



GEELONG GRAMMAR SCHOOL

Obligation to Disclose Policy

1. Purpose and Scope

- 1.1 This Policy sets out the legal obligations of adults who are required to report alleged sexual offences against a Child to Victoria Police unless there is a reasonable excuse not to report.
- 1.2 This Policy applies to all adults, including Students who are aged 18 years or over.
- 1.3 This Policy has been endorsed by School Council.
- 1.4 This Policy is underpinned by the School's Student Safeguarding Policy.

2. Reporting and documenting a disclosure or belief

- 2.1 After forming a Reasonable Belief or being informed that a Sexual Offence has been committed by a person aged 18 years old or over against a Child, all School Employees, Third Party Contractors, Volunteers and Students who are aged 18 years or over must report any concerns or information to the School Student Safeguarding and Risk Officer, appropriate Head of Campus, Vice Principal, Principal or Chair of the School Council.
- 2.2 The Student Safeguarding and Risk Officer, appropriate Head of Campus, Vice Principal, Principal or Chair of the School Council must immediately inform the Vice Principal and Principal (as applicable).
- 2.3 As soon as practicable, the person must report the information to Victoria Police unless the person has a reasonable excuse for not doing so. The Student Safeguarding and Risk Officer, appropriate Head of Campus, Vice Principal, Principal or Chair of the School Council will assist and support the person to report the information to Victoria Police if required, particularly if the person is a student who is aged 18 years or over. Failure to immediately disclose such information is a criminal offence (known as the Failure to disclose sexual offence committed against child under the age of 16 years per the *Crimes Act 1958* section 327).
- 2.4 The legal obligation to disclose relevant information to Victoria Police is an individual one, so the School Employee, Third Party Contractor, Volunteer or student aged 18 years or over who forms the Reasonable Belief must personally ensure that Victoria Police is notified, regardless of whether they individually inform Victoria Police, or the Student Safeguarding and Risk Officer, appropriate Head of Campus, Vice Principal, Principal or Chair of the School Council does so on their behalf (unless the exception in Clause 3.1.2 applies).
- 2.5 School Employees, Third Party Contractors and Volunteers must contemporaneously document all details in the Record of Disclosure or Belief template (**Appendix 1**). This Record must be provided to the Student Safeguarding and Risk Officer, appropriate Head of Campus, Vice Principal, Principal or Chair of the School Council either at the time a report is made, or as soon as practicable after a report is made.
- 2.6 If a student aged 18 years or over is required to report information to Victoria Police, the Head of Campus or Vice Principal will assist the student with completion of the Record of Disclosure or Belief template (**Appendix 1**).
- 2.7 The completed Record of Disclosure or Belief must be provided to the Executive Director of Safeguarding and Legal Services as soon as practicable for secure storage.

3. Exceptions

- 3.1 There may be a reasonable excuse for not reporting a disclosure or belief if:
 - 3.1.1 the person fears on reasonable grounds for the safety of any person (other than the person reasonably believed to have committed or been involved in the Sexual Offence) if they disclosed the information to Victoria Police; or
 - 3.1.2 the person believes on reasonable grounds that the information has already been disclosed to Victoria Police by another person and the person has no further information to add.
- 3.2 A person may be exempt from the Failure to Disclose offence if:
 - 3.2.1 the victim is aged 16 years or older and does not want the information reported to Victoria Police. This exception does not apply where the victim is under 16 years, or is aged 16 years or over and has an intellectual disability and does not have the capacity to make an informed decision about whether or not to report; or
 - 3.2.2 the person received the information or disclosure when that person was under 18 years old; or
 - 3.2.3 the information is legally privileged; or
 - 3.2.4 the information is a confidential communication made to a registered medical practitioner or counsellor; or
 - 3.2.5 the information is in the public domain.
- 3.3 School Employees and students who are aged 18 years or over may have a reasonable excuse for not disclosing information to relevant authorities, however, they must still disclose the report to the Student Safeguarding and Risk Officer, appropriate Head of Campus, Vice Principal, Principal or Chair of the School Council.
- 3.4 The Executive Director of Safeguarding and Legal Services in conjunction with the Principal will determine if there is a reasonable excuse for not disclosing information to Victoria Police. In making a decision as to whether there is a reasonable excuse for not reporting a disclosure, the Principal must assess whether there is a risk to the alleged victim and other students if the alleged offence is not reported to Victoria Police, and if so, make a report.



4. Confidentiality of investigation

4.1 The School:

- 4.1.1 prohibits all School Employees from discussing any concerns or allegations with third parties, within or outside the School, save for the relevant School Employees, Volunteers and Third Party Contractors discussing such concerns or allegations for the purposes of seeking counselling, legal advice or other identified child safe agency/support services. Such prohibition is not designed to limit, in any way, rights and responsibilities to report concerns or allegations, but ensures privacy, confidentiality and natural justice through the appropriate provision of procedural fairness;
- 4.1.2 prohibits all School Employees from making deliberately false, misleading or vexatious allegations about another member of the School Community;
- 4.1.3 will maintain the confidentiality and privacy of all concerned (including the alleged perpetrator), except if doing so would compromise the welfare of the Child, or other Children and/or investigation of the allegation or as otherwise allowed in clause 4.1.1.
- 4.1.4 will ensure confidentiality of an investigation of an allegation by storing:
 - 4.1.4.1 hard copy documentation in a locked filing cabinet (or similar); and
 - 4.1.4.2 electronic documentation in a password protected folder (or similar).

5. Protection for making a disclosure

- 5.1 A disclosure to Victoria Police that is made in good faith does not constitute unprofessional conduct or a breach of professional ethics, and the person making the disclosure will not be liable in any way for doing so.
- 5.2 The person's identity will be kept confidential unless:
 - 5.2.1 they disclose their identity themselves;
 - 5.2.2 they consent to it being disclosed; or
 - 5.2.3 a Court considers it necessary for them to be identified.

6. Definitions

Child / Children	for the purposes of this Policy means all students at the School under the age of 16 years, or if the student is aged 16 years or over and has an intellectual disability and does not have the capacity to make an informed decision.
Crimes Act	<i>Crimes Act 1958 (Vic)</i>
Reasonable Belief	is formed if a reasonable person in the same position would have formed the belief on the same grounds. This may occur when: <ol style="list-style-type: none"> 1. a Child states that they have been sexually abused; 2. a Child states that they know someone who has been sexually abused; 3. someone who knows a Child states that the Child has been sexually abused; 4. observations of the Child's behaviour or development leads a professional to form a belief that the Child has been sexually abused; or 5. signs of sexual abuse lead to a belief that the Child has been sexually abused.
School Employees	means all members of School Council, the Executive and Leadership team and all other campus and boarding premises employees, whether employed on a full, part time or casual basis
Sexual Offence	includes the following offences committed against a Child by an adult: <ol style="list-style-type: none"> 1. rape; 2. indecent assault; 3. sexual penetration of a Child; 4. indecent act with a Child; 5. administration of a drug with the intention of rendering the Child incapable of resistance to enable a person to take part in an act of sexual penetration or commit an act of indecency with the Child; or 6. grooming (where an adult perpetrator of abuse builds a relationship with a Child with the intention of engaging the Child in a Sexual Offence at some stage).
the School	means Geelong Grammar School including its registered boarding premises
Third Party Contractors	means a third party service provider engaged by the School to provide a service to the School and or its students.
Volunteer	means people who assist the School in some capacity directly or indirectly School activities, and will have access to students (including virtual/online) or student places of study (i.e. campus, School camp or sporting event, hosting accommodation) including but not limited to: <ol style="list-style-type: none"> 1. a volunteer or a contracted service provider engaged in school activities (whether or not a body corporate or any other person is an intermediary); and 2. homestay providers.




7. **Review and circulation**

Responsible Department:	<input checked="" type="checkbox"/> Safeguarding and Legal Services
Version:	3
Approved by:	<input checked="" type="checkbox"/> School Council
Effective Date:	14 August 2023
Review Date:	14 August 2024
Location:	<input checked="" type="checkbox"/> School wide <input type="checkbox"/> Bostock <input type="checkbox"/> Corio <input type="checkbox"/> Timbertop <input type="checkbox"/> Toorak
Publication:	<input checked="" type="checkbox"/> School Community <input checked="" type="checkbox"/> School Employees <input checked="" type="checkbox"/> Students



Appendix 1 – Record of Disclosure or Belief

 GEELONG GRAMMAR SCHOOL® EXCEPTIONAL EDUCATION RECORD OF DISCLOSURE OR BELIEF	
<p><i>Note: A School Employee to whom a disclosure of a sexual offence has been made, or who forms a reasonable belief that a Child has been the victim of a sexual offence must complete this record. Once a report has been made to the Head of Campus or Vice Principal this record must be provided to the Head of Campus, Vice Principal and Executive Director Safeguarding and Legal Services who are required to store it in a secure and confidential file</i></p> <p><i>The Head of Campus or Vice Principal may assist a student aged 18 years or over with completion of this report..</i></p>	
Name of victim:	
Age (date of birth if known) and gender of victim:	
Campus, Year Level and House of alleged victim:	
Contact details for alleged victim:	
Name of parents of alleged victim:	
Contact details for parents of alleged victim:	
Date/time reasonable belief formed:	
Name of alleged perpetrator:	
Age of alleged perpetrator (if known including date of birth):	
Role of alleged perpetrator:	
Reported to Head of Campus, Vice Principal or Principal (mandatory): Y / N	
Date and time reported to Head of Campus, Vice Principal or Principal:	
Date reported to Victoria Police:	
Name of contact at Victoria Police:	
Contact details for Victoria Police (including any reference allocated to the notification)	
Details: <i>(insert as much information as possible)</i>	
Name and position of School Employee or student aged 18 years or over::	



Signature:	Date:
Acknowledgement of receipt of Report by Head of Campus, Vice Principal or Principal:	
Signature:	Date: