



MELBOURNE
GRAMMAR SCHOOL
AN ANGLICAN SCHOOL

Historical Sexual Abuse Policy

Purpose

Melbourne Grammar School (the School) has a long, successful and proud history of education of young people. It has always had a paramount concern for the welfare of all students in its care.

As a result of public concerns about issues of child abuse in Australia, the Victorian Government passed legislation for the optimal protection from abuse of children and young people. The total welfare of the child or young person is the central consideration behind this legislation. The School will comply with all relevant School policies, legislation and standards, including the Children, Youth and Families Act 2005 (Vic), the Working with Children Act 2005 (Vic), Child Safety and Wellbeing Act 2005 (Vic), the Crimes Amendment (Protection of Children) Act 2014 and the Victorian Child Safe Standards.

This policy outlines the broad considerations applicable when the School receives an allegation of historical sexual misconduct or abuse from or about a person and their time at the School. It sets out in broad terms the procedures it uses in responding to complaints and allegations of misconduct or abuse against current or former employees, contractors or volunteers, from or on behalf of former students.

Definitions

In this policy context, the following definitions apply:

'child' refers to any person under the age of eighteen years of age.

'sexual abuse' refers to sexual assault, exploitation or sexual harassment which is illegal. In relation to a child, it includes the use of a child by another person for his or her own sexual stimulation or gratification or for that of others.

'sexual assault' means any intentional or reckless act, use of force or threat to use force involving any form of sexual activity against a young person, without their consent or against a child.

'sexual exploitation' means any form of sexual contact with another person, with whom there is a pastoral or supervisory relationship, whether or not there is a consent, and regardless of who initiated the contact or invitation.

'sexual harassment' means unwelcome conduct of a sexual nature, whether intended or not, in relation to a student where that person feels offended, belittled or threatened.

'de-identified information' refers to copies of reports, files, and information in which the individual identity of persons has been protected by redacting the names of individuals or other information about them that might cause them to be identified.

'confidentiality' refers to the School's duty to protect and respect the privacy of complainants and other parties involved in any process or investigation carried out under this policy. Complainants are under no obligation to keep their complaint secret or confidential and the School acknowledges that they may disclose allegations to the Police or to other parties at any time.

'designated person' refers to the person appointed to manage the complaint process. This person is responsible for ensuring that the process is as supportive as possible for all parties, that it is kept within acceptable and agreed timeframes, and considers what implications should be drawn from the complaint for the School. This person is responsible for meeting with the complainant in the first instance, clarifying their complaint and the outcome they are seeking. They should ensure that appropriate support is available to the complainant to assist them in this process. The person will be the Headmaster in most circumstances, but the responsibility may be delegated to another member of the School Executive or an appropriate independent expert or agency.

'investigator' refers to the person appointed by the Headmaster to analyse the complaint, inquire into allegations made and to prepare a report with findings on the complaint. These findings must always be based on the principle of procedural fairness.

'blind report' refers to a formal report made by the School to the Police, or other relevant authority, referring to allegations of a criminal nature made by a complainant, with or without the complainant's permission, which identifies the alleged respondent, but not the complainant.



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Guiding Principles

Any past student from the School has the right to make a complaint about any aspect of their School experience.

Complainants who raise allegations of a criminal nature will be advised of their right to and may be encouraged to make a formal complaint to the Police. The School will always reserve its right to refer a complaint to the Police or other relevant authority, whether with the complainant's permission or not (e.g. via a blind report).

All complaints will be taken seriously and will be addressed and responded to as soon as possible. In circumstances in which former students of the School have suffered abuse whilst at the School, the School accepts in full the responsibility to pastorally support and assist that person.

As far as it is in its power to do so and as is appropriate in the circumstances, the School will consider claims for reparation in cases where historical sexual abuse is found, on balance, to have occurred. Such reparations may include, but are not be limited to, assistance with access to counselling or other support services, remedial actions to prevent reoccurrence of similar actions (if the risk remains) and / or compensation and apologies.

Reparations may only be offered to the claimant, complainant or complainants with the approval of the Headmaster and the School Council.

The School's processes, as set out in this Policy, will:

- be based on principles of procedural fairness for all parties
- treat complainants respectfully, supportively and professionally
- be as open and transparent as possible, whilst respecting people's rights to privacy and confidentiality
- take a humane view, rather than a legalistic approach
- reflect a commitment to address past grievances and provide a pathway towards recovery and healing
- endeavour to ensure staff maintain confidentiality and appropriate record-keeping
- consider the complainant's expressed wishes, gender, culture, language and accessibility, throughout the process
- respect the rights of the alleged respondent with regard to untested allegations
- subject to privacy rights, enact the School to release its student file to a student complainant, subject to redacting or removing material that would identify others (breach the privacy rights of other persons)
- use de-identified information where it is appropriate to do so, in the course of the investigation
- encourage the complainant to report it to the Police, where a crime appears to have been committed
- act in a way consistent with its legal and ethical obligations. The authorities (including the Victoria Police and/or the Victorian Institute of Teaching), will be notified, where that is mandated under law, or in circumstances where the School views that as appropriate to prevent further harm (e.g. where the alleged respondent is still teaching at the School or elsewhere). To this extent, the School may not be able to provide an undertaking as to confidentiality to either the complainant or the respondent
- provide meaningful pastoral care and support to the complainant



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Accountabilities

The Headmaster is ultimately accountable for ensuring that complaints from past students are handled in accordance with this Policy. The Headmaster is also responsible for ensuring that the School Council is informed of all findings and recommendations which result from complaint investigations.

The Headmaster is responsible for acting as a 'Designated Person' in accordance with this Policy in handling all complaints (in certain circumstances some aspects of this role may be given to another member of the School Executive). The Director of Finance and Administration is responsible for providing summaries and statistics regarding such complaints to the School Council and School Executive.

Receiving Complaints

The School will investigate all complaints in relation to sexual abuse that may have occurred to students in its care.

- A complaint is a registration of dissatisfaction with the School, lodged verbally or in writing, by a past student or their representative. A complaint may be related to a specific episode or failure in provision of service that has resulted in an impact on an individual or group. A general expression of concern is not a complaint.
- A complaint may be made by a past student who suffered the alleged conduct, or their representative. Where the person making the complaint is not a past student, they will need to demonstrate that a past student has authorised them to make the complaint, unless this involves a child as a complainant, being represented by a parent or legal guardian.
- A complaint may relate to the conduct of a current or past employee, contractor, volunteer or student.
- When received initially by reception or other 'frontline' staff, the complaint should be referred to the Headmaster.
- The Headmaster will explain and refer the complainant to this Policy and will encourage the complainant to outline their complaint in writing, if not already done.
- Subject to Privacy legislation, the School will provide the complainant with full access to and copies of any information and records that contain information about them and their time at the School.
- The Headmaster/ Designated Person will offer the pastoral support of the Head of Counselling Services or the Chaplain to the complainant. The Headmaster will be always informed about the complaint and will ensure an investigation is commenced in line with this policy.
- Should the complainant decide that they do not wish to proceed with the complaint, the Designated Person will offer appropriate support persons or organisations.
- The School may seek to proceed with an investigation after a complaint has been withdrawn where it deems it appropriate to do so, especially when it holds concerns for the welfare of any current or former students and/or in line with mandatory reporting requirements.
- If the complaint concerns the Headmaster or Deputy Headmaster directly, the matter will be immediately referred to the Chairman of the School Council.



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Investigations

The School **will** investigate the allegations in all cases when formalised as a complaint.

When the School is made aware informally of allegations, rumours or hearsay, it will record the specific details in writing, in so far as they can be ascertained. In deciding whether to investigate such matters further, the School will have regard to factors such as:

- the particular circumstances involved and whether further investigation is likely to lead to additional relevant information being obtained
- whether corroborative evidence exists (e.g. similar allegations have been made by other students against an alleged respondent)
- whether there is a reasonable belief that further harm could be done (e.g. the alleged respondent is still teaching at the School or elsewhere)
- the potential impact on the former student or students allegedly abused

If it is decided, on reasonable grounds, that a complaint or informal allegation, rumour or hearsay is vexatious or frivolous, they will not be investigated further.

Process

- As outlined above, any allegations or complaints made by a past student or his or her authorised representatives are to be referred to the Designated Person who will make the initial contacts and relevant notes.
- The Headmaster will, as soon as possible, inform the Chairman of Council.
- The welfare of the past student is paramount. Immediate access to pastoral support, such as counselling or chaplaincy services, is to be offered, as appropriate.
- The School will, as far as possible, seek to adopt an investigative process sympathetic to the complainant's circumstances and wellbeing and appropriate to the nature and circumstances of the complaint.
- The Designated Person will convene a meeting with relevant Senior Staff to plan an investigation and record all relevant dates, details, names and locations. The Designated Person may choose to use an independent investigator or agency at this point to ensure an independent investigation process. As deemed necessary, Insurers will be informed and may become involved, if and when the School is on notice that a claim might be made or a formal legal claim is made.
- All evidence will be collated by the Headmaster (or his or her delegate on behalf of the Headmaster), who will discuss the outcome of the investigation and recommendations for further action with the Chairman of Council and the School Council, as appropriate.
- Findings and any proposals for further action will be explained and relayed personally to the complainant at the end of the investigative process.
- Should there be grounds for criminal investigation, the complainant will be encouraged to refer the matter to the Police or, in matters of mandatory reporting, the School will report the matter itself. The School may report the matter as a 'blind report' if permission for the complainant's details to be used is not given.

Further Information

Further information concerning any aspect of this policy may be directed to the Headmaster.



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Relevant legislation and School Policies

- Children, Youth and Families Act 2005 (Vic)
- Education and Training Reform Act 2006 (Vic)
- Crimes Act 1958 (Vic)
- Crimes Act Amendment (Protection of Children) 2014
- Working with Children Act 2005
- Child Safety and Wellbeing Act 2005 and Victorian Child Safe Standards created under the Act.