Melbourne Archdiocese Catholic Schools

Police or Child Protection Interviews at Schools

PROTECT Procedure

1. Introduction

Melbourne Archdiocese Catholic Schools Ltd (MACS) is committed to supporting schools to take a proactive role in the care, wellbeing and protection of children and young people.

As law enforcement officers, Victoria Police (VicPol) has broad powers to investigate, question, search and detain. For the most part, Victoria Police will conduct interviews of witnesses and suspects at the police station. However, there will be rare urgent circumstances in which Victoria Police may wish to interview a student under the age of 18 at school. How this should be approached will depend upon whether the student concerned is:

- a victim
- a witness
- a suspect.

Victorian Department of Families, Fairness and Housing (DFFH) Child Protection workers also have wide powers to investigate and obtain information that is relevant to the protection or development of a child.

Interviews by DFFH Child Protection workers would normally be carried out in the home with parents or carers present but, like Victoria Police, there will be occasions when DFFH Child Protection workers need to interview a child at school as a matter of urgency or necessity.

When considering whether to facilitate police or DFFH Child Protection conducting an interview with a student at school, principals and staff must consider the human rights set out in the Charter of Human Rights and Responsibilities Act 2006 (Vic.). This includes considering:

- how the decision will assist the protection of families as the fundamental group unit of society and the child's rights to protection as is in their best interests and needed by them by reason of being a child; and
- whether or not there is any less restrictive arrangement that would not unreasonably compromise the child's safety and wellbeing in making sure the law is upheld and also engaging with their family.

Following this procedure will support schools to consider these issues, noting that there may be other specific circumstances that may require additional considerations of human rights, including the right to protection against discrimination and to enjoy human rights without discrimination; the right to enjoy cultural, religious, racial or linguistic background in community with other persons of that background; and an Aboriginal person's right to hold, enjoy and maintain their distinct cultural rights with other members of their community.

2. Purpose

The purpose of these procedures to assist principals to:

- respond to a request by Victoria Police or DFFH Child Protection workers to interview a student(s) at school
- understand and comply with their legal requirements when a request is made by Victoria Police or DFFH Child Protection workers to interview students regarding child protection incidents and
- manage situations which can be stressful and sensitive.

3. Scope

These procedures apply in all MACS schools.

4. Principal responsibilities

Principals (or nominated staff) **must**:

- facilitate interviews requested by Victoria Police or DFFH Child Protection workers at school only if the following circumstances apply:
  - it is a matter of urgency or necessity
  - the school is the only appropriate location for the interview
  - the only time the interview can occur is during school hours and
  - there are reasonable grounds for seeking to exclude the parents or carers from the interview and have the interview conducted at school with a school staff member supporting the student during the interview
- advise children or young people of their right to have an independent supportive adult, parent or carer present at such an interview
- ***Note**: An independent supportive adult may be the principal or a teacher if a conflict of interest does not exist. A conflict of interest might arise where the principal or teacher is related to the perpetrator of the child protection incident, the child is a family member, or the principal or teacher may be the perpetrator.*
- arrange for the child to choose an independent supportive adult to be present. If the student is not mature enough to make this decision, a principal or school staff member can support the student during the interview process
- balance their obligation to protect the rights of students with their obligation to assist Victoria Police and DFFH Child Protection in their exercise of duty
- ensure there is someone acting as an independent supportive adult for students interviewed at school by Victoria Police or DFFH Child Protection workers
- ensure official identification of Victoria Police or DFFH Child Protection is checked before allowing access to any child
- seek to have Victoria Police or DFFH Child Protection put their request for the interview in writing
- always observe confidentiality in the management of a mandatory reporting or criminal case
- create a record of the interview, including key information and
- store and manage records of the interview as per the *Public Records Act 1973* (Vic.).

Important: Neither Victoria Police nor DFFH Child Protection are permitted to interview a student (under 18 years of age) at school unless someone is acting as an independent supportive adult for that student. In the event Victoria Police, DFFH Child Protection or an independent Children's Lawyer insists on no adult being present in an interview, please contact the MACS Legal for advice.

5. Contacting parents or carers prior to VicPol or DFFH interviews

There are some circumstances where contacting parents or carers may place a child at greater risk. Before contacting parents or carers, principals must seek advice from Victoria Police or DFFH Child Protection (depending on who made the interview request) to determine if parents or carers should be present at an interview. The school must record details of this consultation and subsequent decision.

In many cases where it is suspected that a child has been or is at risk of being abused, it is extremely important that parents or carers are notified as soon as practicable. This enables parents or carers to take steps to:

- prevent or limit their child's exposure to further abuse and
- ensure that their child receives the support they require.

6. Student as victim or witness

When principals allow interviews to take place involving students who may be victims or witnesses, they should:

- support and encourage the student to provide as much information as possible and
- inform the student that a note of the circumstances and the content of the interview will be made and communicated to their parents or carers as soon as possible, unless doing so will put the child in danger of breach laws.

If Victoria Police asks to speak with a student who has allegedly been abused by another student, this should preferably be done in the presence of the student's parents / carers / guardians or another independent supportive adult who is not a school staff member.

If the matter is urgent and the school is unable to find an independent adult, or if the school is unsure about who an independent adult may be in a particular context, the school should contact the MACS Legal for advice.

The following table describes how principals should determine when to grant an interview request with a student who may be a victim or witness.

When the principal	The principal should
Is asked to allow a child or young person to be interviewed at school	• request the reason for the interview and why it must be conducted at school • ensure that the child's parents or carers are present where it is practical and appropriate to make these arrangements • ensure that if a parent or carer cannot be present, an independent supportive adult is present during the interview • ensure appropriate records are kept. The template provided may assist and • ensure that all appropriate care has been offered to the child including counselling services and pastoral care.
Is asked to allow a child or young person to be interviewed at school without the parent's or carer's present	• allow the interview if there are reasonable grounds to exclude the parents or carers from the interview ***Example:*** *The interview relates to an allegation of abuse involving parents, carers, siblings or other members of the student's family, or a person with some relationship to the family, and the student is supported by an independent adult; and* • ensure appropriate records are kept. The template provided may assist.
Is satisfied that immediate action is necessary and cannot contact the parents or carers or the parents or carers do not agree	• allow the interview, with the principal or suitable delegate representing the parents or carers, so long as a conflict of interest does not exist • ensure that if a conflict exists, an independent supportive adult is present – this may be a senior staff member at the school and • ensure appropriate records are kept. The template provided may assist.

When the principal	The principal should
Is not satisfied that immediate action is required	• only allow the interview when a parent or carer or their nominee is present, or the parents or carers authorise the principal to act as their representative and • ensure appropriate records are kept. The template provided may assist.
Is informed that a number of students need to be interviewed in order to identify potential witnesses	• only allow the interview: – to identify witnesses for further interviews and – to take place with a parent or carer or suitable delegate authorised by the parents or carers (such as the principal) to act as their representative and • ensure appropriate records are kept. The template provided may assist.

7. Recordkeeping

Principals are to ensure that all child safety and wellbeing records are maintained and stored in accordance with the Child Safety and Wellbeing Recordkeeping Procedures.

8. Definitions

Refer to the Protect Policy or Glossary of Terms for definitions of terms used in this procedure.

9. Support

MACS Legal seeks to provide schools with support and advice on legal matters.
Phone: 9267 0228
Email: 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

Child Safety Team supports schools with child safety and wellbeing matters and complaints handling.
Phone: 9267 0288

Reportable Conduct Team supports schools with implementation of the Reportable Conduct Scheme and related matters.
Phone: 9267 0288

10. Related policies and documents

Supporting documents

Informing Staff of Reporting Obligations: PROTECT Procedure
Police or DFFH Child Protection interviews at school: PROTECT Procedure
Police or DFFH Child Protection interviews at school – Student Interview Template
Responding to all forms of child abuse: PROTECT Procedure
Responding to Offences Under the *Crimes Act 1958* (Vic): PROTECT Procedure
Responding to Victoria Police and Child Protection Requests: PROTECT Procedure

Related MACS policies and documents

Child Safety and Wellbeing Policy
Child Safety and Wellbeing Policy – Schools
Child Safety and Wellbeing Recordkeeping Procedures
Child Safety Recruitment Procedures
Code of Conduct for MACS Staff
PROTECT: Identifying and Responding to Abuse – Reporting Obligations Policy
Reportable Conduct 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
PROTECT on the CEVN Website (schools only, log in required)
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

11. 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)
Worker Screening Act 2020 (Vic)
Wrongs Act 1958 (Vic)

Policy information table

Approving executive	Director, Child Safety and Risk
Procedure owner	General Manager, Child Safety
Approval date	1 July 2025
Review by	July 2027
Related policy	PROTECT: Identifying and Responding to Abuse – Reporting Obligations Policy
Publication	CEVN, Gabriel, School website
Superseded documents	Protect Procedure: Responding to Student Sexual Offending – v1.0 – 2023 Protect Procedure: Responding to Student Sexual Offending – v2.0 – 2024