student connected to the incident or concern until it is resolved and providing ongoing support to those affected.

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- Taking particular measures in response to child safety incidents or concerns about an Aboriginal or Torres Strait Islander student, a student from a culturally and linguistically diverse background or a student with disability, and other vulnerable students (such as students who are unable to live at home or students who identify as lesbian, gay, bisexual, transgender or intersex).
- Sharing information with, or requesting information from, external people or agencies as permitted or required under the Child Information Sharing Scheme and/or the Family Violence Information Sharing Scheme.
- Securing and retaining records of the child safety incident or concern and the School's response to it.
- Taking broader actions to improve child safety at the School (including systemic reviews and resulting improvements).

## 6.0 Obligations to Respond to and Report to External Agencies

The School has a common law duty of care to protect all students from reasonably foreseeable risks of harm, including all types of child abuse or other harm, while at school or engaging in School activities.

The School expects all Staff, (including Volunteers and Contractors), to act to meet these legal obligations and to act to protect students from reasonably foreseeable risks of harm as soon as the risk becomes known.

## 7.0 Failure to Protect

Failure to respond to and report to external authorities is not only a breach of a staff member's duty of care, but may also be, in certain circumstances, a criminal offence.

In Victoria, under section 49O of the Crimes Act 1958 (Vic), it is a crime if a person:

- Occupies a position within or in relation to Kilvington Grammar School; and
- There is a substantial risk that a child (aged under 16) under the care, supervision or authority of the School will become a victim of a sexual offence committed by an adult associated with the organisation; and
- The person knows that the risk exists; and
- By reason of their position, the person has the power or responsibility to reduce or remove that risk; and
- The person negligently fails to reduce or remove that risk.

This criminal offence is commonly known as "Failure to Protect" although its full title is "Failure by a person in authority to protect a child from a sexual offence".

Students aged 18 or over and parents/carers (other than parent volunteers), are not considered adults "associated with" the School for the purposes of the Failure to Protect offence. However, if a student aged 18 or over, a parent/carer and other family member of students poses a reasonably foreseeable risk of sexually abusing a student, the common law duty to protect students still applies.

The Failure to Protect offence means that action must be taken:

- By any Staff, Volunteer or Contractor who has to power or responsibility to do so,
- To protect students aged under 16,
- From a known substantial risk of the student becoming the victim of a sexual offence by an adult staff member, Volunteer or Contractor at the School.

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## 8.0 The Grooming Offence

Grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time. The offence of grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.

In Victoria, under section 49M of the Crimes Act 1958 (Vic), grooming is a criminal offence. It applies where a person who is 18 years of age or more communicates, by words 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.

If a School staff member, contractor, volunteer (employed directly or indirectly by the School), visitor or other adult associated with the School (including parents and carers) is suspected of committing the offence of grooming, this must be reported to Victoria Police.

In addition, this must be reported internally to the principal and/or one of the School's Child Safety Officers. Reporting internally does not mean that reporting obligations have been met.

The staff member, Volunteer, or Contractor (employed directly or indirectly by the School) is required to document their actions in the Responding to an Incident, Disclosure or Suspicion of Child Abuse Form.

## 9.0 Kilvington Grammar School

It is the School's policy that if a staff member knows that any adult associated with the School including Staff, Volunteers, Contractors, - who are employed directly or indirectly by the School -, students aged 18 years or over, parents/carers and other family members of students:

- poses a substantial risk that a student or students aged under 16 or younger may be the victim of a sexual offence by that adult; or
- poses a reasonably foreseeable risk of any type of child abuse or other harm to a student, (regardless of their age)

they must take actions to reduce or remove the risk that are within their power or responsibilities to take.

In addition, staff members must also report the matter to a Child Safety Officer (or the Principal if the adult is one of the Child Safety Officers).

Staff members must also follow their obligations to make appropriate external reports as outlined below.

## 10.0 Mandatory Reporting

### 10.1 Mandatory Reporting to Child Protection

Everyone has a moral and social responsibility to report concerns about child abuse or other harm. Under the Children, Youth and Families Act (Vic) 2005, there is a legal requirement of certain groups of people to report a reasonable belief of child physical or sexual abuse to the Department of Families, Fairness and Housing (Child Protection).

Mandatory Reporters are legally obliged to make a report:

- To Child Protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse (see below).
- As soon as practicable after forming their belief.
- Each time you become aware of any further grounds for their belief.

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The following people are Mandatory Reporters at the School:

- All teachers.
- The Principal.
- The Director of Business.
- Medical practitioners.
- Nurses.
- School counsellors.
- Registered psychologists.
- Early childhood workers.
- Persons in religious ministry.

Mandatory Reporters are required to report in relation to significant harm as a result of physical injury or sexual abuse to Child Protection as soon as practicable, if:

- in the course of practising their profession or carrying out duties of their office, position or employment
- they form a belief on reasonable grounds that a child (aged under 17) is in need of protection from physical injury or sexual abuse because:
- the child has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse (including grooming); and
- the child's parents have not protected or are unlikely to protect the child from harm.

To report concerns about the immediate safety of a child, contact Child Protection. The contact details are outlined in the following table. Note: The Division that takes the case is based on the address of the student, not the address of the School.

Contact hours	Contact name	Telephone number
Business hours: 8:45am – 5:00pm (Monday to Friday)	Child Protection – South Division	1300 555 526
After hours: 5:00pm – 9:00am (Monday to Friday, 24 hours on weekends and public holidays)	Child Protection Emergency Service (state-wide)	13 12 78

**Mandatory Reporting (of Sexual Offences Against Children) to Police: Failure to Disclose**

In Victoria, under section 327 of the Crimes Act 1958 (Vic), unless they have a reasonable excuse for not doing so, a person:

- of or over the age of 18 years (whether in Victoria or elsewhere)
- who has information that leads the person to form a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person of or over the age of 18 years
- must disclose that information to a police officer as soon as it is practicable to do so.

This criminal offence is commonly known as “Failure to disclose”, although its full title is “Failure to disclose sexual offence committed against child under the age of 16 years”.

It is the School's policy that all adults in the School community abide by this law.

Although sexual offences committed against a child aged under 16 by a student who is themselves aged under 18 do not fall under the Failure to Disclose offence, this offence still must be reported to Victoria Police. See Responding to Student Sexual Offending (below).

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## 11.0 Non-Mandatory Reporting

Mandatory reporters may choose, as can anyone, to report in relation to other types of significant harm.

### 11.1 Non-Mandatory Reporting to Child Protection

Victorian law enables anyone to report the following to Child Protection:

- Significant concerns for the wellbeing of a child aged under 17. These are Wellbeing Reports.
- A child aged under 17 who the person believes on reasonable grounds to be in need of protection. These are Protective Intervention Reports.
- A child aged under 18 who the person believes on reasonable grounds is in need of therapeutic treatment because they are exhibiting sexually abusive behaviours. These are Therapeutic Treatment Reports.

Although Non-Mandatory Reporting to Child Protection is voluntary under Victorian law, it is the School's policy that all Staff (including those who are not Mandatory Reporters) must, in certain circumstances, make these reports to Child Protection.

This aligns with the Department of Education and Training's PROTECT document "Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse".

### 11.2 Non-Mandatory Reporting to Police

Whilst not mandated by Victorian law, it is Kilvington Grammar School's policy that all Staff (including those who are not Mandatory Reporters) report the following to Victoria Police:

- sexual offences committed by a student under the age of 18 against another person
- concerns for a student's immediate safety
- knowledge or suspicions that a student aged 18 or over is being abused or harmed, but only if the student consents to the report. See Responding to Student Sexual Offending (below)
- where a student is partaking in illegal activity that is extreme in nature or poses a high risk to the student. See Responding to Other Concerns About the Wellbeing of a Student (below).

## 12.0 Reportable Conduct

The Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic) requires the "head" of Kilvington Grammar School to report to the Social Services Regulator any allegation of Reportable Conduct.

For the purposes of the Reportable Conduct Scheme, the "head" of Kilvington Grammar School is the Principal. The Principal has authorised the Director of Human Resources to assist in performing their functions under the scheme. If the reportable allegations are against the Principal, the Deputy Principal will take on the role of the "head" of Kilvington Grammar School.

An allegation of Reportable Conduct is where a person has a reasonable belief that there has been any of the conduct below by an employee, contractor, volunteer who is employed directly or indirectly by the School against a child aged under 18.

For the purposes of the Reportable Conduct Scheme, these Procedures also apply to workers or volunteers provided by labour hire agencies, companies or other providers, as well as secondees, directors of companies and individual business.

Examples of these workers or volunteers include, but are not limited to:

- Casual relief teachers provided by a labour hire agency.
- Administrative staff, gardening, maintenance, IT or other staff performing supporting work at the School who are engaged through a labour hire company.

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- Student teachers undertake a placement at the School, including the Early Learning Centre, as part of their teaching course.

Reportable conduct is defined in the Child Wellbeing and Safety Act 2005 (Vic). It means:

- sexual offences (against, with or in the presence of, a child);
- sexual misconduct (against, with or in the presence of, a child);
- physical violence (against, with or in the presence of, a child);
- behaviour that causes significant emotional or psychological harm; and
- significant neglect.

Such conduct does not have to meet the threshold of a criminal offence.

To enable Kilvington Grammar School to fulfil its obligations, it is our policy that if a staff member forms a reasonable belief that another staff member, contractor or volunteer who is employed directly or indirectly by the School has engaged in reportable conduct or misconduct that may involve reportable conduct, they must immediately report their concerns to the Director of Human Resources. If the reportable allegations are against the Director of Human Resources, they must immediately report their concerns to the Principal.

When making this report, the staff member must also consider whether they are required to make a Mandatory or Non-Mandatory report to Child Protection or Victoria Police and take any other action or make any other external reports.

### **13.0 Teacher Misconduct that is Reportable to the Victorian Institute of Teaching**

The Working with Children Act 2005 (Vic) exempts registered teachers from the Working With Children Check (WWCC) scheme.

Nonetheless, under the Education and Training Reform Act 2006 (Vic), Kilvington Grammar School must notify the Victorian Institute of Teaching (VIT):

- if they have taken any action against a registered teacher in response to allegations
- of serious incompetence of the registered teacher
- of serious misconduct of the registered teacher
- that the registered teacher is unfit to be a teacher
- that the registered teacher's ability to practise as a teacher is seriously detrimentally affected or likely to be seriously detrimentally affected because of an impairment
- of any other actions against the registered teacher that may be relevant to the teacher's fitness to teach, and
- if the School becomes aware that the registered teacher:
  - is currently charged with, committed for trial for, or convicted or found guilty of, certain criminal offences (that accord with those relevant to Working With Children Checks), or
  - has been given a Working with Children (WWC) exclusion (previously known as a negative notice).

To enable the School to fulfil its obligations, it is our policy that:

- Registered teachers must inform the Principal (or if they are the Principal, the Chair of the Kilvington Grammar School Board), if they are charged with, committed for trial for, or convicted or found guilty of a relevant criminal offence, or have been given a Working with Children (WWC) exclusion
- All Staff must immediately report to the Principal (or if they are the Principal, the Chair of the Kilvington Grammar School Board), any incident or allegation that raises concerns about a teacher's fitness to teach.

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## 14.0 Responding to Sexual Behaviour in Children and to Student Sexual Offending

Student sexual offending refers to sexual behaviour that:

- is led by a student aged 10 years or over;
- is directed at another student; and
- constitutes a sexual offence.

When a staff member becomes aware of, or suspects, student sexual offending, or that a student is at risk of perpetrating or suffering student sexual offending, they must report their incidents or concerns to one of the School's Child Safety Officers.

Incidents or concerns about student sexual offending must also be reported to Victoria Police, and additional reports may need to be made, if relevant, to Child Protection or Child First/Orange Door.

The staff member, Volunteer, or Contractor is required to document their actions in the Responding to Student Sexual Offending Form.

## 15.0 Responding to Other Concerns About the Wellbeing of a Student

The School and its staff members owe a duty of care to all students at the School to ensure they feel safe and are supported.

All concerns about the wellbeing of a student, regardless of whether it has been caused by abuse or other harm, will be taken seriously and acted upon.

Staff who have concerns about the wellbeing of a student does not appear to be the result of abuse or harm may still report their concerns:

- Internally, to one of the School's Child Safety Officers;
- Victoria Police;
- Child Protection; or
- Child First/Orange Door,
- depending on the age of the student and the nature of the concern.

The School will consider whether a referral to a support service may assist.

## 16.0 Relevant Legislation and Standards and Related Documents

### 16.1 Relevant Legislation and Standards

This Procedures is to be read and understood in conjunction with legislation, regulations, external policies and standards on child safety and wellbeing, including:

- Child Wellbeing Safety Act 2005 (Vic)
- Children, Youth and Families Act 2005 (Vic)
- Crimes Act 1958 (Vic)
- Education and Training Reform Act 2006 (Vic)
- Equal Opportunity Act 2010 (Vic)
- Family Violence Protection Act 2008 (Vic)
- Four Critical Actions: Student Sexual Offending
- Ministerial Order 1359 (Vic)
- National Principles for Child Safe Organisations
- Privacy Act 1988 (Vic).
- PROTECT: Four Critical Actions.
- Reportable Conduct Scheme

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- Retention and Disposal Authority for Records of Schools
- Victorian Child Safe Standards
- Worker Screening Act 2020 (Vic)
- United Nations Convention on the Rights of the Child

## 16.2 Related Documents

This Procedures is to be read in conjunction with other related school policies, procedures, and codes, including:

- Child Safety and Wellbeing Policy
- Child Safety Code of Conduct
- Complaints Resolution Policy (Parent, Guardian and Student)
- Kilvington Grammar School Child Safety Incident Report Form
- Kilvington Grammar School Student Sexual Offending Form
- Privacy Policy
- Procedures for Managing Child Safety Incidents or Concerns, including Child Safe Complaints at or Involving the School or its Staff, Volunteers or Contractors
- Records Management Policy
- Staff and Student Professional Boundaries Policy
- Visitors Policy and Procedures
- VIT Code of Conduct
- Volunteers Management Policy

## 13.0 Evaluation

**Procedures last reviewed: March 2026**

**Approval: The Board**

**Review cycle: 2 years**