

Protecting Children Policy – Reporting & Other Obligations

To comply with the school's reporting obligations under child protection law and criminal law and to fulfil its duty of care, and to comply with Ministerial Order 1359.

To enable school staff to protect the safety and wellbeing of students by:

Purpose:

- Identifying indicators that a child or young person may be in need of protection.
- Outlining how to make a report about a child or young person who may be in need of protection.
- Ensuring they understand their mandatory reporting obligations, failure to disclose and failure to protect offences
- Ensuring the Principal understands their obligations to report an allegation of child abuse against any adults who are employees or who are in some way connected with the school

Scope: All school staff

Implemented by: School Principal (Child Safety Officer)

Approved by: VHS Board

Reviewed: Every two years, after an incident, as regulatory changes arise or improvements are identified through internal review.

Communicated via: VHS Website, Staff Induction, Staff Meetings, Staff Handbook, Policies and Procedures Manual

Overview

Village High School (VHS) is committed to preventing harm to children through the reporting of child abuse and neglect and will comply with the requirements set out Ministerial Order 1359.

The school, those that work in it, and its wider community together have a duty of care to protect children from harm through abuse or neglect. The school is committed to implementing clear procedures for reporting and recording reports of suspected child abuse, neglect and grooming. The school will create a

supportive culture in which children, staff, volunteers and families feel confident and comfortable in raising any allegations of abuse, grooming or child safety concerns.

VHS will act on any allegations or disclosures of child abuse made by, or in relation to a child, school staff, visitor, or any other person connected to the school environment in accordance with this policy to ensure that children under the care of the school are supported and protected.

VHS will act to reduce or remove the risk of child sexual abuse posed by an adult associated with the school if there is an allegation or disclosure of abuse, by immediately removing them from the possibility of contact with children and reporting them to the appropriate authorities. This includes (but is not limited to) employees, volunteers and parents who are involved in direct contact with children at the school.

Definitions

- **Child abuse** includes
 - any act committed against a child involving
 - a sexual offence; or
 - grooming offences under section 49M(1) of the Crimes Act 1958
 - the infliction, on a child, of
 - physical violence; or
 - serious emotional or psychological harm; and
 - the serious neglect of a child including exposure to family violence and its effects.

- An **adult** is a person of or above the age of 18.

Responding to Child Abuse Concerns

School staff and the wider community have different levels of responsibility when it comes to their reporting and legal obligations to protect children and young people from abuse.

- **Mandatory Reporting** - Principals, VIT registered teachers, (and others working in schools such as medical practitioners, nurses, police, psychologists) are considered mandatory reporters
- **Failure to disclose** – all adults
- **Failure to protect** – Staff in leadership positions and Board Members
- **Reportable Conduct** – Principals

All School staff must be aware of and comply with their legal obligations to report suspected child abuse and provide ongoing appropriate support.



School staff must follow the Four Critical Actions where there is an incident, disclosure or suspicion of child abuse. The Four Critical Actions outline who an incident, disclosure or suspicion should be reported to.

When dealing with an incident, disclosure or suspicion of child abuse, staff should ensure that the principal and school leadership team is made aware of the concern and are involved in providing ongoing appropriate support.

There are four critical actions which the school must take when responding to an incident, disclosure or suspicion of child abuse. These are required to ensure the school meets its legislative obligations to protect children in its care. They are:

1. **Respond to an Emergency**

If a child has just been abused or is at immediate risk of harm the school **must** take reasonable steps to protect them. This may involve separating the victim/s from others involved, providing first aid and calling 000. Reasonable steps must also be taken to preserve the environment, the clothing, or other items, and potential witnesses until the police or other relevant authorities arrive on the premises.

2. **Report to Authorities**

As soon as immediate health and safety concerns are addressed the Child Safety Officer **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.

3. **Contact Parents/Carers**

After an incident or when the school's Child Safety Officer has formed a suspicion/reasonable belief that a child is subject to abuse and **before** contacting parents/carers, he/she must seek advice from Department Families, Fairness and Housing (DFFH) Child Protection and/or Victoria Police about notifying the parents/carers and/or what information can be shared.

4. **Provide Ongoing Support**

The school has a critical role in supporting students impacted by abuse and have a duty of care to ensure that the students feel safe and supported at school. Actions may include referral to wellbeing professionals and community services and the development of a Student Support Plan.

The Principal is responsible for ensuring students are supported during interviews at school conducted by Victoria Police or DFFH Child Protection and in Court, should a subpoena be issued.

Support **must** also be provided to any impacted staff members.

The Four Critical Steps must be followed every time there is an incident or further risk of abuse or harm. This includes reporting new information to authorities.

Mandatory Reporting

A mandatory reporter must report to DFFH Child Protection or Victoria 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.

Other circumstances may result in a staff member making a report, but the above conditions are those that apply to Mandatory Reporting situations.

A mandated reporter must make a report on each occasion that they form a belief and must make a report even if the Principal (or Board Member, if the belief relates to the Principal) or others within the organisation do not share their belief.

Mandatory reporters must ensure that a report has indeed been made in any instance that another mandated reporter has undertaken to make the report.

A mandated reporter who fails to comply with these reporting obligations may be committing a criminal offence.

If a disclosure is received from a former student, provided they are still of school age, the standard reporting obligations and processes apply. If the individual is no longer of school age, you must still act, and the first step is to seek advice from Victoria Police.

Failure to disclose

All adults (not just those who work with children) must report to Victoria Police (by calling 000 or the local police station) when they form a reasonable belief that a sexual offence has been committed by an adult against a child under 16. Failure to disclose the information to police may be a criminal offence.

Failure to protect

Principals or school leadership staff who become aware that an adult associated with the school (such as an employee, contractor or volunteer) poses a risk of sexual abuse to a child under the care of the school (including grooming) must take all reasonable steps to remove or reduce that risk.

This may include removing the adult from child-connected and child-related work pending investigation.

Failure to do so may be a criminal offence for staff members and those in a position of authority.

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.



Reportable Conduct Scheme

The Reportable Conduct Scheme is overseen by the Commission for Children and Young People. The scheme is vast and covers a wide variety of scenarios in its jurisdiction. Principals are required to report allegations of child abuse of any kind against any current employees (or adults who are in some way connected with the school such as contractors, volunteers, Board Members) to the Commission for Children & Young People. This applies regardless of whether the alleged victim is or was a student at the school.

If a child discloses abuse allegedly perpetrated by an adult outside of the school, and that adult is covered by the Reportable Conduct Scheme in their current employment or position, in addition to following the PROTECT documentation for the disclosure, the Principal should seek advice from CCYP regarding the potential for a report under the scheme.

The Reportable Conduct Scheme does not replace Mandatory Reporting requirements nor the need to report allegations of child abuse, criminal conduct and family violence to Victoria Police.

Types of information and timelines for reporting through the Reportable Conduct Scheme are set out in the following table.

Three business day notification	30 calendar day update	Advice on investigation	Outcomes of investigation	Additional documents
<ul style="list-style-type: none"> Name of the worker or volunteer Date of birth Police report Organisation contact details Head of organisation's name Initial advice on the nature of the allegation 	<ul style="list-style-type: none"> Details of the allegation Details of your response to the allegation Details about any disciplinary or other action proposed Any written response from the worker or volunteer about the allegation and the proposed disciplinary or other 	<ul style="list-style-type: none"> Name of investigator Contact details As soon as practicable 	<ul style="list-style-type: none"> Copy of findings and reasons for the findings Details about any disciplinary or other action proposed Reasons for taking or not taking action As soon as practicable 	<ul style="list-style-type: none"> The Commission may request further documents from the head of the organisation

Reporting Obligations of Principals to Victorian Institute of Teaching (VIT)

VHS must notify VIT if it has taken

- disciplinary action against a registered teacher in response to allegations of serious incompetence, serious [misconduct](#), or where the teacher may be unfit to be a registered teacher
- action against a registered teacher because their ability to practise as a registered teacher is seriously detrimentally affected, or likely to be seriously detrimentally affected by an [impairment](#), or
- any other action that may be relevant to the registered teacher's fitness to teach.

Grooming

Grooming is when an adult engages in predatory conduct to prepare a child or young person for sexual activity at a later time.

Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer. Young people are often 'groomed' before they are sexually abused. At first they may be tricked into thinking they are in a safe and normal relationship so they may not know it's happening or may feel they have no choice but to be abused.

It may be hard to identify when someone is being groomed until after they have been sexually abused, because grooming behaviour can sometimes look like 'normal' caring behaviour, however this is not always the case.

Examples of grooming behaviour may include:

- giving gifts or special attention to a child or young person, or their parent or carer, making the child or young person feel special or indebted to an adult
- making close physical contact sexual, such as inappropriate tickling and wrestling or play fighting
- openly or pretending to accidentally expose the victim to nudity, sexual material and sexual acts (this in itself is classified as child sexual abuse but can also be a precursor to physical sexual assault)
- controlling a child or young person through threats, force or use of authority making the child or young person fearful to report unwanted behaviour.
- Attempting to maintain regular contact with their target and even isolate them from their supportive networks. They may give them a mobile phone; make them feel special by complimenting them or do favours for them such as giving them lifts and planning fun activities. This may lead to the child spending less time with their friends and family.

Groomers may rely on mobile phones, social media and the internet to interact with children in inappropriate ways and will often ask the child to keep their relationship a secret. Offenders are deceptive and manipulative in the way they work, so it is important to draw on a range of information, such as the warning signs of sexual exploitation, if you have concerns.

Additionally, due to the opportunity of staff to groom older secondary students and prepare them for sexual contact after graduation or once they turn 18, it is now a violation of the VIT Code of Conduct for teachers to enter into a sexual relationship with a prior student within two years of a student completing their senior secondary education.

Duty of Care

The School has an organisational duty of care to provide care, supervision or authority over children and to take reasonable precautions to prevent the abuse of a child (sexual or physical abuse) by an individual associated with the organisation while the child is under their supervision or authority.

To fulfil its organisational duty of care, school staff are required to take reasonable steps to protect children in their care from harm that is reasonably foreseeable.

In relation to suspected child abuse, reasonable steps may include (but are not limited to):

- pre-employment screening and reference checks
- clear supervision guidelines and adequate training
- acting on concerns and suspicions of abuse as soon as practicable
- seeking appropriate advice or consulting with other professionals or agencies
- reporting the suspected child abuse to appropriate authorities such as Victoria Police and Child Protection (refer to [Four Critical Actions](#))
- providing ongoing support to the child
- sharing information with other school staff who will also be responsible for providing ongoing support to the child.

While any child can be victim to sexual abuse, children from culturally or linguistically diverse backgrounds, who have a disability, who are unable to live at home and who are LGBTQI+ are much more likely to be victimised and are a significantly over represented group.

If a staff member has concerns about the safety, health and wellbeing of children in their care it is important to take immediate action.

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 should:

- report their concerns to the DFFH Child Protection or another appropriate agency (as identified above), and
- notify the Principal (or if it involves the Principal, then a Board Member) of their concerns and the reasons for those concerns.

The duty of care extends to all staff within the school to take immediate action to protect children as soon as they become aware that a person associated with the school poses a substantial risk of abusing children.








If such a belief is formed, staff must inform the School Principal. If the belief relates to the actions of the Principal it should be reported to a member of the School Board.

Indicators of abuse and forming a 'reasonable belief'







There are many possible indicators of child abuse and neglect. School staff are well placed to observe signs or behaviours that may indicate risks of child abuse, neglect or exploitation. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred, however should alert teachers to the possibility of child abuse and neglect. Records should be kept of observations, even if a reasonable belief has not been formed, so that patterns and ongoing observations can be tracked and compiled. This allows for the possibility of a future reasonable belief to be formed based on a number of signs of behaviours over time.

Staff must act as soon as they form a suspicion/ reasonable belief, even if they are unsure and have not directly observed child abuse.





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

-  a child states that they have been abused
-  a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves but a friend could have also disclosed to them)
-  someone who knows the child states that the child has been physically or sexually abused
-  physical or behavioural indicators of abuse are present such as non-accidental or unexplained injuries; unexplained and concerning behaviour changes, persistent neglect; or inadequate care and supervision lead you to believe that the child has been or is being abused.
-  other signs such as family violence, parental substance misuse, parental psychiatric illness or intellectual disability that is impacting the child's safety, stability or development.
-  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.

Types of child abuse include:

-  physical abuse
-  sexual abuse
-  emotional abuse
-  neglect
-  family violence
-  grooming

Other reports to DFFH Child Protection may be needed for:

-  extreme risk-taking behaviour
-  parental abandonment or severe isolation
-  incapacity or death of sole carer or parent
-  risk to unborn child



When to make a referral

In addition to reporting suspected abuse to appropriate authorities, you should make a referral to Child FIRST/Orange Door if:

- you have a significant concern for a child’s wellbeing
- your concerns have a low-to-moderate impact on the child
- the child’s immediate safety is not compromised
- you or your school has discussed the referral with the family and they are supportive of it.

Examples of concerns that school staff should report to Child FIRST/Orange Door include instances when a child’s care or development is significantly impacted on by:

- parenting problems
- pressure due to a family member’s physical or mental illness, substance abuse, or disability
- vulnerability due to youth, isolation or lack of support
- significant social or economic disadvantage.

When to report wellbeing concerns to DFFH Child Protection

In addition to reporting suspected abuse to appropriate authorities, or making a referral to Orange Door/Child First, you should contact [DFFH Child Protection](#) if you hold wellbeing concerns for a child that:

- have a serious impact on a child’s safety, stability or development (including abandonment, death or incapacity, extreme risk-taking behaviour, or harm to an unborn child)
- are persistent and entrenched and likely to have a serious impact on a child’s safety, stability or development
- relate to a parent who cannot or will not protect the child from significant harm
- include a belief that the family is likely to be uncooperative in seeking assistance.

Responding to Student Sexual Offending

Student sexual offending refers to sexual behaviour that is led by a student 10 years and over which may amount to a sexual offence, such as sexual assault, rape or indecent acts.

Staff members' legal obligations to identify, respond and report child abuse also includes any incidents, allegations and suspicions that a student is victim to student sexual offending or a student has committed sexual offending.

In the event of an incident of student sexual offending, receiving a disclosure or forming a suspicion that a student is a victim of a student sexual offending staff must act immediately by following the PROTECT Four Critical actions and referencing the guide 'Responding to Suspected Student Sexual Offending: Template for all Victorian Schools'.

Principals have primary responsibility for managing the school response to incidents, disclosures or suspicions of student sexual offending.

Consent under Victorian Law

Under Victorian Law children between 12-15 can only consent to sexual activity with a peer no more than two years their senior. Therefore, sexual contact led by a student with a child outside of these age parameters may amount to student sexual offending.

In order for a person to consent to sexual activity they have to have the capacity to understand the context and possible consequences of the act. Therefore, sexual contact led by a student involving a person with a cognitive impairment or affected by alcohol and other drugs may also amount to student sexual offending.

Problem sexual behaviour in children under 10

Victorian Law holds that students under 10 years of age cannot commit a sexual offence, and therefore problem sexual behaviour by children under 10 years of age does not fall under Mandatory Reporting.

Most children and young people are likely to engage in some level of age-appropriate sexual behaviour as part of their development and sexual behaviours can present along a broad continuum.

It is important to consider the context of any alleged sexual behaviour of students, taking into consideration their developmental age and cognitive functioning, so that informed decisions about appropriate action can be made.

It is important to understand that some level of sexual behaviour does not necessarily indicate a problem. Age-appropriate sexual behaviour can become disrupted in children and adolescents by a number of factors, including exposure to sexually explicit material or exposure to sexual activity including abuse.



If you suspect that a student under 10 years of age has engaged in concerning sexual behaviour, the Principal should advise the parents/ carers of the student who is engaging in the behaviour (unless there are reasonable grounds for believing that this would not be in the best interests of the child). In many instances, the parents/carers can assist school staff to ensure that the child is aware that their behaviour and conduct is not appropriate in a school environment and to encourage them to seek outside support and professional advice . In these circumstances, it is also necessary and appropriate to notify the parents/carers of the students who have been impacted by the behaviour and to offer them direct support and/or a referral to external support services.

For all students who are under 10 years of age and who engage in problem sexual behaviour, the school will consider:

- consulting with wellbeing professionals to support the student displaying problem sexual behaviours
- developing a Student Support Plan to determine and document support strategies for students displaying problem sexual behaviours, and strategies to maintain the safety of other school community members
- whether the child may be the victim of child abuse, and the concerning sexual behaviour may be a physical or behavioural indicator that this may be occurring.

Concerning sexual behaviour in children is not a clear indicator that a child has been sexually abused, however if staff form a reasonable belief they must report this to DFFH Child Protection or Victoria Police.

In the event of very concerning sexual behaviors the Principal should seek advice from DFFH Child Protection or Victoria Police.

Making a report using PROTECT

School staff should follow the procedure as outlined in *Schedule A*.

After making a report

This table describes the potential outcomes and ongoing requirements of making a report.

<u>Outcome/ Requirements</u>	<u>Description</u>
Confidentiality	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> • the reporter chooses to inform the child, young person or parent of the report. • the reporter consents in writing to their identity being disclosed. • a Court or Tribunal decides that it necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child. • a Court or Tribunal decides that, in the interests of justice, the reporter is required to provide evidence. <p>Planning and care should be taken before providing any information about child abuse to the school community. The school should be aware that that even confirming the existence of an allegation can lead to the identification of a victim and may also have negative influence on any investigation. The Principal must determine who within the school receives information about the report, and should be provided to only those whose duty of care requires it.</p>
Professional Protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> • it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter. • the reporter cannot be held legally liable in respect of the report.
Interviews	<p>Where possible and appropriate the child’s parents/carers should be present for any interviews by DFFH Child Protection and/or Victoria Police.</p> <p>However if this is not appropriate or practicable DFFH Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent’s knowledge or consent. In this instance the Principal (or delegate) may be identified as the independent person or support person for the child for the purpose of the interview.</p> <p>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.</p> <p>DFFH Child Protection and/or Victoria Police will notify the School Principal (or Board member) of their intention to interview the child or young person on the school premises.</p>

	<p>When DFFH Child Protection practitioners/Victoria Police officers come to the school premises, the School Principal or (Board member) should request to see identification before permitting them to have access to the child or young person.</p> <p>When a child or young person is being interviewed by DFFH Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.</p>
<p>Support for the child or young person</p>	<p>The roles and responsibilities of staff members in supporting children who are involved with DFFH Child Protection may include the following:</p> <ul style="list-style-type: none"> • acting as a support person for the child or young person • attending DFFH Child Protection case planning meetings • observing and monitoring the child’s behaviour • liaising with professionals.
<p>Support for staff who make a report</p>	<p>Making a report is likely to be a stressful event for the staff members involved. The school has a duty of care to ensure that all staff members are supported throughout the process. This will involve:</p> <ul style="list-style-type: none"> • Allowing time for staff members to deal with their own emotional responses • Providing support including debriefing by appropriately qualified counsellors when needed • Ensuring the workplace remains a safe environment.
<p>Supporting families</p>	<p>Families will have a range of responses to a report and the school will support families in the following ways:</p> <ul style="list-style-type: none"> • Aim to work in partnership with the family to support the child • Put in place a Student Support Plan and provide feedback about any changes in their child’s behaviour while at school. • Respect the family’s privacy and decision whether to discuss the situation with the school • Provide time and a private space should a family choose to discuss what has happened • Recommend support from appropriately qualified counsellors when needed • Implement support strategies requested by the family or appropriately qualified counsellor.
<p>Requests for Information</p>	<p>Through both the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme VHS may be the recipient of a ‘request to share’ from an Information Sharing Entity or may make a ‘request to share’ of another Information Sharing Entity. If the legal requirements of the Child Information</p>

	<p>Sharing Scheme are met then the entities are required to provide information to to promote the wellbeing or safety of a child or group of children under the age of 18 years</p> <p>In addition, DFFH 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.</p> <p>In certain circumstances, DFFH Child Protection can also direct school 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 DFFH Child Protection.</p>
<p>Witness Summons</p>	<p>A subpoena/witness summons is a court order that compels the school or an individual to produce documents, or attend court and give evidence, or to do both of these things. If any school staff member directly receives a subpoena/witness summons in the context of their employment they should discuss this with the Principal to ascertain if legal advice should be sought.</p>
<p>Concerns or complaints</p>	<p>There may be concerns or complaints about the school and/or staff's management of an incident, in particular by parents/carers. This is a very stressful time and concerns that an incident has not been dealt with fairly may quickly escalate.</p> <p>As a first step school staff must consider whether the complaint raises any concerns about unreported abuse and/or risk of abuse. You must follow the Four Critical Actions if any new information comes to light which leads you to believe that a child may be subject to, or at risk of any unreported abuse.</p> <p>The Concerns & Complaints Policy and process should be followed by those wishing to raise a concern or complaint.</p> <p>If a school staff member continues to have concerns about a child after Child Protection has closed the case, the school can escalate the matter by using the Child Protection's complaints management process https://www.dffh.vic.gov.au/making-complaint</p>

Staff Training



Training will ensure that all staff understand their mandatory reporting obligations, failure to disclose and failure to protect offences, along with information to support them in identifying and responding to abuse and scenarios that may warrant a referral or action.

All VHS staff and Board members will complete the on-line Mandatory Reporting Professional Learning Module provided by DEECD (<https://elearn.childlink.com.au>). . The module provides detailed information for identifying and responding to child abuse and includes case studies and practical scenarios to assist staff to fulfil their reporting obligations. All staff must undertake this training once per calendar year.

Related Documentation

- PROTECT Responding to Suspected Child Abuse: A Template for all Victorian Schools
- PROTECT: Four Critical Actions For Schools
- Children, Youth and Families Act 2005 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Crimes Act 1958 (Vic)
- Education and Training Reform Act 2006 (Vic)
- Education and Training Reform Regulations 2017 (Vic)
- Ministerial Order 1359 – Implementing the Child Safe Standards
- Mandatory Reporting Professional Learning Module
- Victorian Registration and Qualifications Authority (VRQA) Minimum Standards for School Registration.
- Staff Code of Conduct
- Reportable Conduct Scheme - <https://ccyp.vic.gov.au/resources/reportable-conduct-scheme/reportable-conduct-scheme-information-sheets>
- Village School Induction Plan
- Village School Training Plan

Related Policies

-  Child Safety & Wellbeing Policy
-  Critical Incident Policy
-  Concerns & Complaints Policy
-  Working with Children Policy
-  Privacy Policy