

# Geelong Grammar School

## Policy For Obligation to Disclose Sexual Offence Committed Against a Child

**POL-GGS-GEN-078**

Author: Commercial Director

Approved By: Principal

Distribution: Internal Communication Only

Review Date: 1<sup>st</sup> February 2018

Location of Original: Risk Manager R:\Policies and Procedures\General\POL-GGS-GEN-078 Obligation to Disclose Sexual Offence Committed Against a Child.docx

## Obligation to Disclose Sexual Offence Committed Against a Child

### Obligation to Disclose Information

All adults who have information that leads them to form a reasonable belief that a **sexual offence** has been committed in Victoria by another adult against a child under the age of 16 years must disclose that information to the police as soon as it is practicable to do so.

It is important that adults recognise that children under the age of 16 must be protected. Adults under law must notify police if they have formed a reasonable belief that a sexual offence has been committed. The offence does not concern rumour or speculation about another person or a small piece of information that may be relevant. The offence is concerned about the failure of an adult to disclose information of a sufficient quality which would lead that adult to form a reasonable belief that a relevant sexual offence has been committed.

Unless the adult has a reasonable excuse for not doing so, it is an offence under the Crimes Act 1958 to fail to make such a disclosure to the police. The offence carries a maximum imprisonment term of 3 years.

School staff who, in the course of their employment with the School, become aware of information that may lead them to form a reasonable belief that a sexual offence has been committed against one of our students in a place outside Victoria, should always inform the relevant Head of School. Each State or country outside Victoria may well have laws that impose similar obligations.

### What is a Sexual Offence?

A sexual offence for the purposes of the reporting obligation includes the following offences committed against a child under the age of 16 by an adult and also includes:

- any **attempt** to commit any of these offences
- an **assault with intent** to commit any of these offences.

The offences include:

- rape
- indecent assault
- sexual penetration of a child under the age of 16
- indecent act with a child under the age of 16
- administration of a drug with the intention of rendering the child incapable of resistance to enable a person to take part in an act of sexual penetration or commit an act of indecency with the child.

If you are uncertain whether you have information in relation to a relevant sexual offence, you should speak to your Head of Campus as soon as possible so that assistance can be provided to you.

### **What is a Reasonable Excuse for NOT Making a Report?**

The circumstances in which an adult will have a reasonable excuse for failing to disclose information to the police include the following:

- Where the adult may reasonably fear for their safety, or the safety of the child or another person (other than the alleged offender), if the offender was to find out that the offence had been disclosed to the police and the failure to disclose the information was a reasonable response in the circumstances.
- Where the adult believes on reasonable grounds that the information has already been disclosed to the police and the adult has no further information to add.
- The victim, now being over 16 years of age, requests that the information not be disclosed to the police (unless the victim has an intellectual disability and does not have the capacity to make an informed decision).

If you have concerns about whether you are required to disclose information to the police you should speak to your Head of Campus as soon as possible so that assistance can be provided to you in relation to your obligations.

### **Protection for Making a Disclosure**

A disclosure to the police that is made in good faith does not constitute unprofessional conduct or a breach of professional ethics and the person making the disclosure will not be liable in any way for doing so. Further, the person's identity will be confidential unless they disclose their identity themselves, they consent to it being disclosed or a Court considers it necessary for them to be identified.

### **Managing a Disclosure**

As a staff member of Geelong Grammar School, or an adult working on any School Campus, it is requested that you report any concerns or information to the Head of Campus. The Head of Campus will either report the information you have to the Police and inform you of such action, or assist you to manage the necessary reporting obligations and ensure that it is undertaken in accordance with the Act and support you in that process.

However, because the obligation to disclose relevant information to the police rests with the individual who forms the belief, that person must personally ensure that the police are notified (either by the Head of Campus or by themselves).

**Stephen Meek**  
**Principal**

1<sup>st</sup> February 2015