

# Child Safety – Responding and Mandatory Reporting Policy

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| <b>Date Approved:</b>         | 1/08/2025 |
| <b>Scheduled Review Date:</b> | 1/01/2027 |
| <b>Policy Owner:</b>          | Principal |

## 1. Context & Purpose

At the College we are committed to the safety and wellbeing of all children and young people. We have a culture of ‘no tolerance’ for child abuse and have a range of policies that help us protect the children and young people in our care.

The College is required in accordance with the mandatory reporting requirements of the Children, Youth and Families Act (2005), to take immediate action following a disclosure of, or concerns about, alleged child abuse or sexual assault. The Child Safe Standards under Ministerial Order 1359 must also be complied with to create and maintain a child safe organisation.

The purpose of this policy is 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 to the College. Specifically, this policy aims to ensure:

- that children’s rights to be safe are maintained and each student is protected against abuse and neglect;
- there are defined roles and responsibilities of college staff in protecting the safety and wellbeing of children and young people;
- children and young people are empowered and feel confident to report incidences;
- staff and community members understand the specific procedures that are applicable at our college related to mandatory reporting;
- staff have the knowledge and skills to identify the indicators of a child or young person who may be in need of protection;
- staff take appropriate steps to make a report on a child or young person who may be in need of protection; and
- our College is compliant with Ministerial Order 1359 related to the Child Safe Standards.

## **2. Application**

This policy applies to all College staff, volunteers and members of the College community. It also applies to all staff and students engaged in any College and College Board run events, activities and services, including where such activities, events and services take place outside of normal school hours or away from College facilities, including on line environments.

## **3. Definitions**

A reference or term included in this policy is defined as follows:

“staff” or “staff member” or “employee” in this policy includes all employees the College.

“Physical abuse” can consist of any non-accidental infliction of physical violence on a child by any person.

“Sexual abuse” is when a person uses power or authority over a child to involve them in sexual activity.

“Emotional abuse” occurs when a child is repeatedly rejected, isolated or frightened by threats, or by witnessing family violence.

“Grooming” is when a person engages in predatory conduct to prepare a child for sexual activity at a later time. Grooming for sexual conduct with a child under the age of 16 is a criminal offence under section 49M(1) of the Crimes 1958 (Vic), with a more detailed and specific definition contained in the Act.

“Neglect” includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health or physical development of the child is significantly impaired or placed at serious risk.

“Family violence” is behaviour towards a family member that may include physical violence or threats of violence, verbal abuse, including threats, emotional or psychological abuse, sexual abuse or financial and social abuse.

## **4. Statement of Policy**

At our College we have a zero tolerance for child abuse and are committed to acting in children’s best interests and keeping them safe from harm. This policy, together with our other child safe policies, demonstrates our commitment to creating and maintaining a child safe organisation, where children and young people are safe, happy and empowered.

The College understands and is committed to the important role we play in protecting children from abuse including:

- Physical abuse;
- Sexual abuse (including sexual exploitation);
- Family violence;
- Emotional abuse;
- Neglect (including medical neglect); and
- Grooming

As a Collegecollege, we understand and commit to fulfilling the vital role we play in protecting children from abuse by responding and reporting any incidents, disclosures or suspicions. We understand we are often best placed to identify signs and behaviours that may indicate that a child has been subject to abuse, or that a Collegecollege community member or a staff member may be a perpetrator of abuse. We understand staff have a legal responsibility to respond to serious incidences involving abuse and neglect and to report incidences. This includes instances where an act is committed by a student against another student.

## **5. Mandatory Reporting and Procedures**

The Principalprincipal has the overall responsibility of implementing this policy, but all staff must, if required, also take the steps outlined for them in this policy.

### **a) Mandatory reporting**

Certain individuals must report to the Department of Families, Fairness and Housing (DFFH) Child Protection or Victorian Police 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 has suffered, or is likely to suffer, significant harm as a result of physical and/or sexual abuse; and
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

It is a criminal offence not to report in these circumstances.

The obligation to report includes where the harm suffered, or likelihood of suffering harm, is from the act of another child or student.

Individuals who are required to report are as follows:

- 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.

Staff are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child needs protection, and they must make a mandatory report even if the ~~Principal~~[principal](#) does not share their belief that a report is necessary.

At our ~~College~~[college](#), all staff subject to mandatory reporting requirements must complete the Department's "Protecting Children" e-learning module at least once a year. Other staff may also be required to complete such training as determined by the ~~Principal~~[principal](#).

Mandatory reporters must also follow the [Four Critical Actions](#) to ensure they fulfil all their legal obligations.

#### **b) Failure to disclose**

All adults, not just professionals who work with children, have a legal obligation to report to [Victoria Police](#) should they form a reasonable belief that another adult may have committed a sexual offence against a child under the age of 16. Failure to disclose is a criminal offence.

This offence applies to all adults (not just professionals who work with children) who:

- form a reasonable belief that another adult may have committed a sexual offence against a child under 16 years of age
- fail to report this information to [Victoria Police](#).

"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

A person will not be guilty of the offence if they have a reasonable excuse for not disclosing the information. A reasonable excuse includes:

- a reasonable fear for their own or another person's safety
- a reasonable belief that the information has already been disclosed to Victoria Police or [DFFH Child Protection](#) and the person has no new information to add to the disclosure.

Failing to disclose a sexual offence based on concerns for the interests of the perpetrator or organisation (for example: concerns about reputation, legal liability or financial status) will not be regarded as a reasonable excuse.

### c) Failure to Protect

In Victoria there is also a failure to protect criminal offence. It applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of the College will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority at the College (eg Board member, Principal) will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the ~~risk,~~ ~~but risk but~~ negligently fail to do so. This may include, for example, removing the adult from child-related work pending investigation.

Further information on the details of this offence may be found in the link below.

[Failure to protect: a new criminal offence to protect children from sexual abuse | Department of Justice and Community Safety Victoria](#)

The various child safe policies and procedures of the College are intended to help people at the College take preventative steps or action to prevent a student becoming a victim of a sexual offence.

### d) Making a report or referral

College staff must be aware of and comply with their legal obligations with respect to reporting suspected child abuse and providing ongoing appropriate support.

College staff must follow the Four Critical Actions where there is an incident, disclosure or suspicion of child abuse. The [Four Critical Actions](#) link provides more detail, but a summary of the key actions ~~appear~~~~appears~~ below:

#### ***Critical Action 1: Responding to an emergency***

If there is not risk of immediate harm go to Action 2.

If a child is at immediate risk of harm school staff must ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with police.

You may also need to maintain the integrity of the potential crime scene and preserve evidence.

### ***Critical Action 2: Reporting to authorities/referring to services***

As soon as immediate health and safety concerns are addressed College staff must report all incidents, suspicions and disclosures of child abuse as soon as practicable. Failure to report physical and sexual child abuse may amount to a criminal offence.

#### If the source of suspected abuse comes from within the College

College staff must report all instances of suspected child abuse involving a ~~College~~college staff member, contractor or volunteer to Victoria Police (call 000 or your local police station). College staff must also report internally to the ~~Principal~~principal or if the matter involves the ~~Principal~~principal, to the College Chairperson.

#### If the source of suspected abuse comes from within the family or community

College staff must report to Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development and the parents have not protected or are unlikely to protect the child.

College staff must also report all instances of suspected sexual abuse (including grooming) to Victoria Police (call 000 or your local police station). College staff must also report internally to the ~~Principal~~principal.

### ***Critical Action 3: contacting parents/carers***

The principal must consult with Child Protection or Victoria Police (call 000 or your local police station) to determine what information can be shared with parents/carers. They may advise:

- not to contact the parents/carers (for example, in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- to contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- how to communicate with all relevant parties with consideration for their safety.

#### ***Critical Action 4: providing ongoing support***

The College must provide support for children impacted by abuse. This can include the development of a student support plan in consultation with wellbeing professionals. This is an essential part of the College's duty of care requirements. Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support services.

#### **e) Guidance for Staff – How to respond in an appropriate and supportive manner**

The circumstances surrounding a suspected case of child abuse can be very difficult and challenging. It is very important that staff can respond in an appropriate and supporting manner. For further guidance on appropriate steps and actions, please refer to **Annexure A**.

#### **f) Record Keeping**

College staff must keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse. To do this, the College requires staff to use the following templates:

- [Responding to suspected child abuse: template](#)
- [Responding to student sexual offending: template](#)

When using the template, staff should aim to provide as much information within the template as possible. These records will help make a report of the abuse to the relevant authorities. Staff only need to complete the relevant sections of the template. The completed template should also be provided to the ~~Principal~~principal or if the matter involves the ~~Principal~~principal, to the College Chairperson.

This information may be sought later if the matter is the subject of court proceedings. These notes may also assist you if you are required to provide evidence to support your decisions, refer to: [Complying with subpoenas or court attendance](#).

Even if you decide not to make a report, you must still document the incident, disclosure or allegation and the reasons for your decision.

Due to the nature of mandatory reporting and other child abuse reporting records, the College understands that it must ensure such records are kept securely. It will therefore ensure that any hard copy records will be kept secure and any electronic records will be password protected and only staff members who need the information have access.

The College will also ensure that mandatory reporting and other child abuse reporting documents are not destroyed as they may be needed later (for example, as evidence in future court proceedings).

## 6. Policy Review

The ~~Principal~~principal is responsible for reviewing and updating this Child Safety and Wellbeing Policy at least every two years. The review will include input from students, parents/carers, the Board and the College community.

## 7. Policy History

| Version | Policy Owner | Approval Date | Summary of Changes              |
|---------|--------------|---------------|---------------------------------|
| 1       | Principal    | 20/6/23       | First Adopted                   |
| 2       | Principal    | 20/12/23      | Changes following VRQA feedback |



## Annexure A

### Guidance for Staff About Managing a Disclosure

When managing disclosure of abuse, you must respond in an appropriate and supportive manner.

#### Disclosures from a student

It is the role of staff members to listen and respond appropriately to a student's concerns. When disclosure of abuse is made, or you are concerned that a child has been abused or is at risk of being abused, you must help the child to understand that you need to seek assistance for them and cannot keep the discussion or their disclosure confidential between you and the student.

This should be done in language appropriate to the student's age and stage of development. For example, as the College has older students, the following would be appropriate:

'The information you have given me has made me very concerned for your welfare and I will need to share this information with the ~~Principal~~principal to identify how we may be able to support you. I may also need to talk to people who work in the child safety area, to help keep you safe.'

In instances where the abuse involves a family member (such as family violence), it may be appropriate to reassure the child that sharing this information is an important part of making their family safer and that you will be talking with other professionals who will help identify the next steps. For further information, refer to [Contacting Parents and Carers](#).

#### ***When managing a disclosure from a student, staff should***

- listen to the student and allow them to speak
- stay calm and use a neutral tone with no urgency and where possible use the child's language and vocabulary (you do not want to frighten the child or interrupt the child)
- be gentle, patient and non-judgemental throughout
- highlight to the student it was important for them to tell you about what has happened
- assure them that they are not to blame for what has occurred
- do not ask leading questions and if possible, ask open ended questions - for example gently ask, What happened next?
- be patient and allow the child to talk at their own pace and in their own words
- do not pressure the child into telling you more than they want to, they will be asked a lot of questions by other professionals and it is important not to force them to retell what has occurred multiple times
- reassure the child that you believe them and that disclosing the matter was important for them to do

- use verbal facilitators such as, 'I see, restate the child's previous statement, and use non-suggestive words of encouragement, designed to keep the child talking in an open-ended way ('what happened next?')
- tell the child in the age-appropriate language you are required to report to the relevant authority to help stop the ~~abuse, and~~ abuse and explain the role of these authorities if appropriate.

### ***When managing a disclosure from a student, staff should avoid***

- displaying expressions of panic or shock
- asking questions that are investigative and potentially invasive (this may make the child feel uncomfortable and cause the child to withdraw)
- going over the information repeatedly (you are only gathering information to help you form a belief on reasonable grounds that you need to make a report to the relevant authority)
- making any comments that would lead the student to believe that what has happened is their fault
- making promises to the child about what will occur next or that things will be different, noting that the process can be unpredictable and different for each child depending on their circumstances (instead reassure them that you and others will do your best to help).

### **Disclosures from a parent/carer or sibling**

There may be circumstances where a student's sibling, parent or carer discloses abuse. For example, a student's parent or carer may disclose family violence (noting that if a child's parent or carer is experiencing family violence it is highly likely that the child is experiencing abuse).

In this circumstance, it is important to draw on the same strategies that you would for a student (such as listening, being non-judgemental, patient, and not applying pressure). With experiences of family violence, it is particularly critical to remain non-judgemental, avoid apportioning blame to the victim, or victims, and highlight that everyone has the right to feel safe.

This can be done by focusing questions to determine what the risk of harm may be and what (if any) supports and interventions are in place to protect the wellbeing of the child and avoiding questions like "why don't you leave". Instead, you could use questions to explore the victim's view about their level of risk and risk to their child, such as 'Do you think the violence will continue? Is the violence getting worse?'

It is also important to remember that many victims of family violence experience fear for their safety (and the safety of their children) in disclosing their experiences. They may have been threatened by the perpetrator of violence, or threats made about their children's lives. For further information, refer to: [Supports for students experiencing family violence](#).

### **Forming a reasonable belief**

If you witness, suspect, or receive a disclosure of child abuse including exposure to family violence, you will need to determine whether you have formed a reasonable belief or a belief on reasonable grounds that a child has or is being abused or is at risk of being abused.

A reasonable belief is a deliberately low threshold:

- so that people are encouraged to report suspected abuse to the relevant authorities and agencies, enabling authorities to investigate the allegations and take further action to prevent or stop any further abuse
- which does not require proof, but does require something more than a mere rumour or speculation
- and is met if a reasonable person in the same position would have formed the belief on the same grounds.

Forming a belief on reasonable grounds may include:

- a child stating that they have been abused
- any person telling you they believe someone has been abused (sometimes the child may be talking about themselves)
- physical indicators of abuse such as non-accidental or unexplained injuries; persistent neglect; or inadequate care and supervision lead you to believe that the child has been abused, refer to: [Identifying signs of abuse](#)
- behavioural indicators of abuse lead you to believe that the child has been abused, refer to [Identifying signs of abuse](#)
- other signs such as family violence, parental substance misuse, psychiatric illness or intellectual disability that is impacting the child's safety, stability or development.