



## Child Safety Responding and Reporting Obligations Policy

### 1. Purpose

Overnewton Anglican Community College (the **College**) is committed to child safety and maintaining a child safe school environment. The College has legal responsibilities to report and respond to suspected child abuse. All allegations are taken seriously and there are practices in place to investigate thoroughly and quickly as considered necessary.

Child safety includes 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 suspicions, incidents, disclosures or allegations of child abuse.

The College is committed to preventing harm to children through the reporting of child abuse and neglect and is a culture of 'no tolerance' for child abuse, implementing The Child Safe Standards – [Ministerial Order 1359](#)

### 2. Scope

This procedure applies to all complaints, concerns, suspicions and allegations relating to child abuse made by or in relation to a child or student, staff, volunteers, contractors, service providers, visitors or other persons connected to the College (physical or online).

This procedure will be:

- sensitive to the diversity characteristics of the College community.
- transparent and publicly available; and
- accessible to children, College staff and the wider community.

### 3. Definitions

**Child** means a child or young person who is under the age of 18 years.

**Child abuse** includes:

- Physical abuse inflicted on a child.
- Sexual abuse committed against a child.
- Grooming of a child by an adult
- Family violence committed against or in the presence of a child.
- Serious emotional or psychological harm to a child.
- Serious neglect, including medical neglect of a child.

The definition of child abuse is broad and can include student to student incidents and concerns, as well as behaviour committed by an adult.



**Grooming** is a criminal offence under the *Crimes Act 1958* (Vic) and is a form of child abuse and sexual misconduct. This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in sexual activity at a later time. Grooming can include communicating (including electronic communications) and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer.

**School environment** means any of the following physical, online or virtual places, used during or outside school hours:

- a campus of the College;
- online or virtual school environments made available or authorised by the school governing authority for use by a child or student (including email, intranet systems, software applications, collaboration tools, and online services); and
- other locations provided by the school or through a third-party provider for a child or student to use including, but not limited to, locations used for:
  - school camps;
  - approved homestay accommodation;
  - delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers or another school; or
  - sporting events, excursions, competitions or other events.

**School staff member** includes, for the purpose of this policy, a contractor engaged by the College or College board to perform child-related work.

#### 4. Disclosure by a child

An integral part of responding to complaints, concerns, suspicions and allegations related to child abuse is acknowledging that such disclosures may be made by the child affected or any other child. To promote a safe, child-centred and empowering approach to child disclosures, the following strategies may be utilised:

- students are encouraged to raise concerns with a trusted adult if anything makes them feel uncomfortable or unsafe.
- name multiple people or positions that students and families can approach to raise concerns.
- let students know that they can bring a support person of their choice to any interviews or meetings related to the concern.
- explain what happens next and check the student’s understanding of any proposed actions.
- ensure that the student understands who will be told about their concerns.
- report back to student to close the loop, where appropriate.
- offer counselling or support services, as appropriate.
- facilitate student discussions about what would help them speak up when they have concern.
- ask students about their experiences raising concerns and act on provided feedback.
- make it easy for students and families to access and understand the procedure for responding to allegations of child abuse.



- include information to students and their families about how to raise a concern, what to expect in response and how the school will support the student and family involved.
- support students to develop the skills to raise concerns by using teaching and learning materials, such as the Respectful Relationships curriculum; and
- let students know that they can raise a concern about any kind of harm perpetrated at school, outside school, by an adult or by other children, including bullying and cyberbullying and all forms of abuse.

If a child discloses an allegation of child abuse, this discussion should be kept confidential as far as practicable, bearing in mind the process and legal obligations outlined below.

The recipient of any disclosure of suspected child abuse must:

- acknowledge that the child may be feeling unsafe, confused or scared.
- take the disclosure seriously and treat the child with sensitivity and compassion.
- report the disclosure as appropriate to internal and/or external authorities; and
- work with College leadership to support the child/ren involved and ensure they are connected with support services, including but not limited to counselling.

The diversity characteristics of the school community should be carefully considered when dealing with children and their families.

## 5. Responsibilities

The persons responsible for the implementation of this procedure is as follows:

Responsibility	Position(s)
Promptly managing the College’s response to an allegation or disclosure of child abuse, and ensuring that the allegation or disclosure is taken seriously	Student Services Leader, Principal, relevant Deputy Principal and relevant Head of School and/or Deputy Head of School
Responding appropriately to a child who makes or is affected by an allegation of child abuse	Relevant teacher, Head of School and Student Services Leader and student services team
Managing an alternative procedure for responding to an allegation or disclosure if the person allocated responsibility cannot perform their role	Principal and relevant Deputy Principal

## 6. Identifying child abuse

To ensure we can respond in the best interests of students and children when complaints or concerns related to child abuse are raised, all staff and relevant volunteers must:



- understand how to identify signs of child abuse and behavioural indicators of perpetrators - for detailed information on identifying child abuse and behavioural indicators of perpetrators refer to [Identify child abuse](#).
- understand their various legal obligations in relation to reporting child abuse to relevant authorities - for detailed information on the various legal obligations refer to Appendix A.
- follow the below procedures for responding to complaints or concerns relating to child abuse, which ensure our school acts in the best interests of students and children and complies with both our legal and Department policy obligations.

At the College we recognise the diversity of the children, young people, and families at our school and take account of their individual needs and backgrounds when considering and responding to child safety incidents or concerns.

## **7. Procedures for responding to an incident, disclosure, allegation and suspicion of child abuse.**

If 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 actions promptly, in accordance with the PROTECT Four Critical Actions for Schools – Responding to Incidents, Disclosures and Suspicions of Child Abuse:

- The [Four Critical Actions for Schools](#) for complaints and concerns relating to all forms of child abuse.
- The [Four Critical Actions: Student sexual offending](#) for complaints and concerns relating to student sexual offending.
- The Child Safety and Wellbeing Policy, Anti Bullying Policy and the Dispute Resolutions Policy for Students and Parents Carers located on the website.

The College must take action, we play a critical role in protecting children in our care.

- The College must act, by following the Four Critical Actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.
- The College must act if you form a suspicion/ reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).
- It is strongly recommended that you use the Responding to Suspected Child Abuse template to keep clear and comprehensive notes, even if you make a decision not to report.

### **Leadership, Staff and Volunteer Responsibilities**

#### **(1) Immediate Action - Responding to an emergency (Action 1)**

If a school staff member or volunteer witnesses an incident of child abuse, or reasonably believes, suspects or receives a disclosure or allegation that a child has been, or is at risk of being abused, they must:

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- If a child is at immediate risk of harm, staff and volunteers must ensure their safety by:
  - Separating alleged victims and others involved
  - Administering first aid, if required (appropriate to their level of training)
  - Calling **000 for urgent medical and/or police assistance** to respond to immediate health or safety concerns.
  - Identify a contact person at the College for future liaison with police.
- Where necessary the College may also need to maintain the integrity of the potential crime scene and preserve evidence.
- Refer to Appendix B for guidance on how to respond to a disclosure of child abuse.

NOTE for leadership, staff and volunteers:

- If you are uncertain if an incident, disclosure, allegation or suspicion gives rise to a concern about child abuse you must always err on the side of caution and report the concern to the Principal or Deputy Principal who will take on responsibility for ensuring the region follows these procedures.

## (2) Reporting to authorities/referring to services (Action 2)

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

If the source of suspected abuse comes from:

### Within the School

- You must report all instances of suspected child abuse involving a school staff member, contractor, volunteer or visitor to Victoria Police.
- Principal or delegate.
- Commission for Children and Young People on 1300 782 978.

### Within the Family or Community

- You must report to DFFH 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.
- You must also report all instances of suspected sexual abuse (including grooming) to Victoria Police.
- Principal or delegate.

### Other Concerns

- If you believe a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act. This may include seeking advice from



- Child FIRST/The Orange Door (in circumstances where the family are open to receiving support)
- DFFH Child Protection or the
- Victorian Police.

In completing the report, the staff must:

- 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 Child Protection as part of the Department of Families, Fairness and Housing (DFFH), police and/or relevant services where necessary.

NOTE: In circumstances where staff members are legally required to report child abuse to DFFH Child Protection or Victoria Police and they are unable to confirm that the information has been reported by another person at the school or the designated member of school staff does not agree that a report needs to be made, the staff member who has formed the reasonable belief must still contact DFFH Child Protection and Victoria Police to make the report.

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act. This may include making a referral or seeking advice from Child FIRST or The Orange Door (in circumstances where the family are open to receiving support) DFFH Child Protection or Victoria Police.

### **(3) Contacting parents/carers (Action 3)**

The Principal or delegate must consult with DFFH (Child Protection or Victoria Police) to determine what information, if any, can be shared with parents/carers.

The Principal or delegate are to contact parents/carers of the relevant children and provide the agreed upon information, particularly considering how to communicate this information while promoting the safety of all relevant parties.





For further guidance, refer to [PROTECT Contacting Parents and Carers](#).

#### **(4) Providing ongoing protection and support (Action 4)**

The College must take appropriate steps to provide ongoing protection and support for children impacted by abuse. This may include, but is not limited to, the following actions:

- developing a Student Support Plan in consultation with the Student Services Team, and any relevant external agency or Department staff such as DHHS Child Protection, Victoria Police; and
- developing a safety plan, direct support and referral to external professionals and support services as required.

Ongoing protection will also include further reports to authorities if new information comes to light or further incidents occur.

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.
- prohibit staff from making records in relation to an allegation or disclosure of child abuse; or
- 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.

These practices seek only to outline the possible actions our College may take to respond to allegations or disclosures of child abuse.

The College reserves the right to alter these practices as necessary to adapt to the unique nature and circumstances of an allegation or disclosure of child abuse.

### **8. For school visitors and school community members**

All community members aged 18 years or over have legal obligations relating to reporting child abuse – refer to Appendix A for detailed information.

Any person can make a report to DFFH Child Protection or Victoria Police if they believe on reasonable grounds that a child is in need of protection. For contact details, refer to the [Four Critical Actions for Schools](#).

Members of the community do not have to inform the College if they are making a disclosure to DFFH Child Protection or the Victoria Police. However, where a community member is concerned about the safety of a child or children at the College, the community member should report this concern to the Principal so that appropriate steps to support the student can be taken.



## 9. Record Keeping

It is critical that all staff and volunteers keep clear and comprehensive notes relating to incidents, disclosures, allegations or suspicions of child abuse. This information may be sought at a later date if the matter is the subject of court proceedings. Notes may also assist if required to provide evidence to support staff and volunteer's 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.

The Head of Student Services, relevant Deputy Principal Head of Campus or Principal will ensure that:

- Detailed notes of the incidents, disclosures, allegations or suspicions of child abuse are recorded using the [Responding to Suspected Child Abuse: Template](#) or the [Responding to Student Sexual Offending: Template](#).

The templates is to document any incident, disclosure or suspicion that a child has been, or is at risk of being abused, including exposure to family violence. This template should be used in conjunction with the following: Four Critical Actions For Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse. Completing this template should not impact on reporting times. If a child is in immediate danger, school staff should report immediately to Victoria Police.

## 10. Policy status and review

The Principal is responsible for reviewing and updating the Child Safety Responding and Reporting Obligations Policy at least every two years. The review will include input from the Risk Management Committee, staff, students' parents/carers and the school community. The Governance Committee review this policy and the Board endorse this policy.

Annual professional development training will be run for all staff and volunteers 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.

Document Details	
<b>Date Created:</b>	September 2018, 29 <sup>th</sup> May 2023
<b>Date Reviewed:</b>	15 <sup>th</sup> November 2023
<b>Next Review Date:</b>	15 <sup>th</sup> November 2025
<b>Responsibility of:</b>	Principal
<b>In Consultation with:</b>	Risk Management Committee and Governance Committee
<b>Endorsed by:</b>	Board 21 <sup>st</sup> November 2023
<b>Legal Check:</b>	FAL Lawyers (August 2022)





Appendix A – Legal obligations relating to suspicions, disclosures or incidents of child abuse

**Mandatory Reporting**

Legislation which specifies who is required by law to report suspected cases of child abuse and neglect is known as **mandatory reporting**. It may be a criminal offence not to report in certain circumstances.

Mandatory reporters

The *Children, Youth and Families Act 2005* (Vic) places a legal obligation on mandatory reporters working in a school to make a report to DFFH Child Protection in particular circumstances.

Mandated reporters are legally required to report child physical and sexual abuse, and include the following:

- registered principals and teachers (including pre-service and visiting teachers) who have been granted permission to teach by the Victorian Institute of Teaching
- registered nurses, including Campus Nurses
- registered psychologists
- police officers
- registered medical practitioners
- youth justice workers
- midwives
- people in religious ministry
- out of home carers (excluding voluntary foster and kinship carers)
- persons with a post-secondary qualification in care, education or minding of children
- persons with post-secondary qualifications in youth, social or welfare work who works in the education or community welfare services field
- any other staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, welfare officers, student wellbeing coordinators, mental health practitioners, chaplains and Student Support Services staff.

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

Any other person may also make a report if they are concerned for a child’s welfare even if they are not required to do so. Any person making a voluntary (non-mandated) report is also protected regarding confidentiality.

Obligations of mandatory reporters

A mandatory reporter must report to Child Protection 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 is in need of protection*.

The legal definition of a *child in need of protection* is provided by the *Children Youth and Families Act 2005* (s162). 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.

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. **Making a mandatory report**

A mandatory report may be made to the College or to a person external to the College.

A mandatory reporter may report an allegation or belief to a person at the College, be it a member of the Student Services Team, relevant Head of School, Deputy Principal or Principal. If the report is made to the College, the actions outlined within this Procedure will be followed.

This does not prohibit or discourage a reporter 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, Child Protection or Child First.

### **Failure to disclose offence**

Reporting child sexual abuse is a community-side responsibility. All adults, not just professionals who work with children, must inform the police, as soon as practicable, if they form a reasonable belief that an adult has committed a sexual offence (including grooming), against a child under the age of 16 in Victoria. This responsibility does not affect mandatory reporting obligations.

Failure to disclose information to Victoria Police 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 to Victoria Police and you have no further information to add (for example, through a mandatory report to DHHS Child Protection or a report to Victoria Police from another member of school staff).

### **Failure to protect offence**

A person in a position of authority at the College who becomes aware that an adult associated with their organisation poses a risk of sexual abuse to a child under the age of 17 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (i.e. 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.

### **Reportable Conduct Scheme**

Under the Reportable Conduct Scheme, the Principal is required to have in place systems to prevent child abuse and to investigate and respond to such allegations. As outlined in the College’s *Reportable Conduct Scheme Procedures*, the Principal is required in certain circumstances to report allegations of child abuse against any adult, including adults who are employees or who are in some way connected with the College to the Commissioner of Children and Young People.

Obligations under the Reportable Conduct Scheme does not replace mandatory reporting requirements and the need to report allegations of child abuse to Victoria Police.



## Appendix B – Managing Disclosures of Child Abuse

### Important information for staff

When managing a disclosure relating to child abuse you 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-judgmental 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, for example gently ask, “What happened next?” rather than “Why?”
- 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 nonsuggestive words of encouragement, designed to keep the child talking in an open-ended way (“what happened next?”)
- tell the child in age appropriate language you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate (for a young child this may be as simple as saying “I will need to talk to people to work out what to do next to help you”)
- take prompt action in relation to following the procedures outlined below.

When managing a disclosure you should AVOID:

- displaying expressions of panic or shock
- asking questions that are investigative and potentially invasive (this may make the child feel uncomfortable and may 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 any promises you will keep the information the student provided confidential
- making promises to the child about what will occur next or that things will be different given 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).