

# Procedure for Responding to Allegations of Suspected Child Abuse

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| Next Review:          | September 2020                          |
| Responsibility of:    | College Risk and Governance Coordinator |
| In Consultation with: | Head of Student Services                |
| Ratification:         | Risk Management Committee               |
| Legal Check:          | Cornwall Stodart September 2018         |

### **Our commitment to child safety**

Overnewton Anglican Community College (**the College**) is committed to child safety and maintaining a child safe school environment.

We want children to be safe, happy and empowered. We support and respect all children, as well as our staff and volunteers.

We have **zero tolerance** of child abuse, and all allegations and safety concerns will be treated seriously and consistently with our policies and procedures.

We have legal and moral obligations to contact appropriate authorities when we are worried about a child's safety, which we follow rigorously.

### **Scope**

This policy applies to all **school staff and volunteers** that work in the **school environment** and are engaged in **child-connected work**, and includes staff, volunteers, contracted service providers and ministers of religion.

### **Reporting**

If a child feels unsafe or is concerned for their welfare, they should contact one of their teachers, a College Counsellor, or College Chaplain. This discussion should be kept confidential so far as practicable, bearing in mind the process and legal obligations outlined below.

Children who disclose that they are feeling unsafe or being abused must be heard, must be taken seriously and must be treated with sensitivity and compassion. They and their families and carers should be connected with services that can support them to manage a difficult or traumatic experience. The diversity characteristics of the school community should be carefully considered when dealing with children and their families.

### **Procedure**

In the event an allegation or disclosure of child abuse is made by or in relation to a child, school staff, visitors, or other persons while connected to a school environment, the College will seek to take the following steps promptly:

- Interview all relevant persons, including the child/person making the allegation and the child to whom the allegation relates to.
- Inform the child of the confidential nature of the matter; seek to protect the child and his or her identity, and that of any other persons involved in the disclosure.
- Support and assist a child who discloses or is otherwise linked to suspected child abuse by giving them an opportunity to be heard, writing down their version of events, explaining to them what action will be taken, and providing them with ongoing support and assistance as required, such as counselling. Ongoing support and counselling will also be available to all staff involved in the disclosure.
- Determine whether there are reasonable grounds to believe that child abuse has occurred.
- Take steps to provide adequate protection to any child connected to the alleged child abuse until the allegation is resolved, including but not limited by the Principal or Head of Student Services notifying the Department of Health and Human Services (DHHS) and/or police where necessary. For the avoidance of doubt, emergency services must be contacted immediately if a child is in immediate danger.
- Record and retain documents relating to the allegation and College's response to it in the child's confidential file and other locations deemed appropriate.

These practices do not:

- prohibit or discourage College staff from reporting an allegation of child abuse, or where there is a reasonable belief that child abuse is occurring, to a person external to the College;
- state or imply that it is the victim's responsibility to inform the police or other authorities of the allegation;
- require staff to make a judgment about the truth of the allegation of child abuse; or
- prohibit staff from making records in relation to an allegation or disclosure of child abuse;
- abrogate the responsibility of persons legally mandated to report their suspicions of child abuse or discharge the duty of care of the College, staff members or other persons.

The responsibilities for mandated reporters is to make a report where a child is in need of protection and reasonable grounds exist under the *Children, Youth and Families Act (2005)* to support this. This report may be made to the College or to a person external to the College.

It is the responsibility for an adult under the *Crimes Act 1958* (s327) to inform the police if they form a reasonable belief that an adult has committed a sexual offence against a child under 16.

If a person in authority at Overnewton College knows of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove risk, it is their responsibility under the *Crimes Act 1958* (s49C) to do so.

### **Mandatory Reporting**

Legislation which specifies who is required by law to report suspected cases of child abuse and neglect is known as **mandatory reporting**.

#### **When to make a mandatory report**

The legal definition of a child in need of protection is provided by the *Children Youth and Families Act 2005* (s.162). For the purposes of the Act, a child is in need of protection if any of the following grounds exist:

- a) The child has been abandoned by his or her parent and after reasonable inquiries the parents cannot be found and no other suitable person can be found who is willing to care for the child;
- b) The child's parents are dead or incapacitated and there is no other suitable person can be found who is willing to care for the child;
- c) The child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm;
- d) The child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm;
- e) The child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional and intellectual development is, or is likely to be, significantly damaged and the child's parents have not protected, or are unlikely to protect, the child from harm;
- f) The child's physical development or health has been, or is likely to be, significantly harmed and the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care or effective medical, surgical or other remedial care.

For the purposes of subsections c) to f), the harm may be constituted by a *single act, omission or circumstance* **or** accumulate by *a series of acts, omissions or circumstances*.

**Important Points**

It is the *dual focus* on **harm** and the **inability or unwillingness to protect**, which enables Child Protection to be involved. You do not have to prove that abuse has taken place. You only need reasonable grounds for your belief. If you make a notification in good faith, you cannot be held legally liable—regardless of the outcome of the notification.

**Who is legally mandated in the Victorian Education System?**

- **Teachers and Principals** are mandated;
- School Counsellors, Chaplains and Pastoral Care staff employed to a **teaching** position are mandated;
- **Nurses** registered under the Nurses Act 1993 are mandated;
- Persons with a post-secondary qualification in care, education or minding of children; and
- Persons with post-secondary qualifications in youth, social or welfare work who works in the education or community welfare services field.

The identity of notifiers in Victoria - whether mandated or not - is explicitly protected.

**What you are mandated to do**

You are mandated to make a report to the Department of Health and Human Services (DHHS) Child Protection, where a child is in need of protection and reasonable grounds exist as outlined above. You are welcome to report an allegation or your belief to a person at the College, be it a member of the Student Services Team, your Head of School, Head of Campus or the Principal. If a report is made to the College, the steps outlined within this Procedure will be followed.

This does not prohibit or discourage you from reporting an allegation of child abuse, or where there is a reasonable belief that child abuse is occurring, to a person external to the College. This may be to the police, DHHS or Child First.

**Record Keeping**

It is critical that all staff and volunteers keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse. This information may be sought at a later date if the matter is the subject of court proceedings. Your notes may also assist you later if you are required to provide evidence to support your decisions regarding the handling of child protection incidents.

All documents relating to an allegation of child abuse and the College's response to it should be stored in the child's confidential file. This file should be kept in a secure location and only accessible to authorised personnel.

**Implementation**

- This Procedure will be reviewed every two (2) years and following any significant incident.
- The College will ensure that families, children and staff have the opportunity to contribute.
- Annual professional development training will be run for all staff relating to their individual and collective obligations and responsibilities for managing risks of child abuse in the school environment and the College's current child safety standards.