



Bacchus Marsh
Grammar

School DOCUMENT

CHILD SAFE

Child Safe Program Quick Reference Guide

Approved by the School Principal 13 December 2024

Bacchus Marsh Grammar PO Box 214 Bacchus Marsh VIC 3340 **E** school@bmg.vic.edu.au
Maddingley Campus South Maddingley Road, Bacchus Marsh VIC 3340 **P** 03 5366 4800
Woodlea Campus and ELC 111 Frontier Avenue, Aintree VIC 3336 **P** 03 5366 4900

An Independent Ecumenical School
for Girls and Boys
Reg. No. 1919
ABN: 24 128 531 078
www.bmg.vic.edu.au

Child Safe Program Quick Reference Guide

1	Introduction: Statement by the Principal	2
2	Bacchus Marsh Grammar's Child Safe Program Quick Reference Guide	3
3	What to do if you have a child safe concern?	3
4	Bacchus Marsh Grammar's Child Safety Officers	4
5	The Victorian Child Safe Standards	4
6	The School's Child Safe Policy (excerpt)	5
7	Child Safe Codes of Conduct	6
8	Staff and Student Professional Boundaries	8
9	Email and Internet Usage Policy	8
10	Managing your initial response to a Child Safe Incident or Concern and Reporting a Child Safe Incident or Concern	8
11	Mandatory Reporting to Child Protection	9
12	Failure to Disclose Offence	10
13	Failure to Protect Offence	12
14	Grooming Behaviour and Grooming Offences	12
15	Child Safe Complaints Management	13
15.1	Making a Child Safe-Related Complaint	13
16	Related Documents	13
17	Authorisation	14
18	History	14

1 Introduction: Statement by the Principal



Every child's safety and wellbeing, while engaged in learning with us at Bacchus Marsh Grammar, is of the utmost importance to us.

All children have the right to learn, grow and develop in an environment that is free of harm. We all have a responsibility to ensure that this environment for our children, whether within the School or outside of it, is safe and secure.

At Bacchus Marsh Grammar, we pride ourselves on our Student Wellbeing and Pastoral Care Programs. We have also trained and are constantly updating our training for staff and the people who have contact with our students.

In 2013, the Victorian State Government issued the 'Betrayal of Trust' Inquiry Report (Report). This Report examined the experience of the criminal abuse of children and young people in Victoria. The Report properly described that "The criminal abuse of children represents a departure of the gravest kind from the standards of decency fundamental to any civilised society". Furthermore, the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) has shown the devastating extent of harm done to children when organisations do not have the right culture, systems, processes and understanding to prevent abuse. As a result, the Victorian Child Safe Standards came into effect in 2016.

Since this Report, there have been sweeping changes implemented across the State of Victoria to safeguard the safety and wellbeing of children and young people. Following the Royal Commission, the Victorian Government reviewed the Child Safe Standards that have been in effect since 2016. The review found strong support for the Standards and recommended several changes to better align the Standards with the National Principles for Child Safe Organisations, and to strengthen administration of the Standards. In line with these new recommendations, the new Standards were released and apply from 1 July 2022.

Bacchus Marsh Grammar takes its obligations to protect the children and young people in its care with the utmost seriousness. We have heavily invested in education, programs, procedures, and training to ensure the safety and wellbeing of our students, including the creation of the School's Child Protection Program. Should Bacchus Marsh Grammar need to act or respond, our community can be assured that we will do so with the utmost integrity and immediacy.

I thank the entire Bacchus Marsh Grammar community for its support of its child safe and wellbeing programs and actions. Together, we will work to continue to maintain a safe and healthy environment for all our children and young people.

Yours sincerely,

Debra Ogston
Principal

2 Bacchus Marsh Grammar's Child Safe Program Quick Reference Guide

This Quick Reference Guide is designed to provide a reference to information regarding Bacchus Marsh Grammar's (the School) child safe program and expectations of behaviour required of all school staff, volunteers and contractors. The Child Safe policies and the Child Safe Standards Toolkit which are available on the School's website should be referred to for further information. **The School's comprehensive Child Safe Program is available in Compinspace.**

All children and young people who come to Bacchus Marsh Grammar have a right to feel and be safe. We are committed to the safety and wellbeing of all children and young people. We are committed to providing a child safe and child friendly environment, where children and young people are safe and feel safe and are able to actively participate in decisions that affect their lives.

We have a zero tolerance for child abuse and other harm and are committed to acting in students' best interests and keeping them safe from harm.

The School regards its child safe responsibilities with the utmost importance and is committed to providing the necessary resources to ensure compliance with all relevant child safety and wellbeing laws and regulations and maintaining a child safe culture.

Each member of the School community has a responsibility to understand the important and specific role that they play individually, and collectively, to ensure that the wellbeing and safety of all students is at the forefront of all that they do, and every decision that they make.

The School's Child Safe Program deals specifically with creating and maintaining a child safe organisation and is designed to ensure compliance with the Victorian Child Safe Standards, Ministerial Order No. 1359, made under the Education and Training Reform Act 2006 (Vic) and the National Principles for Child Safe Organisations.

This Guide must be read in conjunction with the School's Child Safe Standards Toolkit.

3 What to do if you have a child safe concern?

Whenever there are concerns that a child or young person is in immediate danger, the Police should be contacted on 000.

The School has appointed the staff listed below as the School's Child Safety Officers. Each Child Safety Officer is available to answer any questions that you may have with respect to the School's Child Safe Policy and the Child Safe Program.

The School's Child Safety Officers can be your first point of contact for reporting child safe issues within the School. While students can also talk to Child Safety Officers if they have a child safety concern, the School does not place any limits on to whom or the ways in which students can disclose child safety incidents or concerns. Students therefore may raise child safety incidents or concerns, including about inappropriate behaviour by Staff, Volunteers and Contractors, via any means.

The Senior Child Safety Officer has additional child safe responsibilities. The Senior Child Safety Officer is identified in the publicly available Child Safe Policy as the first point of contact for all child safety concerns or queries for the wider community and coordinates the School's response to child safety incidents in consultation with the Principal, the Senior Leadership Team and The School Board.

If you have any concern that a child may be experiencing any form of abuse, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with one of the School's Child Safety Officers. Please be aware that consulting with a Child Safety Officer does not change any obligation you have under legislation to report to an external authority.

4 Bacchus Marsh Grammar's Child Safety Officers

Bacchus Marsh Grammar's Child Safe Officers			
Name	Position	Contact No.	Email Address
Ros Pittard	Senior Child Safe Officer	(03) 5366.4800 and (03) 5366.4900	pittardr@bmg.vic.edu.au
Danielle Copeman	Deputy Principal – Head of Woodlea Campus	(03) 5366.4900	copemand@bmg.vic.edu.au
Sarah Hunter	Deputy Principal – Deputy Head of Woodlea Campus	(03) 5366.4900	hunters@bmg.vic.edu.au
Andrew Pate	Deputy Principal – Head of Maddingley Campus	(03) 5366.4800	patea@bmg.vic.edu.au
Lisa Foster	Deputy Principal – Deputy Head of Maddingley Campus	(03) 5366.4800	fosterl@bmg.vic.edu.au
Erin Thornton	Deputy Principal – Senior Programs	(03) 5366.4800	thorntone@bmg.vic.edu.au
Darren Gibson	Assistant Principal – Head of Junior School (Maddingley)	(03) 5366.4800	gibsond@bmg.vic.edu.au
Scott Bayne	Assistant Principal – Head of Middle School (Maddingley)	(03) 5366.4800	baynes@bmg.vic.edu.au
Natalie Desira	Assistant Principal – Head of Senior School (Maddingley)	(03) 5366.4800	desiran@bmg.vic.edu.au
Sally Savic	Head of Junior School (Woodlea)	(03) 5366.4900	savics@bmg.vic.edu.au
Michael Abramovic	Head of Middle School (Woodlea)	(03) 5366.4900	abramovicm@bmg.vic.edu.au
Nicole Heywood	Head of Senior School (Woodlea)	(03) 5366.4900	heywoodn@bmg.vic.edu.au
Narelle Bens	Head of Year 5 (Maddingley)	(03) 5366.4800	bensn@bmg.vic.edu.au
Kerry Osborn	Director of Early Learning Centre, Woodlea	(03) 5366.4999	osbornk@bmg.vic.edu.au
Ashlee Grero	Educational Leader / Kindergarten Teacher, Early Learning Centre	(03) 5366.4999	greroa@bmg.vic.edu.au
David Gorton	Director of Student Engagement / Head of Staughton Vale Campus	(03) 5366.4800	gortond@bmg.vic.edu.au

5 The Victorian Child Safe Standards

New Child Safe Standards start in Victoria on 1 July 2022 to better protect children. They consist of:

Child Safe Standard 1: Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued

Child Safe Standard 2: Child safety and wellbeing is embedded in organisational leadership, governance and culture

Child Safe Standard 3: Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously

Child Safe Standard 4: Families and communities are informed, and involved in promoting child safety and wellbeing

Child Safe Standard 5: Equity is upheld, and diverse needs respected in policy and practice

Child Safe Standard 6: People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice

Child Safe Standard 7: Processes for complaints and concerns are child focused

Child Safe Standard 8: Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training

Child Safe Standard 9: Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed

Child Safe Standard 10: Implementation of the Child Safe Standards is regularly reviewed and improved

Child Safe Standard 11: Policies and procedures document how the organisation is safe for children and young people

6 The School's Child Safe Policy (excerpt)

Purpose

Our Child Safe Policy demonstrates the School's strong commitment to child safety and wellbeing and to creating and maintaining a child safe and child-friendly environment. It provides an overview of the policies and practices that we have developed to keep our students safe, including from abuse or other harm.

Our Child Safe Policy outlines the key elements of our approach to implementing Ministerial Order 1359 (which sets out how the Victorian Child Safe Standards apply in school environments) and to the School as a child safe organisation. It informs the School community about everyone's obligations to act safely and appropriately towards students and guides the policies, processes and practices for the safety and wellbeing of students across all areas of our work, which are set out in the School's Child Safe Program.

Bacchus Marsh Grammar's Child Safe Policy is to be read and understood in conjunction with, the Victorian Child Safe Standards and Ministerial Order 1359.

The Child Safe Policy provides the framework for:

- the implementation of the Victorian Child Safe Standards and Ministerial Order 1359
- the development of work systems, practices, policies and procedures, consistent with PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosure and Suspicions of Child Abuse (PROTECT Four Critical Actions) and PROTECT Four Critical Actions for Schools: Responding to Student Sexual Offending (Four Critical Actions: Student Sexual Offending), that promote child protection, safety and wellbeing within the School
- the creation of a safe and supportive School environment and a positive and robust child safe culture
- the promotion and open discussion of child safety issues within the School
- compliance with all laws, regulations and standards relevant to child safety and wellbeing, including child protection, in Victoria.

Scope

The School's Child Safe Policy applies to all adults in the School community, whether or not their work involves direct contact with students, including:

- Staff and Direct Contact Contractors (including External Education Providers) who are "school staff" within the meaning of Ministerial Order 1359

- other types of Contractors
- Volunteers
- Visitors.

The Child Safe Policy applies in all physical, virtual and online School environments used by students during or outside of school hours, including all locations provided for a student's use, (for example on-site and off-site School grounds, sporting events, camps and excursions and environments provided by External Education Providers and other Contractors).

Please refer to the full Child Safe Policy available on the School's website.

7 Child Safe Codes of Conduct

All children and young people who come to Bacchus Marsh Grammar have a right to feel and be safe. We are committed to the safety and wellbeing of all children and young people.

Each member of the School community has a responsibility to understand the important and specific role that they play individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all that they do and every decision that they make.

To meet these commitments, the School has developed the following Codes of Conduct and guidelines:

- Child Safe Code of Conduct
- Staff and Student Professional Boundaries
- Student Child Safe Code of Conduct
- Email and Internet Usage

Together, we refer to these as the Child Safe Codes of Conduct.

The Child Safe Code of Conduct outlines appropriate standards of behaviour towards students for all adults in the School environment. It serves to protect students, reduce any opportunities for abuse or harm to occur, and promote child safety in the School environment. It provides guidance on how to best support students and how to avoid or better manage difficult situations.

It is the School's policy that any breach of the Child Safe Code of Conduct is a child safety incident that must be reported internally.

Any breach that meets the threshold for external reporting must also be reported to the relevant external authority.

Each member of the School Community is responsible for promoting the safety and wellbeing of students by adhering to the following standards of behaviour:

DO:

- Uphold and act in accordance with Bacchus Marsh Grammar's Child Safe Policy at all times.
- Comply with applicable guidelines published by the School with respect to child safety, such as the Staff and Student Professional Boundaries policy.
- Behave as a positive role model to students.
- Promote the safety, welfare and wellbeing of students.
- Be vigilant and proactive with regard to student safety and wellbeing, including child protection issues.
- Provide age-appropriate supervision for students.
- Treat all students with respect.
- Promote the safety, participation and empowerment of students with disability.
- Promote the cultural safety, participation and empowerment of linguistically and/or culturally diverse students and Aboriginal and Torres Strait Islander students.

- Use positive and affirming language towards students.
- Encourage students to 'have a say' and participate, and then listen to them with respect.
- Respect cultural, religious and political differences.
- Help provide an open, safe and supportive environment for all students to interact and socialise.
- Intervene when students are engaging in inappropriate bullying behaviour towards others or acting in a humiliating or vilifying way.
- Report any breaches of this Child Safe Code of Conduct.
- Report concerns about child safety to one of the School's Child Safety Officers and ensure that your legal obligations to report child abuse or other harm externally are met.
- Where an allegation of child abuse or other harm is made, ensure as quickly as possible that the student involved is safe.
- Call the Police on 000 if you have immediate concerns for a student's safety.
- Respect the privacy of students and their families and only disclose information to people who have a need to know.

DO NOT:

- Engage in any form of inappropriate behaviour towards students or expose students to such behaviour.
- Discriminate against any student on the basis of characteristics that are protected in anti-discrimination legislation or express personal views that support or promote such discrimination.
- Engage in prejudicial or oppressive behaviour or use inappropriate language with students.
- Express personal views on cultures, race or sexuality in the presence of students or discriminate against any student based on culture, race, ethnicity or disability.
- Engage in open discussions of an adult nature in the presence of students.
- Engage in any form of sexual conduct with a student including making sexually suggestive comments and sharing sexually suggestive material.
- Engage in inappropriate or unnecessary physical conduct or behaviours including doing things of a personal nature that a student can do for themselves, such as toileting or changing clothes.
- Engage in any form of physical violence towards a student including inappropriately rough physical play.
- Use physical means (other than as expressly outlined in our Restraint of Students Policy or corporal punishment to discipline or control a student.
- Engage in any form of behaviour that has the potential to cause a student serious emotional or psychological harm.
- Develop 'special' relationships with students that could be seen as favouritism (for example, the offering of gifts or special treatment for specific students).
- Engage in undisclosed private meetings with a student who is not your own child.
- Engage in activities with a student who is not your own child, outside of school hours and without permission from the student's parent/carer.
- Engage in inappropriate personal communications with a student through any medium, including any online contact or interactions with a student.
- Take or publish (including online) photos, movies or recordings of a student without parental/carer consent.
- Post identifying information about a student online unless it is necessary for the School's activities or you have consent from the student and/or their parents/guardians. Identifying information includes things such as the student's: full name; age; e-mail address; telephone number; residence; school; or details of a club or group that they may attend.
- Ignore or disregard any suspected or disclosed child abuse or other harm.

Please refer to the full Child Safe Code of Conduct and the Student Child Safe Code of Conduct available on the School's website.

8 Staff and Student Professional Boundaries

Bacchus Marsh Grammar Staff, Volunteers and Contractors hold a unique position of influence, authority, trust and power in relation to students at the School. As such, it is their duty, at all times, to maintain professional boundaries with students.

Staff and Student Professional Boundaries apply in all School environments. School environments include, physical, virtual and online environments used during or outside school hours, as well as any environment (including those outside the School's grounds) where School-related activities are occurring.

Bacchus Marsh Grammar is committed to providing a safe physical, virtual and emotional environment where all of our students are respected and treated with dignity in an appropriate professional and caring manner, the risk of child abuse is minimised and a safe and supportive child safe environment is maintained.

All staff members must:

- Follow the guidelines for professional boundaries as set out in the full Staff and Student Professional Boundaries Policy
- exercise their responsibilities in a way that recognises professional boundaries with regard to their relationships with students at all times
- identify, discourage and reject any advances of a sexual nature initiated by a student
- interact with students in a manner that is professional at all times, including inside and outside of school hours
- report conflict of interest issues to the Principal, or the Company Secretary, as soon as practicable
- remove themselves from decision-making where a conflict has been identified
- give equal learning opportunities to each student without discrimination

Appropriate consequences will be applied to Staff who breach professional boundaries.

Staff members who are teachers registered with the Victorian Institute of Teaching (VIT) must also comply with principles set out in The Victorian Teaching Profession's Code of Conduct (VIT Code of Conduct).

It is the School's policy that any breach of Staff and Student Professional Boundaries is a child safety incident that must be reported internally.

Any breach that meets the threshold for external reporting must also be reported to the relevant external authority.

Please refer to the full Staff and Student Professional Boundaries Policy available on the School's website.

9 Email and Internet Usage Policy

Email facilities and internet access are considered assets of Bacchus Marsh Grammar.

Staff with access to email and the internet are required to ensure that they make proper use of the facility, consistent with their job function and within the context of the Email and Internet Usage Guidelines.

Child Safety

At all times when using email and internet you must comply with the School's Child Safe Code of Conduct and the Staff and Student Professional Boundaries policy.

Staff must refer to the full Email and Internet Usage Policy on the Staff Intranet for further information.

10 Managing your initial response to a Child Safe Incident or Concern and Reporting a Child Safe Incident or Concern

The Department of Education and Training, Catholic Education Commission of Victoria and Independent Schools Victoria's **PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse** (PROTECT Four Critical Actions) and **PROTECT Four Critical Actions for Schools: Responding to Student Sexual Offending** (Four Critical Actions: Student Sexual Offending), sets out the four actions that Staff must take to respond to child abuse.

The Victoria's **Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse** and **PROTECT Four Critical Actions for Schools: Responding to Student Sexual Offending** are available in the School's Child Safe Standards Toolkit located on the School's website and intranet.

Incident Report templates for responding to suspected child abuse and student sexual offending are located in the Child Safe Standards Toolkit and must be referred to by staff, volunteers and contractors where appropriate.

11 Mandatory Reporting to Child Protection

Section 184 of the Children, Youth and Families Act 2005 (Vic) (CYFA) requires that certain people must make a report to Department of Families, Fairness and Housing (Child Protection) if:

- **in the course of their professional work** 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** because:
 - the child has suffered or is likely to suffer significant harm as a result of **physical injury or sexual abuse**; and
 - the child's parents have not protected or are unlikely to protect the child from the harm.

These people are called Mandatory Reporters.

Failure to make a report is an offence.

Who is a Mandatory Reporter?

Mandatory Reporters are listed in section 182 of the CYFA and are:

- registered medical practitioners
- nurses
- midwives
- registered teachers and early childhood teachers
- principals of government and non-government schools
- school counsellors
- police officers
- out of home care workers (other than voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- registered psychologists
- people in religious ministry*

This means that, at Bacchus Marsh Grammar, the following people are Mandatory Reporters:

- all teachers
- the Principal
- medical practitioners and school nurses
- people employed by the School as counsellors, including but not limited to registered psychologists.
- early childhood teachers and workers
- Persons in religious ministry who work or volunteer at the School in their religious capacity.*

*"Person in religious ministry" is defined by the CYFA to mean "a person appointed, ordained or otherwise recognised as a religious or spiritual leader in a religious institution". This definition includes a chaplain, priest, pastor, minister, brother and nun.

When to Make a Mandatory Report

If you are a Mandatory Reporter, you must make a Mandatory Report when, **in the course of your work or duties** for the School, you form a **belief on reasonable grounds** that:

- a child is in need of protection because they have suffered or are likely to suffer significant harm as a result of:
 - physical injury; or
 - sexual abuse; and
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

You must make your Mandatory Report as soon as practicable after forming your reasonable belief.

In addition, if you are a Mandatory Reporter and have formed the required belief, you must make a Mandatory Report even if you have discussed the matter with the Principal, a Child Safety Officer or the 'Head' of the School and they do not share your belief that a report must be made. In particular, you have a personal legal obligation to make a Mandatory Report even if the Principal or other person you reported to internally at the School tells you not to report.

As a Mandatory Reporter, you must also make a Mandatory Report on each occasion that you form the required belief, even if you have made a report about the same child or young person in the past. For more information, refer to Making Additional Reports.

Please refer to the School's Mandatory Reporting to Child Protection Policy on the School's website for further information.

12 Failure to Disclose Offence

Under section 327 of the Crimes Act 1958 (Vic) (Crimes Act), 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, unless the person has a reasonable excuse for not doing so. Failure to make a report without reasonable excuse is an offence and carries a prison term of 3 years.

This obligation applies to anyone aged 18 years or over, including all non-teaching staff, Volunteers, and students aged 18 and over. The legislation also applies to teaching staff if not already covered by the mandatory reporting obligation.

What Must be Reported?

All information that leads you to form a reasonable belief that a sexual offence has been committed by an adult (a person aged 18 years or over) against a child under 16 must be reported to the Police.

The School must notify the VRQA if the alleged sexual offence relates to an overseas student and the School has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter in relation to that student thereby assuming responsibility for approving the student's accommodation, support and general welfare.

Scope of the Failure to Disclose Offence

For the purposes of the Failure to Disclose offence, it does not matter whether the child, the perpetrator of the offence, or the person who has information about a sexual offence against the child are themselves in Victoria or not, as long as the offence itself was committed in Victoria.

For example:

- the criminal offence of grooming a child could occur "in Victoria" if a person who is in Victoria grooms a child who is located elsewhere, or if a child who is in Victoria is groomed by a perpetrator who is located elsewhere
- a sexual offence against a child could occur in Victoria, but an adult could form a reasonable belief about it when they are themselves located elsewhere (for example, by receiving a disclosure while they are on an interstate camp or excursion).

Definition of a Sexual Offence

The Crimes Act sets out what constitutes a "sexual offence". This includes:

- rape
- indecent assault
- incest
- sexual penetration
- grooming a child, or a person who has the care, supervision or authority of a child (aged under 16) for sexual conduct with the child
- encouraging a child to engage in, or be involved in, sexual activity.

A "sexual offence" includes an attempted sexual offence.

Definition of a reasonable belief

A "reasonable belief" is formed if a reasonable person in the same circumstances would believe that an adult had sexually abused a child, for the same reasons that you believed this.

For example, you may form a reasonable belief if:

- a child aged under 16 tells you that they are being or have been sexually abused
- a young person aged 16 or over tells you that they were sexually abused when under the age of 16
- a child or young person tells you that they know someone who is being or has been sexually abused (sometimes they may be talking about themselves)
- someone who knows the child or young person tells you that the child or young person is being or has been sexually abused
- you observe signs of sexual abuse in a child or young person that led you to believe that the child or young person is being or has been sexually abused
- you are a qualified professional who observes a child or young person's behaviour or development, which leads you to believe the child or young person has been sexually abused.

Rumours or unfounded suspicions do not rise to the level of a reasonable belief.

Reasonable Excuse for Not Reporting to Police

You will not need to report to the Police if you have a reasonable excuse for not doing so. Under the Crimes Act, a reasonable excuse includes:

- **fear for safety:** you fear on reasonable grounds for the safety of any person (other than the offender), and do not disclose due to those circumstances
- **victim requests confidentiality:** a victim, who is now aged 16 or over, told you about the sexual offence (directly or indirectly) and the victim requested that the information not be disclosed. This excuse does not apply if the victim has an intellectual disability and does not have the capacity to make an informed decision about confidentiality
- **information already disclosed:** you believe on reasonable grounds that the information has already been disclosed to the Police (for example if you or someone else has made a Mandatory Report to Child Protection) and you have no further information to add.

This means that an additional Mandatory Report (of Sexual Offences Against Children) is not usually required if a report about the sexual offence has been made to Department of Families, Fairness and Housing (Child Protection) in accordance with Mandatory Reporting to Child Protection.

Unacceptable reasons for not reporting include if you are concerned about the interests (including the reputation, legal liability, or financial status) of:

- the person involved in the sexual offence
- any organisation (such as the School).

Further information can be found in the Child Safe Program in Complispace.

13 Failure to Protect Offence

Under section 490 of the Crimes Act 1958 (Vic) (Crimes Act) a person commits an offence if:

- the person occupies a position within or in relation to a **relevant organisation** (the School is a relevant organisation); and
- there is a **substantial risk** that a child (aged under 16) under the **care, supervision or authority** of the organisation 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”.

In the School context, the offence covers failures to protect a student aged under 16 from sexual offences committed by any adult staff member, Volunteer or Contractor at the School.

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 the 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.

It does not matter if the student, the person who poses the substantial risk or the person who has the power or responsibility to act are outside of Victoria, so long as the student was in Victoria at any time while the substantial risk existed or so long as the sexual offence was at risk of occurring in Victoria.

14 Grooming Behaviour and Grooming Offences

Grooming refers to behaviours that manipulate and control a child, their family and other support networks, or institutions with the intent of gaining access to the child, obtaining the child’s compliance, maintaining the child’s silence and avoiding discovery of the sexual abuse. Grooming therefore includes behaviour aimed at a person with care, supervision or authority for a child, to make it easier to procure the child for sexual abuse or to ensure that, if the child does disclose, that the person does not believe the child. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity.

Grooming is defined as:

‘the use of a variety of manipulative and controlling techniques with a vulnerable subject in a range of inter-personal and social settings in order to establish trust or normalise sexually harmful behaviour with the overall aim of facilitating exploitation and/or prohibiting disclosure of the harmful behaviour’.

Grooming behaviour towards children often involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviour. Grooming usually involves a perpetrator establishing a trusting relationship with a child or young person and those associated with the child or young person’s care and wellbeing, to create an environment in which sexual abuse can occur.

Grooming behaviours are considered:

- conduct that could lead to a reasonable belief that the child is likely to suffer sexual abuse, which must be reported under the Child, Youth and Families Act 2005 (Vic) (refer to Mandatory Reporting to Child Protection)

- in certain circumstances, an offence under section 49M of the Crimes Act 1958 (Vic) that must be reported to Police under section 327 of the Crimes Act (refer to Reporting to Police) and from which persons at the School, who have the authority to do so, must protect students (refer to Duty to Protect/Failure to Protect)
- sexual misconduct which must be reported to the Commission for Children and Young People under the Child Wellbeing and Safety Act 2005 (Vic) (refer to Reportable Conduct)
- a breach of the Child Safe Codes of Conduct.

Grooming is a criminal offence as set out in the Crimes Act 1958 (Vic)

15 Child Safe Complaints Management

15.1 Making a Child Safe-Related Complaint

15.1.1 Anyone can, at any time, make a child safe-related complaint to:

- the Principal
- a Child Safety Officer
- a trusted staff member
- in person, in writing or over the phone.

Non-child safe-related complaints should be made to the Complaints Manager.

15.1.2 Parents/carers, family members and other community members who have child safe concerns about the School, its students or staff members are asked to follow the procedures set out in our Child Safe Policy and to contact:

- the School's Senior Child Safety Officer, Ros Pittard, by phoning (03) 5366 4800 or emailing pittardr@bmg.vic.edu.au, or the Principal; or
- if the concern relates to the Principal, the Company Secretary.

15.1.3 Students have multiple pathways to make a complaint, including child safe-related complaints, at the School. These include:

- disclosing child safety incidents or concerns, including abuse or other harm of themselves or of any other child or student aged 18 or over, to any staff member. This might be done:
 - verbally
 - in writing
 - through electronic means (such as email)
 - indirectly (such as in written assignments, in artworks or in any other way)
 - using the School Insert Description of Anonymous Child Protection Mechanism which is located Insert Location of Anonymous Feedback Mechanism to disclose child safety incidents or concerns, including abuse or other harm of themselves or of any other child or young person, anonymously
 - by contacting: Kids Helpline Ph: 1800 55 1800, website: <https://kidshelpline.com.au>, Police: 000

16 Related Documents

Child Safe Code of Conduct
Child Safe Complaints Management Policy
Child Safe Policy
Child Friendly Child Safe Policy
Child Safe Standards Toolkit
Complaints Management Policy
School Community Code of Conduct
Staff and Student Professional Boundaries Policy
Staff Code of Conduct
Staff Student Association Register
Student Child Safe Code of Conduct
Student Code of Conduct

17 Authorisation

School Document Name	Child Safe Program Quick Reference Guide	
Approval Authority	Principal	
Approval Signature	Debra Ogston Principal Bacchus Marsh Grammar	
Administrator	Company Secretary	Greg Gough
Approval Date	13 December 2024	
Date of Next Review	13 December 2025	To be reviewed annually

18 History

Date	Amendment
22 June 2022	1. Amended to include the new Child Safe Standards
1 February 2023	2. Minor amendments and review
31 January 2024	3. Minor amendments and review
13 December 2024	4. Review and updated Child Safe Officers

Child Safe responses: documentation

