

Procedures for Responding to and Reporting Suspected Child Abuse (Standard 5)

Purpose

Protection for children and young people is based upon the belief that the inherent dignity of all should be recognised and fostered.

Government schools are entrusted with the holistic education of the child in partnership with parents, guardians and caregivers, who are the primary educators of their children. Government school staff therefore have a duty of care to students by taking reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to result in harm or injury to the student and to work for the positive wellbeing of the child

Under the Ministerial Order 870, protecting children is everyone's responsibility – parents, communities, governments and business all have a role to play. In Victoria, a joint protocol, involving the Department of Health and Human Services (DHHS) Child Protection, the Department of Education and Training (DET), the Catholic Education Commission of Victoria and licensed children's services, exists to protect the safety and wellbeing of children and young people.

All school staff, as defined by [Ministerial Order No. 870](#), within Victoria must understand and abide by the professional, moral and legal obligations to implement child protection and child safety policies, protocols and practices.

Scope

This policy applies to; students, parents and caregivers, college staff including college employees, volunteers, contractors and college council members and is intended to complement other professional and occupational codes.

Policy and Implementation

Schools must comply with the legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005 (Vic.)*, the *Crimes Act 1958 (Vic.)* and the recommendations of the *Betrayal of Trust Report*.

The college's '[Mandatory Reporting Policy](#)' is designed to assist staff to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a 'reasonable belief' is formed
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law.

This policy sets out the actions required under the relevant legislation when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed and provides guidance and procedures on how to make a report.

All children have a right to feel safe and to be safe. As teachers, we have a legal and moral responsibility to respond to serious incidents involving abuse and neglect of the children with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse or neglect.

Resources, processes and protocols required to make a mandatory report can be found on the [Staff Information](#) site. The online DET module to be completed annually by all staff is audited to ensure completion and the link uploaded to this site.

Procedures for reporting and acting on disclosures or concerns about child safety

In case of emergency or if a child is in life-threatening danger contact Triple Zero (000).

Additionally, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the local Child Protection Intake Provider (1300 664 977). If after hours call the **Child Protection Crisis Line on 13 12 78.**

The table below describes the information to include when making a mandatory report about child abuse or child protection concerns.

| Making a Mandatory Report | |
|---------------------------|--|
| Step 1 | <p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> • a description of the concerns (e.g. physical injuries, student behaviour) • the source of those concerns (e.g. observation, report from child or another person) • the actions taken as a result of the concerns (e.g. consultation with the principal, report to DHHS Child Protection etc.). |
| Step 2 | <p>Discuss your concerns about the safety and wellbeing of students with the principal, a member of the school leadership team or member of the wellbeing team.</p> <p>The individual staff member should, if they have a reasonable belief, make a report about the child or young person and to whom the report should be made.</p> |
| Step 3 | <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 or young person • details of any other agencies which may be involved with the child or young |

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|---------------|---|
| | <p>person.</p> |
| <p>Step 4</p> | <p>Make a report to the relevant agency:</p> <ul style="list-style-type: none"> • To report concerns which are life-threatening phone 000 • To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station. • To report concerns about the immediate safety of a child within their family unit to DHHS Child Protection: <ul style="list-style-type: none"> • Call your local Child Protection Intake provider immediately on 1300 664 977 • For After Hours Child Protection Emergency Services, call 13 12 78. <p>**Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection.</p> |
| <p>Step 5</p> | <p>Make a written record of the report on Compass under 'Mandatory Reporting' including 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. |
| <p>Step 6</p> | <p>Notify relevant school staff of a report to DHHS Child Protection or Child FIRST.</p> <ul style="list-style-type: none"> • School staff should advise the principal or a member of the leadership team or wellbeing team if they have made a report. • School leadership or wellbeing staff can seek further assistance by contacting the school contact Student Support Services Officer |
| <p>Step 7</p> | <p>In the case of international students, the principal must notify the International Education Division of the Department of Education and Training on (03) 9637 2990 to ensure that appropriate support is arranged for the student.</p> <p>In the case of Koorie students, the principal must notify the Regional Office (as appropriate) to ensure the regional Koorie support officer can arrange appropriate support for the student.</p> |

Communication of Policies and Procedures

- VACCA will be engaged if applicable
- All measures will be taken to ensure the individual needs of students and their parents are met
- Policies will be provided to school community via approved communication processes

Confidentiality Policies and Procedures

- [Anti-Bullying Policy](#)
- [Mandatory Reporting policy](#);
- [Expected Behaviours Policy](#)
- [Child Safe Standards policy](#)
- [Student Wellbeing, Engagement and Inclusion Policy](#)
- [Attendance Policy](#)

Review Period

This policy was last updated on 07/02/2019 and is scheduled for review in 1 year.

Relevant Legislation

- *Children, Youth and Families Act 2005* (Vic.)
- *Working with Children Act 2005* (Vic.)
- *Education and Training Reform Act 2006* (Vic.)
- *Equal Opportunity Act 2010* (Vic.)
- *Privacy Act 1988* (Commonwealth)
- *Crimes Act 1958* (Vic.) – Three new criminal offences have been introduced under this Act:

Failure to disclose offence: Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

Failure to protect offence: The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation 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 negligently fail to do so.

Grooming offence: This offence targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

Related Policies

Department of Education and Training; Related Policies

- [SPAG - Reporting Child Abuse](#)
- [SPAG - Child Safe Standards](#)
- [Police and DHHS Interview Protocols](#)
- [Parent Complaints](#)
- [Recruitments in Schools](#)
- [Ministerial Order 870](#)
- [Duty of Care](#)
- [Risk Management](#)
- [Responding to Student Sexual Assault](#)
- [Protecting the safety and wellbeing of children and young people](#)

College Policies

- [Student Engagement Policy](#)
- [Student Wellbeing Policy](#)
- Acceptable Use of Technology agreement

- [Child Protection – Mandatory Reporting Policy](#)
- Supervision and Duty of Care Policy
- [Education in an Inclusive Environment Policy](#)
- Safeguarding Children and Young People – Code of Conduct

Breach of Policy

Where an **employee** is suspected of breaching any obligation, duty or responsibility within this Policy, Manor Lakes P-12 College may start the process under Complaints, Misconduct and Unsatisfactory Performance guidelines for managing employment concerns. This may result in disciplinary consequences.

Where the **Principal** is suspected of breaching any obligation, duty or responsibility within this policy, the concerned party is advised to contact the Regional Director. Relevant notification should also be made to the Department of Education and Training.

Where any **other member of the college community** is suspected of breaching any obligation, duty or responsibility within this policy, the college is to take appropriate action, including but not limited to:

- Contacting Department of Education (Conduct and Ethics Branch and Legal Branch)
- Contacting Department of Health and Human Services (DHHS).
- Contacting Victoria Police

Review of this Child Safety Policy

At Manor Lakes P-12 College we are committed to continuous improvement of our child safety systems and practices. We intend this policy to be a dynamic document that will be regularly reviewed to ensure it is working in practice and updated to accommodate changes in legislation or circumstance. We will maintain a history of updates to the policy.

History of Updates to Policy

| Date | Comment (e.g. major review, minor review) |
|---------------|---|
| August 2016 | Creation of Policy Document |
| December 2017 | Review of the policy |
| August 2018 | Major Review |

Definitions used in this Policy

Child: A child or a young person enrolled as a student at the college.

Child abuse includes:

- any act committed against a child involving:
 - a sexual offence
 - an offence under section 49B(2) of the **Crimes Act 1958** (grooming)
- the infliction, on a child, of:
 - physical violence
 - serious emotional or psychological harm

3. serious neglect of a child. ([Ministerial Order No. 870](#))

Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse. ([Ministerial Order No. 870](#))

Child neglect: The failure by a parent/guardian or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing. ([Safe Schools Hub](#))

Child physical abuse: Generally, child physical abuse refers to the no accidental use of physical force against a child that results in harm to the child. Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. The fabrication or induction of an illness by a parent/guardian or caregiver (previously known as Munchausen syndrome by proxy) is also considered physically abusive behaviour. ([Safe Schools Hub](#))

Child protection: Statutory services designed to protect children who are at risk of serious harm. ([Safe Schools Hub](#))

Child sexual abuse: Any sexual activity between a child under the age of consent (16) and an adult or older person (i.e. a person five or more years older than the victim) is child sexual abuse.

Child sexual abuse can also be:

- any sexual behaviour between a child and an adult in a position of power or authority over them (e.g. a teacher); the age of consent laws do not apply in such instances due to the strong imbalance of power that exists between young people and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated
- any sexual behaviour between a child and an adult family member, regardless of issues of consent, equality or coercion
- sexual activity between peers that is non consensual or involves the use of power or coercion
- non consensual sexual activity between minors (e.g. a 14yearold and an 11yearold), or any sexual behaviour between a child and another child or adolescent who, due to their age or stage of development, is in a position of power, trust or responsibility over the victim. Sexual activity between adolescents at a similar developmental level is not considered abuse. ([Safe Schools Hub](#))

Mandatory Reporting: The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons include teachers, nurses, police, psychologists, psychiatrists and medical practitioners. ([Safe Schools Hub](#))

Reasonable Belief: When staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a 'reasonable belief'. 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.

School environment means any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:

- a campus of the school
- online school environments (including email and intranet systems)

- other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events). ([Ministerial Order No. 870](#))

School staff means an individual working in a school environment who is:

- directly engaged or employed by a school governing authority
- a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary) ([Ministerial Order No. 870](#))

References

1. Responding to allegations of student sexual assault:
www.education.vic.gov.au/school/principals/spag/safety/Pages/sexualassault.aspx#1<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/sexualassault.aspx> - 1
2. Government Schools Website:
www.education.vic.gov.au/childhood/providers/regulation/Pages/childsafestandards
<http://www.education.vic.gov.au/childhood/providers/regulation/Pages/childsafestandards>
3. Safe Schools Hub 2014, [National Safe Schools Framework Glossary](#), Australian Government Department of Education and Training.
4. State of Victoria 2016, [Child Safe Standards – Managing the Risk of Child Abuse in Schools: Ministerial Order No. 870](#), Education & Training Reform Act 2006, Victorian Government Gazette No. S2.
5. Victorian Government Department of Justice 2016, [Betrayal of Trust Implementation](#).
6. Victorian Institute of Teaching For Victorian Teaching Profession Codes of Conduct and Ethics and information about employee responsibilities to report action against registered teachers in response to allegations and concerns about registered teachers.
7. Website: www.vit.edu.au<http://www.vit.edu.au>