
Child Protection – Past Abuse Response Policy

1.0 Purpose

The St Michael's Grammar School (the School) community expects all its members to work together to promote a safe and caring environment that enhances everyone's well-being and ability to learn and work. Everyone has a right to feel safe and secure and everyone is charged with the responsibility to treat others with dignity and respect, care and compassion.

The School is committed to the safety and wellbeing of all children and young people accessing the School's services. The School supports the rights of the child and young person and will act without hesitation to ensure a child-safe environment is maintained at all times. The School has a zero tolerance for child abuse and is committed to acting in the best interests of its students both past and present.

Child abuse damages children physically and emotionally. The initial effects and the long-term consequences of child abuse impact on the individual, their family and the community at large.

This policy sets out the procedures that the School will follow in responding to allegations of suspected child abuse from past students and others. Through these procedures the School wishes to offer victims a direct personal response and to provide redress with appropriate regard to what is known about the nature and impact of child sexual abuse. The School will also have regard to the cultural needs of victims and particularly vulnerable persons.

2.0 Scope

This policy applies to all students both past and present of St Michael's Grammar School.

3.0 Principles behind this Policy

St Michael's Grammar School wishes to provide a direct personal response for any past students or others who disclose that they were victims of child abuse in an *institutional context* while they were attending the School or were under the School's care.

It will endeavor to facilitate the best response it can for the needs of the victim in accordance with the following aims and principles:

- a) Re-engagement between the School and the student if this is what the student wishes
- b) Ensuring that the victim has a clear understanding of what the School is willing to provide by way of a direct personal response
- c) Acknowledging the victim's choice of representative or support person while engaging with the School
- d) Handling requests for redress confidentially and as promptly as circumstances permit
- e) Avoiding unnecessary adversarial responses to claims.

4.0 Definitions

<i>SMGS or the School</i>	St Michael's Grammar School
<i>Child abuse</i>	<p>Child abuse includes:</p> <ol style="list-style-type: none"> 1. any act committed against a child involving: <ul style="list-style-type: none"> • a sexual offence or • an offence under section 49B(2) of the <i>Crimes Act 1958</i> (grooming) 2. the infliction, on a child, of: <ul style="list-style-type: none"> • physical violence or • serious emotional or psychological harm 3. serious neglect of a child.
<i>Institutional context</i>	<p>Child abuse may have occurred in an institutional context in the following circumstances:</p> <ol style="list-style-type: none"> a) it happened in the SMGS <i>school environment</i> or in connection with the activities of SMGS; or b) the abuse was perpetrated by an official of the School in circumstances where SMGS has, or its activities have, created, facilitated, increased or in any way contributed to the risk of abuse or the circumstance or conditions giving rise to that risk.
<i>School environment</i>	<p>The SMGS school environment is any physical or virtual place that was made available or authorized by the School for use by a child during or outside school hours, and includes:</p> <ol style="list-style-type: none"> a) The School campus at 25 Chapel St, St Kilda b) St George's Church at 4 Chapel St, St Kilda c) Online school environments including email and intranet systems d) Other locations provided by SMGS for a student's use, including locations used for school camps, sporting events, excursions, competitions and other events.

5.0 Elements of the policy

Our response

A past student or other person may seek redress from St Michael's Grammar School if they have in the past suffered child abuse within the School environment:

- a) While they were one of our students;
- b) In an institutional context; or

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- c) In circumstances where the School is, or should be treated as, being responsible for the adult abuser having contact with the student.

A person (claimant) may seek redress by writing to the Head of the School or by initiating contact with the Head of the School by telephone or in person. The Head of the School will treat all allegations and requests confidentially.

The claimant should verify their account of the abuse they suffered by statutory declaration. The School may then require further information and also undertake an investigation into the allegations before deciding on the merits of the request for redress. The School will not make a finding that the alleged abuse occurred but will apply the standard of proof of “reasonable likelihood”.

The School will make a decision in relation to the request for redress as soon as it reasonably can. The School may require additional time to obtain its own legal advice and medical reports and may request the claimant to undertake an assessment with an independent medical practitioner.

Any offer of redress or response by the School will be subject to the approval of the School Board. In some instances the School’s response may also be subject to, and conditional upon, the consent or direction of its insurer and other parties who may have an interest in the outcome.

The School may also offer to attend in good faith a confidential conference with the claimant and their support person or representative to assist in resolving their claim for redress. The School will not unreasonably refuse to appoint an independent person as nominated by the claimant to conduct the conference of the parties.

If an offer of redress is made by the School it will keep the offer open for a reasonable period of time. This will enable the claimant sufficient time to fully consider the offer, to seek advice and to consider the consequences of accepting the offer.

An offer of redress from the School may include any or all of the following:

- a) an apology
- b) a monetary payment
- c) the opportunity to meet with senior school representatives and receive an acknowledgement of the impact of the abuse on them
- d) assurance that the School is committed to preventing further abuse of children who are currently attending the School
- e) paying for counselling and psychological care services as needed by the claimant for their future care needs.

If an offer of redress includes a monetary payment by the School, it will be for such amount as the School reasonably believes gives tangible recognition of the

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seriousness of the hurt and injury suffered by the claimant. Also, as a condition of any monetary payment the School will require the claimant to sign a formal release document that releases the School for any further liability. If the claimant is not represented by a lawyer, the School will fund, at a fixed price, a legal consultation for the claimant to enable him or her to obtain legal advice before deciding whether or not to accept the School's offer and to execute the required release document.

If any offer of redress is made, the School will not require the claimant to agree to confidentiality obligations as a condition of resolving any claim, but the School will nevertheless maintain confidentiality of any resolution reached.

Communicating with others

The School may be required to report the claimant's allegations to such authorities as Victoria Police, the Department of Human Services and the Victorian Institute of Teaching. It may also need to communicate with the alleged abuser.

It will not be the role of the School to make any "finding" that the alleged abuser was involved in any abuse. However, the School will have to investigate and consider the merits of any request for redress.

The School may consider it necessary to contact the alleged abuser and advise them of the claimant's allegations and provide an opportunity to respond. The School will inform the claimant if it considers contact with the alleged abuser to be necessary and will seek the claimant's consent. The School may not be able to resolve a request for redress if the claimant's consent is not given.

The School may also decide to defer considering a request for redress if:

- a) it is undertaking internal disciplinary processes in respect of the abuse that it considers necessary to complete before considering the application
- b) to permit it to comply with any legal requirements, including to report or disclose the abuse, including to mandatory reporting agencies
- c) it is requested by Victoria Police to defer its investigation or, if not to do so would compromise any investigation or inquiry of Victoria Police or other law enforcement agency.

The School will encourage the claimant to report their allegation directly to Victoria Police or to discuss their options directly with the police. The School will provide such assistance and support to the claimant as may be required to report the allegations to the police. However, if the claimant does not want the allegations to be reported to the police then the School may decide to make a "blind report", which is a report to the police that names the alleged abuser but does not disclose the identity of the claimant as the victim.

The School will cooperate with any reasonable requirements of Victoria Police in terms of information sharing, subject to satisfying any privacy and consent requirements of the claimant.

The School will also report any allegations to Victoria Police if it has reason to believe that there may be a current risk to children.

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Records

The School will keep all documentation and evidence received by it in relation to any allegation of child abuse and any requests for redress in secure and confidential files under the supervision of the Head of the School.

The School will also make a confidential record of the following information:

- a. The date when it is first advised of the allegation of child abuse
- b. The name of the person making the allegation
- c. Details of the allegations of child abuse including the identify of the alleged abuser/s and other persons involved (such as witnesses)
- d. A record of the procedures followed by the School in considering a request for redress and the relevant time frames
- e. The outcome of any resolution with the claimant

In certain cases the School's records and communications may be subject to legal professional privilege and therefore not subject to disclosure to others.

All personal information collected, held and stored by the School will be managed in accordance with the *Privacy Act 1988 (Cth)* and the *Australian Privacy Principles (APPs)*.

Communication

Our school community will be informed about this procedure and will make the procedure publicly available on our website.

6.0 Responsibilities

Stakeholder	Responsibilities
Head of the School	The Head of the School is primarily responsible for dealing with responses to allegations of past abuse and for ensuring that these procedures are available to any person who makes such allegations. The Head of the School will ensure that the person is treated respectfully and that potential re-traumatisation is avoided.
Deputy Head of the School	In the absence of the Head of the School the Deputy Head of the School will assume responsibility for this procedure.
School Board	The School Board may also be advised confidentially of allegations of child abuse that are disclosed to the Head of the School or the Deputy Head of the School under this procedure.
The School acknowledges that complying with this procedure will not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.	

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7.0 Related Procedures

- Anti-Bullying Policy
- At Risk Behaviour Policy
- Child Protection – Risk Management Strategy
- Child Protection - Mandatory Notifiers Policy
- Code of Conduct
- Crimes Act Policy
- Incident Report – Child Abuse
- Our way of Doing, Being and Becoming
- Pastoral Care Policy
- Statement of Philosophy
- Triage Process
- VIT Registration Policy
- Working with Children Checks Policy.

8.0 References

- Privacy Act 1988 (Cth)
- Australian Privacy Principles (APPs)
- Crimes Act 1958 (Vic).

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