



## PROTECT Procedure

### Responding to police and Child Protection requests for further information



Melbourne Archdiocese Catholic Schools (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 has broad powers to investigate, question, search and detain. For the most part, Victoria Police will conduct investigations after they receive a report. However, there will be rare circumstances in which Victoria Police may ask a school to seek further information.

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. At times they may ask schools to seek further information to support their work.

## Purpose

The purpose of these guidelines is to assist principals to:

- respond to a request from Victoria Police or DFFH Child Protection workers for extra information from or about students or an incident regarding child safety or wellbeing
- respond to a request from Victoria Police or DFFH Child Protection workers to provide photographs of student injuries
- understand and comply with their legal requirements when a request is made by Victoria Police or DFFH Child Protection workers regarding child safety and wellbeing
- manage situations which can be stressful and sensitive.

## Scope

These procedures apply to all MACS schools.

## Procedures

### **If requested by DFFH Child Protection or Victoria Police for further information from a student or about a family regarding a child safety or wellbeing concern**

Principals (or delegates) **must consider**:

- if there are reasonable grounds to exclude the parent/guardian/carer from providing this information
- if seeking further information or engaging in further discussion around this situation with the student may compromise their safety or wellbeing
- that schools should support requests from DFFH and/or Victoria Police within reason having considered the impacts above
- that such a request can be treated as an information sharing request. MACS recording keeping templates and guidance can be found on the CEVN website <https://cevn.cecv.catholic.edu.au> under *Student Support / Child Information Sharing and Family Violence Reforms*
- that under the *Children, Youth and Families Act 2005* (Vic.), DFFH Child Protection and/or Victoria Police may, in writing, direct any person with relevant information to give information to the authorised person (orally or in writing), or provide documents, on any matter concerning the protection or development of the child concerned. It outlines that reasonable assistance be provided to the authorised officer in relation to the child in need of protection or support.

**Note:** Schools may seek clarity or further information from the MACS Legal and Professional Standards Unit about what to do regarding requests for further investigation.

## **If requested by DFFH or Victoria Police to provide a photo of a student injury**

Principals (or delegates) **must consider:**

- if there are reasonable grounds to include the parent/guardian/carer in providing this evidence
- if the student is mature enough to be able to provide this evidence themselves
- where neither of these are possible, schools should support requests from DFFH Child Protection and/or Victoria Police. They should seek clarity around what is required from the photo (e.g. does the student need to be identifiable in the photo)
- that the school must seek the consent of the student to have the photo taken, including knowledge of what will be in the photograph, who will take the photo, who will receive the photo and the purpose for which it will be used
- that in the event the student cannot give informed consent for their photograph to be taken, the school must inform the requesting body that consent is unable to be obtained
- where a student consents to the photo of an injury being taken, the school should consider:
  - who is the most appropriate person to take the photo
  - that where possible, there be at least two adults present
  - that the photo should be taken on a school device (not a personal device)
  - balancing the privacy of the location with the safety of the child and staff involved
  - that once the photo has been shared with the relevant authority and receipt acknowledged, the school should delete the photograph and the student should be aware this has occurred
  - if DFFH Child Protection or Victoria Police request that a photo be retained by the school, it must be stored securely, with protected access requirements and then deleted when no longer required
  - that records should be kept of the relevant details of the photo, when and to whom it was shared and if the photo is deleted, the date on which this occurred and any other relevant information.
- that such requests can be treated as an information sharing request under the Child Information Sharing Scheme (CISS) or the Family Violence Information Sharing Scheme (FVISS). MACS record keeping templates and guidance can be found on the CEVN website under *Student Support / [Child Information Sharing and Family Violence Reforms](#)*
- that under the *Children, Youth and Families Act 2005 (Vic)*, DFFH Child Protection and/or Victoria Police may, in writing, direct any person with relevant information to give information to the authorised person (orally or in writing), or provide documents, on any matter concerning the protection or development of the child concerned. It outlines that reasonable assistance be provided to the authorised officer in relation to the child in need of protection or support.

**Note:** Schools may seek clarity or further information from the MACS Legal and Professional Standards Unit about what do in response to requests for photographs of student injuries.

## **If requested by DFFH Child Protection or Victoria Police to seek further information about a student**

In certain circumstances, DFFH Child Protection or Victoria Police may ask for information or documents about the student, such as information about the protection or development of the child.

They may also request information about the child or family for the purpose of investigating a report or assessing the risk to a child or young person.

Principals (or delegates) should consider:

- if this is a request under the CISS and/or the FVISS and if so, respond as appropriate
- that under the *Children, Youth and Families Act 2005 (Vic)*, DFFH Child Protection and/or Victoria Police may, in writing, direct any person with relevant information to give information to the authorised person (orally or in writing), or provide documents, on any matter concerning the protection or development of the child concerned. It outlines that reasonable assistance be provided to the authorised officer in relation to the child in need of protection or support.

**Note:** Schools may seek clarity or further information from the MACS Legal and Professional Standards Unit about what to do regarding requests for further information.

# Definitions

## Child

Child means a child or young person who is under the age of 18 years.

Source: [Child Wellbeing and Safety Act 2005](#) (Vic.) and [Ministerial Order No. 1359](#).

## Child abuse

Child abuse includes:

- (a) any act committed against a Child involving:
  - (i) a sexual offence
  - (ii) an offence under section 49B(2) of the Crimes Act 1958 (grooming)
- (b) the infliction, on a Child, of:
  - (i) physical violence
  - (ii) serious emotional or psychological harm
- (c) serious neglect of a Child.

## Child Information Sharing Scheme (CISS)

The CISS, implemented by the Victorian Government is a scheme enabling information sharing between authorised organisations to promote a child's wellbeing or safety. All Victorian children and young people from 0 to 18 years of age are covered by the CISS.

## Child safety

Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to suspicions, incidents, disclosures or allegations of child abuse ([Ministerial Order No. 1359](#)).

## Department of Education (DE)

Victorian government department that leads the delivery of education and development services to children, young people and adults.

## Family Violence

Family violence is defined under the *Family Violence Protection Act 2008* (Vic.) to include behaviour that causes a child to hear, witness or be exposed to the effects of family violence such as abusive, threatening, controlling or coercive behaviour. While family violence does not form part of the official definition of 'child abuse' in the *Child Wellbeing and Safety Act 2005* (Vic.), the impact of family violence on a child can be a form of child abuse, for example, where it causes serious emotional or psychological harm to a child. A child can also be a direct victim of family violence.

## Family Violence Information Sharing Scheme (FVISS)

Implemented by the Victorian government under the *Family Violence Protection Act 2008*. The scheme enables the sharing of information between authorised organisations to assess and manage family violence risk and supports effective assessment and management of family violence risk.

## Grooming

Grooming refers to predatory conduct undertaken by an adult (18 years or over) to prepare a child for sexual activity at a later time. It is a sexual offence under section 49M of the *Crimes Act 1958* (Vic.) carrying a maximum 10-year term of imprisonment. Under section 49M, the adult's words or conduct must be intended to facilitate the child engaging or being involved in the commission of, or attempt to commit, a sexual offence by the adult or another adult.

## Melbourne Catholic Archdiocese Schools Ltd (MACS)

MACS is a reference to Melbourne Archdiocese Catholic Schools Ltd, and/or its subsidiaries, MACSS and/or MACSEYE (as the context requires).

### **MACS board or board**

The board of Melbourne Archdiocese Catholic Schools Ltd (MACS), being also the board of Melbourne Archdiocese Catholic Specialist Schools Ltd (MACSS) and the board of Melbourne Archdiocese Catholic Schools Early Years Education Ltd (MACSEYE) in an ex officio capacity (as the context requires).

### **MACS executive**

A member of the executive leadership team (ELT) of MACS or the ELT as a group.

### **MACS school or school**

A school which operates with the consent of the Catholic Archbishop of Melbourne and is owned, operated and governed by MACS, directly or through MACSS (as the context requires). References to schools or MACS schools also includes boarding premises of schools operated by MACS and specialist schools operated by MACSS.

### **Mature Minor**

A mature minor is an individual in a MACS school who is assessed by the principal of that school to be a mature minor.

To be considered a mature minor, principals or others working with students must be satisfied that the student has sufficient maturity, understanding and intelligence to understand the nature and effect of their decision. If a school needs assistance in determining if a student is a mature minor, please contact the MACS Legal and Professional Standards Unit on 9267 4001 or [legal@macs.vic.edu.au](mailto:legal@macs.vic.edu.au).

Source: [DET Mature Minors and Decision Making \(2020\)](#)

### **Melbourne Archdiocese Catholic Schools Early Years Education Ltd (MACSEYE)**

Melbourne Archdiocese Catholic Early Years Education Ltd, a subsidiary of MACS established to conduct early childhood education and care services.

### **MACSEYE service**

An early childhood education and care service which is owned, operated and governed by MACSEYE.

### **Melbourne Archdiocese Catholic Specialist Schools Ltd (MACSS)**

Melbourne Archdiocese Catholic Specialist Schools Ltd, a wholly owned subsidiary of MACS established to conduct and operate specialist schools.

### **Mandatory reporters**

Mandatory reporters listed under the Children, Youth and Families Act 2005 (Vic.) include:

- Victorian Institute of Teaching (VIT) registered teachers (including principals and early childhood teachers)
- school staff who have been granted permission to teach by VIT
- registered medical practitioners, nurses and midwives
- people in religious ministry
- youth justice workers
- out-of-home care workers (excluding voluntary and kinship carers)
- school counsellors, including staff who provide direct support to students for mental, emotional and psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare officers, student wellbeing coordinators, mental health practitioners, and chaplains.

### **Mandatory reporting**

Mandatory reporting is the legal requirement under the *Children, Youth and Families Act 2005* (Vic.) to protect children from harm relating to physical and sexual abuse. A child, for the purposes of the relevant parts of this Act, is any person under the age of 17 years ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)).

## **Physical violence**

Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways, including beating, shaking, burning or using weapons (such as belts and paddles). Physical harm may also be caused during student fights.

## **Policy**

A high-level, principles-based directive that must be complied with across MACS, MACSS and MACSEYE.

## **Principal/director**

Individual appointed by MACS as principal in a MACS school or director in a MACSEYE service.

## **Procedure**

A step-by-step or detailed instruction for the implementation of MACS policy that is mandatory across MACS, MACS schools and MACSEYE.

## **Process**

A process is a method of implementation of a MACS framework, policy or procedure.

## **Reasonable belief**

A reasonable belief or a belief on reasonable grounds is not the same as having proof but is more than rumour or speculation. A reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds.

A reasonable belief might be formed if:

- a child states that they have been physically or sexually abused
- any person tells you that they believe someone has been abused; this may include a child who is talking about themselves
- you observe physical or behavioural indicators of abuse, as described in [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#)
- a child or young person exhibits sexually abusive or age-inappropriate behaviour(s)
- professional observations of the child's behaviour or development cause you to form a belief that the child has been physically or sexually abused, or is likely to be abused.

While any indicators of possible child abuse or neglect are concerning, it is important to understand that the presence of a number of indicators that suggest either physical or sexual abuse of a child may be sufficient to form a reasonable belief in a mandatory reporter's mind which must be reported.

## **Reportable allegation**

A reportable allegation means any information that leads a person to form a reasonable belief that an employee has committed reportable conduct or misconduct that may involve reportable conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.

## **Reportable conduct**

Reportable conduct for the purposes of the Reportable Conduct Scheme is:

- a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded
- sexual misconduct, committed against, with or in the presence of, a child
- physical violence committed against, with or in the presence of, a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child as defined in the *Child Wellbeing and Safety Act 2005* (Vic).

## **Risk**

Risk is defined as the effect of uncertainty on objectives. An effect is a deviation from the expected – positive and/or negative. Risk is often expressed in terms of a combination of the consequences

of an event (including changes in circumstances or knowledge) and the associated likelihood of occurrence.

### **Risk management**

The coordinated activities to direct and control an organisation regarding risk.

### **School Advisory Council**

Supports the principal of a MACS school by providing a forum for discussion and discernment where parent voice and community perspective can help inform decision-making.

### **School/service environment**

Means any of the following physical, online or virtual places used during or outside school/service hours:

- a campus of the school
- a campus of a MACSEYE service
- online or virtual school/service environments made available or authorised by MACS or a MACS school or MACSEYE service for use by a child or student (including email, intranet systems, software, applications, collaboration tools and online services)
- other locations provided by the school/service or through a third-party provider for a child or student to use including, but not limited to, locations used for camps, approved homestay accommodation, delivery of education and training, sporting events, excursions, competitions and other events) ([Ministerial Order No. 1359](#)).

### **School/service staff**

Means an individual working in a school/service environment who is:

- directly engaged or employed by a school/service governing authority
- a contracted service provider engaged by MACS or MACSEYE (whether or not a body corporate and whether or not any other person is an intermediary) engaged to perform child-related work for a MACS school or MACSEYE service
- a minister of religion, a religious leader or an employee or officer of a religious body associated with MACS ([Ministerial Order No. 1359](#)).

### **Serious emotional or psychological harm**

Serious emotional or psychological abuse may occur when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child is disturbed, or their emotional development is at serious risk of being impaired. Serious emotional or psychological harm could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

### **Serious neglect**

Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. Significant neglect causes harm to a child that is more than trivial or temporary. Serious neglect is when the child is exposed to an extremely dangerous or life-threatening situation and there is a continued failure to provide a child with the basic necessities of life.

### **Sexual offences**

For the purposes of this policy, a sexual offence occurs when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child's age and development. Sexual offences are governed by the *Crimes Act 1958* (Vic.). Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.

### **Student**

Student means a person who is enrolled at or attends a MACS school.



## Volunteer

A person who performs work without remuneration or reward for MACS, a MACS school or MACSEYE service in the school/service environment.

## Support

**MACS Legal and Professional Standards Unit** seeks to provide schools with support and advice on legal matters.

- Phone: 9267 0228
- Email: [legal@macs.vic.edu.au](mailto: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](mailto:swb@macs.vic.edu.au)

## Related policies and documents

### Supporting documents

PROTECT Procedure: Informing staff of reporting obligations  
PROTECT Procedure: Police or DFFH Child Protection interviews at school  
PROTECT Procedure: Responding to all forms of child abuse  
PROTECT Procedure: Responding to offences under the *Crimes Act 1958* (Vic.)  
PROTECT Procedure: Responding to student sexual offending  
Police or DFFH Child Protection interviews at school – Student Interview Template

### Related MACS policies and documents

PROTECT: Identifying and Responding to Abuse – Reporting Obligations Policy  
Child Safety Code of Conduct  
Child Safety and Wellbeing Policy  
Child Safety and Wellbeing Record Keeping Policy  
Complaints Handling Policy  
Duty of Care Policy for MACS Schools  
Pastoral Care Policy for MACS Schools  
Supervision 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](#)  
[Policy and Advisory Library \(PAL\): Police and Child Protection Interviews](#)  
[PROTECT on the CEVN Website](#)  
[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](#)

## 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.)

*Working with Children Act 2006* (Vic.)

*Wrongs Act 1958* (Vic.).

## Policy information table

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