Melbourne Archdiocese Catholic Schools

Responding to Student Sexual Offending

PROTECT Procedure

1. Purpose

This procedure seeks to ensure that all Melbourne Archdiocese Catholic Schools Ltd (**MACS**) Staff are aware of and follow their obligations in recognising and reporting suspected student sexual offending.

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

2. Scope

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

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

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

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

3. Becoming aware of a student sexual offending incident

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

Gaining awareness	Response
Witnessing an incident	Any staff who witness an incident or believe a child has been subject to or may be at risk of abuse, including student sexual offending, must first take immediate action (Refer to *Responding to all Forms of Abuse – Critical Action 1: Responding to an emergency*) to protect the safety of the child or children involved.
Forming a suspicion or reasonable belief	All suspicions that a child has been the victim of student sexual offending and / or a student has engaged in sexual offending must be taken seriously, including suspicions that the abuse is taking or may take place outside school grounds or environments. If a suspicion develops into a reasonable belief, staff must act.

Gaining awareness	Response
Receiving a disclosure about or from a current student *The role of staff remains the same if disclosures are made by a past student, parent/carer, a sibling or a peer, or if disclosures involve family violence.*	All disclosures must be treated seriously. You should immediately follow the Four Critical Actions (Section 5 below). Staff should reassure and support a child or young person who makes a disclosure about student sexual offending and ensure that the disclosure is taken seriously. Staff should never promise to keep any disclosure confidential, as all disclosures of abuse must be reported. For strategies on how to manage a disclosure, refer to Responding to All Forms of Abuse Procedures, the PROTECT: Identifying and Responding to Abuse – Reporting Obligations Policy and Student Support page on CEVN website (school staff login required).
Receiving a disclosure about or from a former student	If a disclosure is received from a former student about historical student sexual offending, staff must act. If the former student is currently of school age and attending a Victorian school, follow the Four Critical Actions as soon as possible. If the former student is no longer of school age or attending a Victorian school, report to Victoria Police.

4. Recordkeeping

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

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

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

5. Four Critical Actions

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

Critical Action 1 – Responding to an emergency	
This first step is only applicable if a child has just been abused or there is a risk of immediate harm. *If this is not the case, go straight to Critical Action 2: Reporting to authorities*	If student sexual offending has just taken place, or is at risk of taking place, you must take reasonable steps to protect all impacted students, including: • separating the alleged victim and others involved, ensuring that if the parties involved are all present at the school, they are supervised separately by a school staff member • arranging and providing urgent medical assistance where necessary, including administering first aid or calling 000 for an ambulance • calling 000 for urgent police assistance if the person who is alleged to have engaged in the student sexual offending poses an immediate risk to the health and safety of any person.
If the incident has occurred at school or in a school environment (e.g. camp, excursion), staff should also ensure that reasonable steps are taken to preserve the environment, the clothing and other items, and to prevent any potential witnesses (including school staff members, volunteers and contractors) from discussing the incident until Victoria Police or relevant authorities arrive on the premises.	

Critical Action 2
Following any incident, suspicion or disclosure of student sexual offending, a report must be made as soon as possible to the appropriate authorities.

Critical Action 2

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

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

Keep notes	Keep comprehensive notes that are dated and include: • a description of the concerns (e.g. physical injuries, student behaviour) • the source of those concerns (e.g. observation, report from child or another person) • the actions taken because of the concerns (e.g. consultation with the principal, report to the Department of Families, Fairness and Housing (DFFH) Child Protection). The template provided in PROTECT: Responding to Suspected Student Sexual Offending: Template for Victorian Schools can be used. Ensure all notes are stored according to the *Public Records Act 1973* (Vic) and Child Safety and Wellbeing Recordkeeping Procedures.
Discuss concerns	Due to the complexity of student sexual offending incidents, disclosures and suspicions, it is recommended that concerns and observations regarding sexual abuse of a child are discussed with: • the principal or a member of the leadership team • and/or MACS SWISS • and/or the General Manager (Region). This is not a legal requirement; however, it will help to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained. Staff (particularly mandatory reporters) must then make their own assessment about whether they are required to make a report about the child or young person and to whom the report should be made. It is important to remember that the duty to report student sexual offending, or suspicions of student sexual offending, exists even if the principal, member of the leadership team or a representative of MACS advises you not to proceed.
Gather and document information	The relevant information necessary to make the report includes: • full name, date of birth and residential address of both the student alleged to have engaged in the student sexual offending and the victim • details of the concerns and the reasons for those concerns • your involvement with the student(s) • details of any other agencies which may be involved with either student. This information can be collected and documented using PROTECT: Responding to Suspected Student Sexual Offending: Template for Victorian Schools. • It is critical that consulting and completing the template does not impact on reporting times.
Make the report *To report concerns which are life-threatening, phone 000 or the local police station.*	Where there is an incident, allegation or you form a suspicion that a student is a victim of student sexual offending and/or a student has committed student sexual offending: • contact Victoria Police • report internally to the principal, or a member of the leadership team if the principal is unavailable • contact MACS SWISS. Where the victim's parents/guardians/carers are unable to protect the child, and/or the student who is alleged to have engaged in the sexual offending is:

Critical Action 2	
	– over 10 and under 15 years of age and may need therapeutic treatment to address their sexually abusive behaviours – exhibiting behaviour that leads you to form a reasonable belief that they may be a victim of child abuse You must: • report the matter to DFFH Child Protection if you consider the child to be in need of protection due to child abuse, or that they have been, are being or are at risk of being harmed due to any form of abuse, including family violence. If after hours, call the Child Protection Emergency Service on 13 12 78 • report internally to the principal, or a member of the leadership team if the principal is unavailable • contact MACS SWISS.
Document written records of report	Make a written record of the report, including: • the date and time of the report, and a summary of what was reported • the name and position of the person who made the report • the name, position and contact details of the person who received the report. All information provided to either Victoria Police or DFFH Child Protection must be stored securely and maintained indefinitely by the school to ensure that records are accessible upon request by external authorities investigating the matter.
Additional steps for overseas students	Where a student sexual offending incident, disclosure or suspicion involves an international student at the school and the school has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter for that student (thereby assuming responsibility for the child's accommodation, support and general welfare), the school will also need to contact the Victorian Registration and Qualifications Authority (VRQA).
Making additional reports	If after a report is made, staff continue to suspect that a child is at risk and in need of protection, any further observations or incidents should continue to be recorded, and a report made on each separate occasion where a reasonable belief has been formed that a child is a victim of student sexual offending or has engaged in student sexual offending. Where a staff member is aware that another school staff member has formed a reasonable belief about the same child on the same occasion or based on the same indicators of student sexual offending, and has made a report to the appropriate authority, the staff member need not make a further report. However, if the staff member has formed a reasonable belief of further student sexual offending on different observations, further indicators or additional information, a further report must be made to the appropriate authority detailing this additional information.
Harmful sexual behaviour	Most children and young people are likely to engage in some level of age-appropriate sexual behaviour as part of typical development. Research identifies a continuum of sexual behaviours from common sexual play through to very concerning sexual behaviour. Harmful sexual behaviour in children under 10 years may include: • frequent, repeated behaviour, for example, compulsive masturbation • sexual behaviour between children who do not know each other well • high-frequency occurrences of sexual behaviour that interfere with normal childhood activities • sexual behaviour associated with emotional distress • sexual behaviour between children of different ages and developmental levels

Critical Action 2

- aggressive, forced and/or coerced interaction between children
- behaviour that does not stop once the child is told to stop, or occurs in secret
- behaviour that causes harm to the child or other children.

Students older than 10 may also exhibit harmful sexual behaviours that are not sexual offending.
In all cases, staff need to consider whether the behaviour is abnormal, whether the child should be referred for specialist assistance, and when to report an incident to the appropriate agencies. School staff should consider:

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

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

Critical Action 3: Contacting parents or carers

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

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

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

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

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

Critical Action 4: Providing ongoing support

Staff members have a critical role to play in supporting students impacted (including students who are victims of student sexual offending, students who have engaged in student sexual offending and students who have witnessed or otherwise been impacted by student sexual offending) to ensure that they feel supported and safe at the school.

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

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

Critical Action 4: Providing ongoing support	
	• contacting MACS SWISS for information regarding the range of school-based support services that may be available (e.g. SAFEMinds, referrals to family violence services, Centres Against Sexual Assault (CASA) or headspace, Child Youth Mental Health Service (CYMHS)). MACS, as the governing authority and the school have a duty to provide support to staff who have witnessed an incident or disclosure, or who have made a report to external authorities about student sexual offending. Staff may have also experienced child abuse or sexual offending in their own lives. Staff requiring wellbeing support can contact the relevant Employee Assistance Program (EAP) provider. A review of the reporting process must occur four to six weeks after a report has been made to identify if any further follow-up support actions are needed.
Providing developmentally and culturally appropriate support	While a child or young person's background should not impact a decision to report suspected abuse, it is important to be sensitive to their individual circumstances when providing support and working with families impacted by abuse. Considering the diversity of all children may include (but not be limited to): • Children with disabilities – consider their chronological age, developmental age and cognitive functioning to tailor developmentally appropriate support strategies – consider vulnerability to ongoing abuse. • Aboriginal and Torres Strait Islander children – consider culturally appropriate support. • Children from Culturally and Linguistically Diverse (CALD) backgrounds – consider culturally appropriate support that ensures the child's safety and wellbeing – engage interpreters as necessary to assist communication and engagement with family members. • Children from refugee backgrounds – trauma, dislocation and loss may impact both the child/ young person and their family. Specialist support services may be consulted as required – engage interpreters as necessary to assist communication and engagement with family members. • International students – additional supports must be considered given the child's family may not be present to provide support in the home environment.

6. Potential consequences of making a report

Consideration	Requirement
Confidentiality	The identity of a reporter must remain confidential unless: • The reporter chooses to inform the child, young person or parent or carer of the report • The reporter consents in writing to their identity being disclosed

Consideration	Requirement
	• A court or tribunal decides it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child or young person • A court or tribunal decides that in the interest of justice, the reporter is required to provide evidence In the event of a breach of confidentiality, and the above exemptions do not apply, please contact MACS Legal.
Professional protection	If a report is made in good faith: • It does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter • The reporter cannot be held legally liable in respect of the report
Interviews	DFFH Child Protection and /or Victoria Police may conduct interviews of the children or young people at the school without their parent or carer's knowledge or consent When external authorities are investigating a report of abuse or the risk of abuse, it is the role of the principal to ensure that students are supported throughout interviews at the school. For more information, refer to Police and Child Protection Interviews at School: PROTECT Procedure.
Support for children and young people	The roles and responsibilities for the principal and other school staff in supporting children and young people who are involved with DFFH Child Protection may include: • Acting as a support person for the child or young person • Attending DFFH Child Protection case-planning meetings • Observing or monitoring the child or young person's behaviour • liaising with professionals
Requests for information	DFFH Child Protection and / or the Orange Door and / or Victoria Police may request information about the child or young person or their family for the purpose of investigating a report and assessing the risk to the child or young person. Refer to Responding to Victoria Police or Child Protection Requests: PROTECT Procedure.
Witness summons	If DFFH Child Protection makes a protection application in the Children's Court of Victoria, any party to the application may issue a witness summons to produce documents and / or give evidence in the proceedings. When schools receive a subpoena or witness summons, they should contact MACS Legal for support and advice.
Responding to complaints and concerns	Complaints and concerns about the staff's management of a child abuse incident may be raised by parents, carers or others. The Complaints Handling Policy must be followed to ensure all complaints, concerns and feedback about school policies, procedures and processes are effectively captured and appropriately managed. If the complaint raises concerns that child abuse or the risk of child abuse has gone unreported, or provides further information about a report, the Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse must be followed to ensure that any new information received through a complaint or concern is reported to authorities when required.

7. Definitions

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

8. 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 supports schools with child safety and wellbeing matters and complaints handling.
Phone: 9267 0288

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

9. 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 Safe Recruitment Procedures – Schools
Child Safety Code of Conduct
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

10. 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	26 June 2025
Review by	June 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 – v2.0 – 2024 Protect Procedure: Responding to Student Sexual Offending – v1.0 – 2023