

1. Rationale:

All students have a right to feel safe and to be safe.

2. Aims:

To ensure that all staff and members of our school community understand the various legal and other reporting obligations related to child safety that apply under child protection law and criminal law and fulfil their duty of care

3. Implementation:

- 3.1 School staff and school community members have a duty of care to protect the safety, health and wellbeing of children. If a staff member or member of the school community has concerns about the safety, health and wellbeing of children in their care they should take immediate action.
- 3.2 Staff should monitor all incidents and any subsequent signs or indications of abuse are also to be reported. The Principal/ teacher should keep a record of all discussions about a student with whom there is a concern. Where a disclosure of an alleged sexual assault is made to a staff member, the staff member must inform the Principal as soon as possible. It must be on the same day. Principals should follow the required Departmental procedures for responding to allegations of student sexual assault
- 3.3 In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, school staff can discharge this duty of care by taking action which includes the following:
- reporting their concerns to the DHHS Child Protection or another appropriate agency
 - notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.
- 3.4 Mandatory reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child. If a belief is formed that a student is in need of protections, the teacher / Principal class officer will contact the Department of Health and Human Services (DHHS) as soon as possible to make an official notification on: **DHHS North & West 1300664977, After Hours 131 278**. While only mandated by law to report incidents of physical and sexual abuse, teachers are also encouraged to report incidents of emotional abuse or neglect to the Principal.
- 3.5 Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of **protection from physical injury or sexual abuse**, must report their concerns to Department of Health and Human Services (DHHS) Child Protection. The following persons are required by law to make a mandatory report
- Victorian Institute of Teaching (VIT) registered teachers, including principals
 - school staff who have been granted permission to teach by the VIT
 - registered doctors, nurses and all members of the police force
 - registered psychologists
 - people in religious ministry
 - staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare officers, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff
- 3.6 However, any person or staff member not mandated, may make a report if they believe on reasonable grounds that a child is in need of protection for any of the reasons as outlined in 3.7. In cases where staff have concerns about a child or young person, they should also discuss their concerns with the principal or a member of the school leadership team. The Four Critical Actions must be followed when responding to an incident, disclosure or suspicion of child abuse.
- <https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/identify.aspx>

- 3.7** A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere 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. For example, a 'reasonable belief' might be formed if:
- a child states that they have been physically or sexually abused
 - a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
 - someone who knows a child states that the child has been physically or sexually abused
 - professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused
 - signs of abuse lead to a belief that the child has been physically or sexually abused.

3.8 Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. Types of child abuse include:

- physical abuse
- sexual abuse
- emotional abuse
- neglect
- medical neglect
- family violence
- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution).

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert teachers to the possibility of child abuse and neglect.

3.9 Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child-related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence. The offence applies only to **adults in a position of authority** within an organisation, including Principals and senior school staff.

3.10 Reportable Conduct

Our school must notify the Department's Employee Conduct Branch (9637 2594) if we become aware of an allegation of 'reportable conduct'.

There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been:

- a sexual offence (even prior to criminal proceedings commencing), sexual misconduct or physical violence committed against, with or in the presence of a child;
- behaviour causing significant emotional or physical harm to a child;
- significant neglect of a child; or
- misconduct involving any of the above.

The Department, through the Employee Conduct Branch, has a legal obligation to inform the Commission for Children and Young People when an allegation of reportable conduct is made.

Our principal must notify the Department's Employee Conduct Branch of any reportable conduct allegations involving current or former teachers, contractors, volunteers (including parents), allied health staff and school council employees.

If school staff become aware of reportable conduct by any person in the above positions, they should notify the school principal immediately. If the allegation relates to the principal, they should notify the Regional Director.

For more information about Reportable Conduct see the Department's *Policy and Advisory Library: [Reportable Conduct](#)*.

3.11 Failure to disclose offence

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 by another person aged 18 years or over.

Failure to disclose information to Victoria Police (by calling 000 or local police station) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"Reasonable belief" is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

"Reasonable excuse" is defined by law and includes:

- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
- where the information has already been disclosed, for example, through a mandatory report to DHHS Child Protection.

3.12 Failure to protect offence

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (ie persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

3.13 After a notification is made members of the DHHS Child Protection, or associated support or intervention services may visit the school and want to interview the student/s. The following is to be noted:-

- DHHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent's knowledge or consent.
- Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.
- DHHS Child Protection and/or Victoria Police will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises.
- When officers from DHHS Child Protection or Victoria Police come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person.
- When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.
- An employee of DET may disclose any information to DHHS that is relevant to the protection or development of a child who has been the subject of a protective intervention report.

3.14 Requests for Information

- DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.
- In certain circumstances, DHHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection.

3.15 Staff will be reminded of mandatory responsibilities annually. New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.

4. Evaluation:

- This policy will be reviewed as part of the school's ongoing policy and process review cycle.

References and Related Documents:

1. *School Policy Advisory Library (PAL) – Protecting Children*
<https://www2.education.vic.gov.au/pal/protecting-children/policy>
2. *Protecting the Safety and Wellbeing of Young Children – DEECD / DHHS 2010*
<http://www.education.vic.gov.au/school/principals/spag/safety/Documents/protectionofchildren.PDF>
3. *School Policy Advisory Library (PAL) – Identifying Child Abuse*
<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/identify.aspx>
4. *DET School Policy Templates Portal*
<https://edugate.eduweb.vic.gov.au/edrms/keyprocess/cp/SitePages/SchoolPoliciesDetail.aspx?CId=84>

This policy was ratified by School Council May 2021

APPENDIX 1: Making a report

This table describes how to make a mandatory report, to report child abuse or child protection concerns.

Step	Description
1	<p>In case of emergency or if a child is in immediate danger contact Triple Zero (000) or the local police station.</p> <p>Alternatively, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hours 7 days, toll free)</p>
2	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> ▪ information that has led to concerns about the child's safety (e.g. physical injuries, student behaviour) ▪ the source of this information (e.g. observation of behaviour, report from child or another person) <p>the actions taken as a result of the concerns (e.g. consultation with principal, report to DHHS Child Protection etc.).</p>
3	<p>Discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. The individual staff member should then make their own assessment about whether they should make a report about the child or young person and to whom the report should be made.</p>
4	<p>Gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> ▪ full name, date of birth, and residential address of the child or young person ▪ the details of the concerns and the reasons for those concerns ▪ the individual staff member's involvement with the child and young person ▪ details of any other agencies who may be involved with the child or young person, if known.
5	<p>Make a report to the relevant agency</p> <p>To report concerns that are life threatening phone 000 or the local police station. To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station or click here)</p> <p>To report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hrs 7 days, toll free)</p> <p>To report concerns to DHHS Child Protection, contact your local child protection office.</p>
6	<p>Make a written record of the report which includes the following information:</p> <ul style="list-style-type: none"> ▪ the date and time of the report and a summary of what was reported, ▪ the name and position of the person who made the report and the person who received the report.
7	<p>Notify relevant school staff and/or Department staff of a report to DHHS Child Protection or Child FIRST. For Victorian government schools, the allegations must be reported to the:</p> <ul style="list-style-type: none"> ▪ principal or member of the school leadership team ▪ Department's Security Services Unit on (03) 9589 6266 ▪ relevant Regional Office ▪ Student Critical Incident Advisory Unit on (03) 9637 2934 or (03) 9637 2487. <p>In the case of international students, the principal must notify the International Education Division on (03) 9637 2990 to ensure that appropriate support is arranged for the student. In the case of Koorie students, the principal must notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student.</p>

