

# GEELONG GRAMMAR SCHOOL

## Obligation to Disclose Policy

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### 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 (who for the purposes of this Policy is under the age of 16 years old only) 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 (who for the purposes of this Policy is under the age of 16 years old only), 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 contact details for the Victoria Police SOCIT teams closest to each School Campus are as follows:
  - 2.4.1 In an emergency, call 000;
  - 2.4.2 Geelong SOCIT (For Corio Campus and Bostock House Campus): 03 5246 8101;
  - 2.4.3 Bayside SOCIT (for Toorak Campus): 03 8530 5203; and
  - 2.4.4 Benalla SOCIT (for Timbertop Campus): 03 5760 0230.
- 2.5 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).
- 2.6 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.
- 2.7 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**).
- 2.8 The completed Record of Disclosure or Belief must be provided to the Executive Director |Safeguarding and Legal Services as soon as practicable for secure storage.
- 2.9 The fulfilling of the role and responsibilities in this Policy by any person does not displace or discharge any other obligations that may arise if that person reasonably believes that a child is at risk of child abuse.

### 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 | 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. Safeguarding for a Child

- 6.1 The School will take appropriate actions to protect any Child (being a School Student) connected to the complaint or concern relating to Child Abuse until the complaint or concern is resolved. Actions taken by the School in these circumstances may include but are not limited to the following:
- 6.1.1 Provide information regarding pathways of support so that the Child has a variety of support options available to them (both internal and external to the School);
- 6.1.2 Provide a safe place on their campus that the Child may attend should they feel threatened or at risk;
- 6.1.3 Provide a nominated School liaison for the Child and their family;
- 6.1.4 Vary (by agreement or otherwise as advised by external professionals, such as medical practitioners) the Child's participation in academic, co-curricular and boarding programmes in their best interests;
- 6.1.5 Take any reasonable actions as necessary to ensure the Child does not come into contact with the subject of the complaint while on School property; and
- 6.1.6 Do anything else or any other actions as reasonably determined by the School, professionals involved in the matter, the Student and their family.

#### 7. Definitions

<b>Child / Children</b>	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.
<b>Crimes Act</b>	<i>Crimes Act 1958</i> (Vic)
<b>Reasonable Belief</b>	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"> <li>1. a Child states that they have been sexually abused;</li> <li>2. a Child states that they know someone who has been sexually abused;</li> <li>3. someone who knows a Child states that the Child has been sexually abused;</li> <li>4. observations of the Child's behaviour or development leads a professional to form a belief that the Child has been sexually abused; or</li> <li>5. signs of sexual abuse lead to a belief that the Child has been sexually abused.</li> </ol>


<b>School Employees</b>	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
<b>Sexual Offence</b>	includes the following offences committed against a Child by an adult: <ol style="list-style-type: none"> <li>1. rape;</li> <li>2. indecent assault;</li> <li>3. sexual penetration of a Child;</li> <li>4. indecent act with a Child;</li> <li>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</li> <li>6. grooming (where an adult communicates, by words or conduct, with a Child under the age of 16 years or with a person who has care, supervision or authority of the Child (e.g. the child's Parents) with the intention of facilitating the Child's involvement in sexual conduct, either with the groomer or another adult).</li> <li>7. image based abuse</li> </ol>
<b>the School</b>	means Geelong Grammar School including its registered boarding premises
<b>Third Party Contractors</b>	means a third party service provider engaged by the School to provide a service to the School and or its students.
<b>Volunteer</b>	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"> <li>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</li> <li>2. Homestay Providers.</li> </ol>

#### 8. Review and circulation

<b>Responsible Department:</b>	<input checked="" type="checkbox"/> Safeguarding and Legal Services
<b>Version:</b>	3
<b>Approved by:</b>	<input checked="" type="checkbox"/> School Council
<b>Effective Date:</b>	18 August 2025
<b>Review Date:</b>	18 August 2026
<b>Location:</b>	<input checked="" type="checkbox"/> School wide <input type="checkbox"/> Bostock <input type="checkbox"/> Corio <input type="checkbox"/> Timbertop <input type="checkbox"/> Toorak
<b>Publication:</b>	<input checked="" type="checkbox"/> School Community <input checked="" type="checkbox"/> School Employees <input checked="" type="checkbox"/> Students



## Appendix 1 – Record of Disclosure or Belief

 <b>GEEELONG GRAMMAR SCHOOL®</b> EXCEPTIONAL EDUCATION	
<b>RECORD OF DISCLOSURE OR BELIEF</b>	
<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>	
<b>Name of victim:</b>	
<b>Age (date of birth if known) and gender of victim:</b>	
<b>Campus, Year Level and House of alleged victim:</b>	
<b>Contact details for alleged victim:</b>	
<b>Name of parents of alleged victim:</b>	
<b>Contact details for parents of alleged victim:</b>	
<b>Date/time reasonable belief formed:</b>	
<b>Name of alleged perpetrator:</b>	
<b>Age of alleged perpetrator (if known including date of birth):</b>	
<b>Role of alleged perpetrator:</b>	
<b>Reported to Head of Campus, Vice Principal or Principal (mandatory): Y / N</b>	
<b>Date and time reported to Head of Campus, Vice Principal or Principal:</b>	
<b>Date reported to Victoria Police:</b>	
<b>Name of contact at Victoria Police:</b>	
<b>Contact details for Victoria Police (including any reference allocated to the notification)</b>	
<b>Details:</b> <i>(insert as much information as possible)</i>	
<b>Name and position of School Employee or student aged 18 years or over::</b>	



<b>Signature:</b>	<b>Date:</b>
<b>Acknowledgement of receipt of Report by Head of Campus, Vice Principal or Principal:</b>	
<b>Signature:</b>	<b>Date:</b>