

## HISTORIC HARM POLICY

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| <b>Last Review:</b> October 2026 | <b>Constructed/Reviewed by:</b> Director of Risk and Compliance/ Colins, Biggers and Paisley |
| <b>Next Review:</b> October 2028 | <b>Approval Required:</b> Board                                                              |
| <b>Policy Number:</b> 11         | <b>Implementation Date:</b> 22 October 2026                                                  |

### 1. Statement of Context and Purpose

- 1.1 Mentone Grammar School (the **School**) operates with the health, wellbeing and welfare of all students in its care as a primary objective. The School complies with all relevant legislation and standards, including the *Children, Youth and Families Act 2005* (Vic), the *Working with Children Act 2005* (Vic), the *Child Safety and Wellbeing Act 2005* (Vic), the *Crimes Amendment (Protection of Children) Act 2014* (Vic) and the Child Safe Standards.
- 1.2 As a school with a long history, the School acknowledges that, historically, some members of its community may have experienced harm. The School condemns all forms of abuse, harm and misconduct and is committed to responding to allegations of historic harm with care, compassion and appropriate action.
- 1.3 The School affirms its ongoing commitment to providing a safe and supportive environment for students. The School's policies and practices are regularly reviewed and are designed to protect children in its care from all forms of abuse, including through Mandatory Reporting obligations under the Victorian Child Safe Standards.
- 1.4 This policy outlines the broad considerations applicable when the School receives an allegation of historic sexual misconduct or abuse from or about a person, having occurred during their time at the School. It sets out the general procedures for responding to complaints and allegations of misconduct or abuse against current or former employees, contractors, volunteers or students, from or on behalf of former students.

### 2. Scope

- 2.1 This policy applies to all Board members, the Principal, employees, volunteers, contractors, and other authorised personnel required to perform functions on the School's premises, or at School-organised activities and events. Collectively, these individuals are referred to as 'Staff'.
- 2.2 This policy extends to any person who is engaged in student-connected work (paid or unpaid) at the School, or who otherwise has direct and/or regular contact with the School's students (whether supervised or not) at School related events
- 2.3 The School will investigate and manage all formal complaints related to allegations of abuse of and misconduct (as defined in this policy) directed towards a past student, in a manner that is considerate of the physical and emotional needs and health and wellbeing of the complainant and/or past student
- 2.4 All complaints will be managed in accordance with this Policy and the School's Student Safety and Wellbeing Policies and Procedures.

### **3. Reference Points/Background Papers**

- *Children, Youth and Families Act 2005* (Vic)
- *Child Wellbeing and Safety Act 2005* (Vic)
- Child Safe Standards
- *Crimes Act 1958* (Vic)
- *Crimes Amendment (Protection of Children) Act 2014* (Vic)
- *Education and Training Reform Act 2006* (Vic)
- National Redress Scheme for Institutional Child Sexual Abuse Direct Personal Response Framework 2018
- Privacy Policy
- Record Keeping Policy
- *Sex Discrimination Act 1984* (Cth)
- Student Code of Conduct
- Student Safety and Wellbeing Policy
- Grievance Policy
- Respectful Work Policy
- Staff Code of Conduct
- Whistleblower Policy
- *Workers Screening Act 2020* (Vic)

Any reference to legislation also includes a reference to associated legislative instruments such as Regulations insofar as said Regulations are necessary for the understanding and implementation of legislation for managing the subject matter of this policy.

### **4. Commitments to Fair Process:**

The School's procedures will seek to:

- (a) Adhere to principles of procedural fairness for all parties.
- (b) Treat complainants with respect, compassion, and professionalism.
- (c) Ensure transparency while protecting privacy and confidentiality.
- (d) Address grievances with a focus on recovery and healing.
- (e) Maintain confidentiality and appropriate record-keeping.
- (f) Respect the complainant's wishes, culture, language, and accessibility needs.
- (g) Protect the respondent's rights concerning untested allegations.
- (h) Use de-identified information in investigations, where appropriate.
- (i) Release relevant student files to complainants, subject to redacting identifiable information about others.
- (j) Encourage reporting to Police or authorities where criminal conduct is alleged and act in accordance with ethical and legal obligations.

### **5. Legal and Ethical Obligations:**

- 5.1 The School will notify relevant authorities, such as Victoria Police or the Victorian Institute of Teaching, when required by law or when necessary to prevent further harm.

- 5.2 Confidentiality cannot always be guaranteed if the safety of others is at risk or where mandated reporting applies. The School will fully cooperate with any investigations by relevant authorities.

## **6. Complaint making and investigation process**

A person has the right to (and is encouraged to) raise a concern or complaint about any aspect of their experience at the School, including historic abuse or harm as identified in this policy. This section details the process of making a complaint, the handling of a complaint and the School's commitment to the complainant and obligations during this process.

- (a) Key personnel in this policy
- (b) School's obligation to report
- (c) Making a complaint;
- (d) Receiving a complaint;
- (e) Investigating a complaint;

### **6.1 Roles and responsibilities of key personnel in this policy**

Generally, the Principal will oversee the resolution of formal complaints in line with this policy.

If the complaint involves the Principal or their close associates, it will be directed to the Chair of the School Board. In such cases, the Chair will appoint a Designated Person to manage the matter in accordance with the School's Student Safety and Wellbeing policies.

Where complainants prefer to engage with pastoral staff, they may be referred to the Head of Wellbeing or School Chaplain. The Principal and relevant members of the Executive and Board will be informed and remain accountable for ensuring an appropriate response.

The Principal or Designated Person is responsible for ensuring that the School Board is kept informed of all findings and recommendations arising from complaint investigations.

The Director of Business is tasked with preparing and providing summaries and statistical data related to such complaints to both the School Board and the School Executive.

### **6.2 School's obligation to report**

Complainants alleging criminal conduct will be informed of their right to make a formal report to the Police or another appropriate authority by the Designated Person.

The School reserves the right to refer complaints to the Police or other authorities, with or without the complainant's consent (e.g., via a blind report).

The School may also have a legal obligation to notify the Social Services Regulator under the Reportable Conduct Scheme where the School has formed the reasonable belief that the conduct complained of is a reportable conduct allegation.

### **6.3 Process for Managing Complaints**

Where a complaint is received by the School, the School will investigate the complaint to determine whether, on the balance of probabilities, the matters outlined in the complaint occurred; and determine, what (if any) next steps the School should take to resolve the complaint. Ordinarily the management of a complaint will adhere to the following process:

### **6.4 Receiving Complaints**

The School will investigate all formal complaints concerning allegations of abuse and misconduct involving past students during their time in the School's care.

- A formal complaint is a documented expression of dissatisfaction, either verbal or written, by a past student or their representative alleging a form of abuse or harm as defined by this policy. General concerns or inquiries do not constitute a formal complaint.
- Complaints can be lodged by the past student or their authorised representative. Representatives must provide written confirmation and/or documentary evidence that a person authorised to act on behalf of the complainant .
- Complaints may involve the actions of current or former School Staff or students.
- Complaints should be directed to the Principal. If the complainant is reluctant to approach the Principal, they may contact the Director of Business or Director of Risk and Compliance, who will act in accordance with the School's guiding principles.
- Complainants will be encouraged to submit their complaints in writing if not already done so.
- The School will report complaints to relevant authorities when required under its Child Safe obligations.
- To assist complainants and subject to privacy legislation, complainants may request access to and receive copies of personal records and information about their personal time at the School, subject to ensuring others' privacy is protected.
- The Designated Person will provide access to pastoral support services, including counselling or chaplaincy services, as needed.
- If a complainant chooses not to proceed, the Designated Person will offer follow-up pastoral or counselling support to assist in their healing process.
- The School may continue investigating a withdrawn complaint if there are concerns about the welfare of other students or community members or under mandatory reporting obligations.

## **7. Investigating a complaint**

- All formalised complaints will be investigated thoroughly.
- Investigations will be conducted with sensitivity to the complainant's circumstances and health, ensuring the process is appropriate to the nature of the complaint.
- Informal allegations, including rumours or hearsay, will be documented, and further investigation will depend on:
  - The likelihood of obtaining additional relevant information.
  - Whether corroborative evidence exists (e.g., similar allegations).
  - The risk of further harm (e.g., the alleged respondent is still active in the community).
  - The potential impact on the affected individuals.

- Complaints deemed vexatious or frivolous on reasonable grounds will not be investigated further.
- The School will conduct an investigation by appointing an investigator (and where appropriate an external investigator) to investigate the Complaint.
- The Investigator will, ordinarily, meet with the complainant, any other relevant persons (if known and willing to participate) and consider all relevant documentation.
- The Investigator will provide the Designated Person with an investigation report responding to the complaint.
- All evidence will be collected and reviewed by the Designated Person, who will discuss findings and recommendations with the Principal, Chair of the Board, and School Board / Executive as appropriate.
- Investigation outcomes and any subsequent actions will be communicated clearly to the complainant by the Designated Person.
- If criminal activity is suspected, the complainant will be encouraged to contact the Police. The School will report the matter if mandatory reporting requirements apply. If the complainant declines, the School may submit a “blind report” if necessary to address ongoing safety concerns.

#### 7.1 Compensation:

Where historic sexual abuse is substantiated, the School may consider an offer of compensation. Compensation may include, but is not limited to, access to counselling, remedial actions to prevent reoccurrence, apologies, a site visit, and/or financial compensation

All compensation must be approved by the School Board having regard to the complainant’s needs and circumstances, as well as the National Redress Scheme for Institutional Child Sexual Abuse Direct Personal Response Framework 2018, and any other consideration necessary for making a decision.

#### 8. Supporting a complainant when the person comes forward:

The School will provide ongoing pastoral care and/or counselling support as required to complainants throughout the process.

All complaints will be taken seriously, addressed promptly (within the resources available to the School at the time), and responded to with respect, compassion, and professionalism.

The School will provide access to its pastoral and counselling services or other appropriate supports to assist complainants throughout the process.

#### 10. Complaints regarding the management of the investigation process and complaint handling

Complaints regarding the management of a complaint by the Principal or Designated Person may be referred to the Chair of the School Board. Alternatively, they can be directed to the Director of Business or the Director of Risk and Compliance, both of whom must promptly notify the Chair of the School Board.

#### 9. Definitions

*Refer also to Student Safety Definitions for a full list of definitions*

**Behaviour** that causes **emotional or psychological harm to a child** includes sexual offences, sexual misconduct, physical violence and significant neglect. However, other types of behaviours can also cause emotional or psychological harm including, for example, severe or sustained instances of verbal abuse; coercive or manipulative behaviour; hostility towards, or rejection of, a child; and humiliation, belittling or scapegoating.

**Child** means a child under the age of 18 years, except in the case of certain mandatory reporting obligations which may define a child to be under a different age.

**Emotional or Psychological Harm** to a child occurs when a child is repeatedly rejected, isolated, or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health.

Physical child abuse is any non-accidental infliction of physical violence on a child by any person. It can be inflicted in many ways, including beating, shaking or burning and assault with implements and genital mutilation.

**Sexual misconduct** includes behaviour, physical contact or speech or other communication of a sexual nature (including inappropriate touching, grooming behaviour and voyeurism).

Other examples of sexual misconduct include:

- (a) Developing an intimate relationship with a student, for example, through regular contact with the student without the knowledge or approval of the School;
- (b) Inappropriately discussing sex and sexuality with a student; or
- (c) Other overtly sexual acts that could lead to the School taking disciplinary or other action.

**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

**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.

**'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.

**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 Principal 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 Principal 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.

**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.

**Sexual offence** means a sexual offence set out in clause 1 of Schedule 1 to the *Sentencing Act 1991* (Vic) and includes sexual assault (including rape and attempted rape), indecent acts, possession of child abuse material, exposure to pornography, and grooming.

Any sexual activity between a child and an adult is a sexual offence. In certain circumstances, sexual activity between children can also be a sexual offence, and also between two adults (particularly when one is a student).