



**MARIAN  
COLLEGE**

## **PROTECT: PROCEDURE: RESPONDING TO POLICE AND CHILD PROTECTION REQUESTS FOR FURTHER INFORMATION**

### **Introduction**

Marian College (the College) is committed to taking 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.

### **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.
- 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 KEM 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.
- At 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).
- 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 KEM 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.

**Principal (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 KEM Legal and Professional Standards Unit about what to do regarding requests for further information.



## Definitions

For the purpose of this procedure the following terms are defined as follows:

<b>Child</b>	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.
<b>Child abuse Child abuse includes:</b>	(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.
<b>Child Information Sharing Scheme (CISS)</b>	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.
<b>Child safety</b>	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.
<b>Department of Education (DE)</b>	Victorian government department that leads the delivery of education and development services to children, young people and adults.
<b>Family Violence</b>	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.
<b>Family Violence Information Sharing Scheme (FVISS)</b>	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.
<b>Grooming</b>	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.
<b>Mandatory reporters</b>	Mandatory reporters listed under the Children, Youth and Families Act 2005 (Vic.) include: <ul style="list-style-type: none"><li>• Victorian Institute of Teaching (VIT) registered teachers (including Principals and early childhood teachers).</li><li>• School staff who have been granted permission to teach by VIT.</li><li>• Registered medical practitioners, nurses and midwives.</li><li>• People in religious ministry.</li><li>• Youth justice workers.</li><li>• Out-of-home care workers (excluding voluntary and kinship carers).</li><li>• 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.</li></ul>



<b>Mandatory reporting</b>	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).
<b>Physical violence</b>	Physical violence occurs when a child suffers or is likely to suffer significant harm from a nonaccidental 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.
<b>Policy Principal/director Procedure</b>	A high-level, principles-based directive that must be complied with across the sector. Individual appointed as Principal in a KEM school. A step-by-step or detailed instruction for the implementation of the College policy that is mandatory across all schools.
<b>Process</b>	A process is a method of implementation of a KEM framework, policy or procedure.
<b>Reasonable belief</b>	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: <ul style="list-style-type: none"> <li>• A child states that they have been physically or sexually abused</li> <li>• Any person tells you that they believe someone has been abused; this may include a child who is talking about themselves</li> <li>• You observe physical or behavioural indicators of abuse, as described in PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools</li> <li>• A child or young person exhibits sexually abusive or age-inappropriate behaviour(s)</li> <li>• 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.</li> </ul> <p>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.</p>
<b>Reportable allegation</b>	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.
<b>Reportable conduct</b>	Reportable conduct for the purposes of the Reportable Conduct Scheme is: <ul style="list-style-type: none"> <li>• 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</li> <li>• Sexual misconduct, committed against, with or in the presence of, a child</li> <li>• Physical violence committed against, with or in the presence of, a child</li> <li>• Any behaviour that causes significant emotional or psychological harm to a child</li> <li>• Significant neglect of a child as defined in the Child Wellbeing and Safety Act 2005 (Vic).</li> </ul>
<b>Risk</b>	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.
<b>Risk management</b>	The coordinated activities to direct and control an organisation regarding risk.



<b>School/service environment</b>	<p>Means any of the following physical, online or virtual places used during or outside school/service hours:</p> <ul style="list-style-type: none"> <li>• A campus of the school</li> <li>• Online or virtual school/service environments made available or authorised by the college for use by a child or student (including email, intranet systems, software, applications, collaboration tools and online services)</li> <li>• 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).</li> </ul>
<b>School/service staff</b>	<p>Means an individual working in a school/service environment who is:</p> <ul style="list-style-type: none"> <li>• Directly engaged or employed by a school/service governing authority</li> <li>• A contracted service provider engaged by the College (whether or not a body corporate and whether or not any other person is an intermediary) engaged to perform child related work for the College.</li> <li>• A minister of religion, a religious leader engaged by the College.</li> </ul>
<b>Serious emotional or psychological harm</b>	<p>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 namecalling 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.</p>
<b>Serious neglect</b>	<p>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 lifethreatening situation and there is a continued failure to provide a child with the basic necessities of life.</p>
<b>Sexual offences</b>	<p>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.).</p>
<b>Sexual abuse</b>	<p>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.</p>
<b>Student Volunteer</b>	<p>Student means a person who is enrolled at or attends the College. A person who performs work without remuneration or reward in the school/service environment.</p>

## Support

KEM 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)

## Supporting Documentation:

- 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 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
- Pastoral Care Policy for KEM 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 VCEA 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 VCEA 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 PROTECT: Responding to Student Sexual Offending: Principal Checklist
- PROTECT: Responding to Student Sexual Offending: 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.).

### Document History

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