



## Mandatory Reporting Policy

### Introduction

Plenty River College (the College) is an independent, specialist senior secondary school, delivering the Victorian Pathways Certificate (VPC) and VCE Vocational Major (VM). It provides a safe and inclusive learning environment for young people aged 15-20 years who may have been disengaged or are at risk of disengaging from education.

Plenty River College is a school of opportunities in which all students are empowered to achieve their personal best. Our mission is to assist students to develop life and work skills and achieve in their learning by:

- re-engaging them in education;
- fostering their social and emotional development; and
- providing a supportive and safe environment for them.

### Rationale

Plenty River College is committed to child safety and will comply with **Ministerial Order (MO) 1359: Managing the Risk of Child Abuse in Schools and School Boarding Premises**.

All students have a right to feel safe and to be safe. At the College, we have a legal and moral responsibility to protect a child who has experienced or is at risk of significant harm, and their parents have not protected, or are unlikely to protect them from that harm.

Significant harm may relate to:

- physical child abuse;
- sexual abuse;
- grooming;
- family violence;
- emotional or psychological abuse; and/or
- neglect.

The College is committed to the principles, practice and implementation of Mandatory Reporting as detailed in the **Ministerial Order (MO) 1359: Managing the Risk of Child Abuse in Schools and School Boarding Premises**.

The College is committed to ensuring that all other non-mandated staff members over the age of 18 are aware of their responsibilities as detailed in the ***Child Wellbeing and Safety Act 2005, Child***

## **Youth and Families Act 2005 (CYFA) and Ministerial Order (MO) 1359: Managing the Risk of Child Abuse in Schools and School Boarding Premises.**

### **Purpose**

The purpose of this policy is to ensure that College staff are aware of their roles and responsibilities in protecting the safety and wellbeing of students. Therefore, College staff must:

- understand their various legal obligations to report and take other reasonable steps to discharge the duty of care that may be owed to the child or young person;
- identify indicators that a child or young person has been, is being, or is at risk of being abused; and
- make a report about a child or young person who has been, is being, or is at risk of being abused.

### **Scope**

This policy applies to College Board members, staff members, including non-teaching staff and temporary or casual staff, volunteers, parents, contractors and service providers, external education providers, and visitors.

### **Definitions**

<b>Child abuse</b>	<p>Includes:</p> <ul style="list-style-type: none"><li>• any act committed against a child involving—<ul style="list-style-type: none"><li>○ a sexual offence or</li><li>○ an offence under section 49B (2) of the Crimes Act 1958 (grooming)</li></ul></li><li>• the infliction, on a child, of—<ul style="list-style-type: none"><li>○ physical violence or</li><li>○ serious emotional or psychological harm</li></ul></li><li>• serious neglect of a child.</li></ul>
<b>Child or young person</b>	Student enrolled at the College
<b>Child Protection</b>	<p><b>Child Protection</b> is part of the Victorian Department of Families, Fairness and Housing (DFFH). The Child Protection service is specifically targeted to those children and young people at risk of harm or where families are unable or unwilling to protect them.</p> <p>The main functions of Child Protection are to:</p> <ul style="list-style-type: none"><li>• Investigate matters where it is alleged that a child is at risk of significant harm</li><li>• Refer children and families to services that assist in providing the ongoing safety and wellbeing of children</li><li>• Make applications to the Children's Court if the child's safety cannot be ensured within the family</li><li>• Administer protection orders granted by the Children's Court.</li></ul>

<b>Child safety</b>	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
<b>Child Safety Officer</b>	The Executive Principal is the nominated Child Safety Officer at the College who is required to support and assist staff and students with understanding their reporting obligations.
<b>Failure to Disclose offence</b>	This offence, Under the Crimes Amendment (Protection of Children) Act 2014 requires that any staff member or person aged 18 years or older who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16 years) must disclose that information to Victoria Police.
<b>Failure to Protect offence</b>	This offence, under the Crimes Amendment (Protection of Children) Act 2014 requires any person in a position of authority in the College to reduce or remove the risk of sexual abuse of a child by an adult associated with the College. Staff members holding positions of authority in the College will commit this offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently failed to do so.
<b>Grooming offence</b>	Grooming is a criminal offence under the Crimes Act 1958 (Vic.). This offence targets predatory conduct undertaken by an adult to prepare a child ( <b>aged under 16 years</b> ), to engage in 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.
<b>External Education Provider</b>	Any organisation that the College has arranged to deliver a specified course of study, that is part of the curriculum, to students enrolled at the College e.g. a TAFE College to deliver a VET course.
<b>Four Critical Actions</b>	<p>If physical and/or behavioural indicators lead to a suspicion that a student has or is being abused, or is at risk of abuse, College staff must respond as soon as possible by following the <a href="#">Four Critical Actions</a> for Schools:</p> <ol style="list-style-type: none"> <li>1. Responding to an emergency</li> <li>2. Reporting to authorities / referring to services</li> <li>3. Contacting parents/guardians</li> <li>4. Providing ongoing support</li> </ol>
<b>Mandatory Reporting</b>	Mandatory reporting is the legal requirement for certain professional groups (mandatory reporters) to report a reasonable belief of child physical or sexual abuse to Department of Families, Fairness and Housing (DFFH) Child Protection.

<b>Mandatory Reporters</b>	<p>Section 182 of the Child, Youth and Families Act identifies a mandatory reporter as:</p> <ul style="list-style-type: none"> <li>• Registered Medical practitioners</li> <li>• A nurse</li> <li>• A midwife</li> <li>• Registered teachers and early childhood teachers</li> <li>• School principals</li> <li>• School counsellors</li> <li>• Police Officers</li> <li>• A person in religious ministry</li> <li>• Early Childhood workers</li> <li>• Youth, social and welfare workers</li> <li>• Registered psychologists</li> <li>• Youth justice and parole officers</li> </ul>
<b>Parents</b>	Includes parents, guardians, step-parents and/or carers as listed in the College Enrolment Form
<b>Reportable Conduct Scheme</b>	The Reportable Conduct Scheme requires the College to report to the Commission for Children and Young People (CCYP) any allegations of sexual and physical abuse, sexual misconduct, significant emotional or psychological harm, or significant neglect by an employee towards a child or young person in their care.
<b>Student</b>	Child or young person named on the College's Enrolment Form.

## Responsibility

### 1. The College Board is responsible for:

- authorising this policy and other policies to protect College students from physical or sexual abuse or risk of significant harm in accordance with **Ministerial Order (MO) 1359: Managing the Risk of Child Abuse in Schools and School Boarding Premises.** and
- appointing an Acting Executive Principal where the Executive Principal has notified the Chair of the Board that they are unable to perform their role in relation to an allegation or disclosure under this policy. The Acting Executive Principal would then manage the College's response to the allegation or disclosure.

### 2. The Executive Principal is responsible for:

- implementing policies, procedures and processes to protect students from physical or sexual abuse or risk of significant harm;
- managing, implementing and monitoring College processes and procedures to ensure compliance with Child Protection legislation, including Mandatory Reporting;
- ensuring all College mandatory reporters aware that if they form a belief about a child they are mandated to report to Child Protection;

- ensuring Teachers, Psychologists and Youth Welfare Workers at the College aware that they are mandated to report a belief even if the Executive Principal disagrees with the belief or their concerns continue after discussions with the Executive Principal;
- ensuring that all non-mandated staff members are aware of their obligations in relation to responding to and reporting child abuse;
- ensuring non-mandated staff, such as Education Support Workers, aware that if they believe there is reasonable grounds for forming a belief, they are to speak to the Executive Principal regarding their concerns;
- promptly managing the College's response to an allegation or disclosure of child abuse and ensuring that the allegation is taken seriously;
- ensuring that all College staff respond appropriately to a child who makes or is affected by an allegation of child abuse;
- ensuring that the mandatory reporter at the College makes a report to Child Protection as soon as possible after they have formed a reasonable belief;
- checking with the mandatory reporter to ensure the report has been made to Child Protection, and that all of the grounds for their own belief have been included in the report;
- making, securing and retaining records of the allegation of child abuse and the College's response to it;
- Where the Executive Principal or staff member has previously reported a concern to Child Protection, but they continue to have concerns for the student after Child Protection has closed the case, the Executive Principal must escalate the matter through [DFFH complaints management processes](#)
- Ensuring that the Executive Principal or their nominee is present at any interviews with staff and students conducted by members of the Department of Families, Fairness and Housing (DFFH), or associated support or intervention services that visit the College following a notification;
- Notifying the Chair of the Board if they are unable to perform their role in relation to responding to an allegation or disclosure.

3. College registered Teachers, registered Psychologists and Youth Welfare Workers (as mandatory reporters) are responsible for:

- Reporting child abuse on each occasion that they form a belief to Child Protection as soon as possible and disclose their belief to the Executive Principal;
- Making a report to Child Protection if they have formed a reasonable belief that a student is in danger, regardless of whether or not the Executive Principal shares that belief.

4. All other non-mandated College staff members over the age of 18 years are responsible for:

- Reporting to Child Protection if they form a belief on reasonable grounds that a student is in need of protection;
- Reporting to Child Protection if they form a belief on reasonable grounds that a student over 10 years but under 18 years has been exhibiting sexually abusive behaviours and may need therapeutic treatment.

5. All reporters at the College are responsible for:

- Making a report to Child Protection as soon as possible in the course of practicing their profession or carrying out their duties, if they form a belief on reasonable grounds that a student needs protection, as a result of physical injury or sexual abuse (including grooming), and the student's parents are unable or unwilling to protect the student;
- **Reporting their concerns to DHHF Child Protection and to Victoria Police (call 000) if the student is in immediate danger of harm;**
- Disclosing and discussing their concerns about the safety of a student with Executive Principal;
- Reporting any disclosures by a student desiring to harm themselves or others to the Executive Principal immediately.

### **Mandatory Reporting**

Mandatory reporting is the legal requirement for certain professional groups (mandatory reporters) to report a reasonable belief of child physical or sexual abuse to Child Protection.

### **Mandatory Reporters**

Section 182 of the Child, Youth and Families Act identifies a mandatory reporter as:

- Registered Medical practitioners
- A nurse
- A midwife
- Registered teachers and early childhood teachers
- School principals
- School counsellors
- Police Officers
- A person in religious ministry
- Early Childhood workers
- Youth, social and welfare workers
- Registered psychologists
- Youth justice and parole officers

All mandatory reporters must make a report to Child Protection, as soon as practicable, on each occasion they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse 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.

Mandatory reporters must:

- make a report **as soon as possible** even if the Executive Principal or other senior members of staff have a differing view

- ensure that a report has been made in instances where another mandated reporter has undertaken to make the report
- make a report even if they think the report has been or will be made by someone else
- follow the [Four Critical Actions](#) for Schools - Responding to Incidents, Disclosures or Suspicions of Child Abuse - to ensure they fulfil all of their legal obligations. **(See Implementation section of this policy for further details.)**

### **Mandatory Reporting Training Obligations**

The Executive Principal is responsible for making sure that all College staff who are mandatory reporters complete the [Protecting Children – Mandatory Reporting and Other Obligations eLearning e-module](#) once per calendar year.

College Non-mandatory reporters will also be expected to complete this e-module once per calendar year.

### **Forming a belief on reasonable grounds**

A belief on reasonable grounds is made if a reasonable person, doing the same work, would have formed the same belief on those grounds. For example, a '*reasonable belief*' might be formed if:

- a child states that they have been physically or sexually abused;
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- someone who knows a child states that the child has been physically or sexually abused;
- professional observations of a child's behaviour or development leads to a belief being formed 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;
- a child is engaging in risk-taking behaviour;
- there are indications that a child is being groomed;
- there is a risk to an unborn child; or
- female genital mutilation has occurred or there is a risk of it occurring.

### **Failure to disclose offence**

Under the Crimes Amendment (Protection of Children) Act 2014, any College staff member or **person 18 years or over** who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years, has a legal obligation to report that information to Victoria Police, **as soon as possible**. Failure to disclose the information to Police is a criminal offence, except in limited circumstances, such as where the information has already been reported to Child Protection or there is a fear for their own or someone else's safety.

A reasonable belief could be as a result of:

- a disclosure made by a child – about themselves or someone they know;
- information from someone else; or
- signs of sexual abuse or observations of behaviour.

There is no requirement to make a report if there are reasonable grounds to believe that:

- a report has already been made to Victoria Police and that there is no further information to be added; or
- a report has been made to Child Protection as a mandatory report - Child Protection has a responsibility to inform the Police.

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

### **Difference between failure to disclose and mandatory reporting**

The offence of failure to disclose differs from mandatory reporting in the following ways:

- Mandatory reporting is required to protect a child from physical injury and sexual abuse. The offence of **failure to disclose** only applies to sexual abuse.
- Mandatory reporting is an obligation on mandatory reporters. Reporting under the **failure to disclose** requirement is an obligation on all adults (with some exemptions – see below\*).

#### **\*Exemptions**

Reasonable excuses for not reporting a sexual offence include where:

- there is a fear of the safety for the person reporting or for someone connected to the incident; and
- the sexual offence has already been reported, for example, by mandatory reporting.
- Mandatory reports are made to Child Protection. **Failure to disclose** reports are made to Victoria Police.
- Mandatory reports must be made to Child Protection even if there is a reason to believe a report has been made to Victoria Police.
- **Failure to disclose** reports do not need to be made to Victoria Police if there is a reason to believe a report has been made to Child Protection.

### **Failure to protect offence**

**Under the Crimes Amendment (Protection of Children) Act 2014**, those in positions of authority within the College E.g. Executive Principal and Deputy Principal/Curriculum Leader, must take all reasonable steps to remove or reduce the risk of sexual abuse posed by an adult associated with the College. If the Executive Principal or Deputy Principal/Curriculum Leader fails to take reasonable steps in these circumstances, this may amount to a criminal offence. This offence applies to person



in a position of authority, that is an Executive Principal or Deputy Principal/Curriculum Leader, within the College who:

- knows of 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 the College (e.g. employee, contractors, volunteer, visitor); and
- negligently fails to remove or reduce the risk of harm.

Where the Executive Principal or Deputy Principal/Curriculum Leader becomes aware that an adult associated with the College poses a risk of sexual abuse to a student under the care, authority or supervision of the College, they must take all reasonable steps to remove or reduce the risk until the allegation has been resolved.

***Examples could include:***

- a current employee who poses a risk should be immediately removed from contact with children; and
- a community member (parent or other) who poses a risk should not be allowed to volunteer in a role that involves direct contact with children.

**Difference between failure to protect and mandatory reporting**

The offence of ***failure to protect*** differs from mandatory reporting and other child safety obligations in the following ways:

- Mandatory reporting is required to protect a child from physical injury and sexual abuse. The offence of ***failure to protect*** only applies to sexual abuse.
- Mandatory reporting is an obligation on mandatory reporters. ***Failure to protect*** is an obligation on those in positions of authority within the College whether or not they are mandatory reporters.

**Grooming offence**

Grooming is a criminal offence under the Crimes Act 1958 (Vic). This offence targets predatory conduct undertaken by an adult to prepare a child, **under the age of 16 years**, to engage in 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.

Examples of grooming behavior may include:

- giving gifts or special attention to a child or young person, or their parent, making the child or young person feel special and/or indebted to an adult;
- making close physical contact sexual, such as inappropriate tickling and wrestling/play fighting;
- openly or pretending to accidentally expose the victim to nudity, sexual material and sexual acts (this itself is classified as child sexual abuse but can also be a precursor to physical sexual assault); and

- controlling a child or young person through threats, force or use of authority making the child or young person fearful to report unwanted behavior.

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. The grooming process may continue for months before the offender arranges a physical meeting.

**Behavioral indicators that a child may be subject to grooming include (but are not limited to):**

- Developing an unusually close connection with an older person;
- Displaying mood changes (hyperactive, secretive, hostile, aggressive, impatient, resentful, anxious, withdrawn, depressed);
- Using street/different language; copying the way the new 'friend' may speak; talking about the new 'friend' who does not belong to his/ her normal social circle;
- Possessing jewellery, clothing or expensive items given by the 'friend';
- Possessing large amounts of money which s/he cannot account for;
- Using a new mobile phone (given by the 'friend') excessively to make calls, videos or send text messages;
- Being excessively secretive about their use of communications technologies, including social media;
- Frequently staying out overnight, especially if the relationship is with an older person;
- Being dishonest about where they've been and whom they've been with;
- Using drugs; physical evidence includes spoons, silver foil, 'tabs', 'rocks';
- Assuming a new name; being in possession of a false ID, stolen passport or driver's license provided by the 'friend' to avoid detection;
- Being picked up in a car by the 'friend' from home/College or 'down the street'.

If indicators lead a staff member or any student over the age of 18 years to form a reasonable belief that a child or young person is being sexually exploited through grooming, they must follow the [Four Critical Actions](#) for schools. (See *Implementation section in this policy for more details.*)

## **Implementation**

### **Responding to Incidents, Disclosures or Suspicions of Child Abuse and Making a Report**

If physical and/or behavioural indicators lead to a suspicion that a student has or is being abused, or is at risk of abuse, College staff must respond **as soon as possible** by following the Four Steps which are comprehensively explained in the [Four Critical Actions](#) for Schools.

#### **These Critical Actions are:**

1. Responding to an emergency
2. Reporting to authorities / referring to services

3. Contacting parents/carers
4. Providing ongoing support

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

*If there is no risk of immediate harm go to Action 2.*

If a student is at immediate risk of harm College 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; and
- identifying a contact person at the College for future liaison with Victoria Police.

College staff 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 contact Victoria Police.**

College staff must report all instances of suspected child abuse involving a College staff member to Victoria Police (call 000 or your local police station). College staff must also report internally to the Executive Principal.

All allegations of 'reportable conduct' must be reported as soon as possible to the Commission of Children and Young People (CCYP). ***(See Reportable Conduct Scheme section in this policy for more information.)***

**If the source of suspected abuse comes from within the family or community, contact Child Protection**

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

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

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 Executive Principal.

### **Other concerns**

If a College staff member believes that a student is not subject to abuse, but they still hold significant concerns for the student's wellbeing, the College staff member must still act. This may include making a referral or seeking advice from:

- Child FIRST/the Orange Door (in circumstances where the College staff member believes the family is open to receiving support);
- The Lookout has a service directory, information, and guidance to help you respond to family violence;
- family violence victims/survivors can be referred to 1800 Respect for counselling, information and a referral service: 1800 737 732;
- Child Protection;
- Victoria Police — call 000 or your local police station

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

The Executive Principal must consult with Child Protection and Victoria Police (call 000 or the local police station) to determine what information can be shared with parents. They may advise:

- not to contact parents (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the student is a mature minor and does not wish for their parent to be contacted);
- to contact parents 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 students 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.

College staff must follow the [Four Critical Actions](#) every time they become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

There is a poster available illustrating the [Four Critical Actions for Schools: Responding to incidents, Disclosures and Suspicions of Child Abuse](#) which can be accessed from this link to guide the College's actions in responding to suspected child abuse.

Please see Appendix 1: ***Four Critical Actions for Schools – Responding to Incidents, Disclosures and Suspicions of Child Abuse*** for a copy of the poster.

### **Managing disclosures made by students**

*When managing a disclosure, College staff must:*

- listen to the student and allow them to speak;
- stay calm and use a neutral tone with no urgency and where possible use the student's language and vocabulary (you do not want to frighten the student or interrupt the student);
- 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;
- not ask leading questions, for example gently ask, "What happened next?" rather than "Why?";
- be patient and allow the student to talk at their own pace and in their own words;
- not pressure the student 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 student that you believe them and that disclosing the matter was important for them to do;
- not make promises such as promising not to tell anyone about the incident, except that you will do your best to keep them safe;
- use verbal facilitators such as, "I see", restate the student's previous statement, and use non-suggestive words of encouragement, designed to keep the student talking in an open-ended way ("what happened next?");
- tell the student 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.

### **Supporting the Student**

Any student impacted by abuse will continue to be monitored and supported by College staff and any subsequent signs or indications of abuse will also be reported.

Examples of ongoing support and monitoring will include (but are not limited to):

- Having a student support plan in place
- Engaging with the consent of parents or carers/guardians
- Involvement and referrals to other agencies and community services E.g. Psychologist, Social Worker, Counsellor, Translators, Cultural advisors Etc.

## Recording and Retaining a Record

The Executive Principal must ensure the **record of the allegation and the College's response to it is made secure and retained**. It is a requirement, under ***Ministerial Order (MO) 1359: Managing the Risk of Child Abuse in Schools and School Boarding Premises***, that clear and comprehensive notes on all observations are kept about disclosures and other details that led them to suspect the abuse.

The aim is to provide as much information as possible. This information will be critical to any reports and may be sought at a later date if the matter is the subject of Court proceedings. These notes may assist later if required to provide evidence to support any decisions.

Staff will use the ["Response to Suspected Child Abuse Template for all Victorian Schools"](#) to document any incident, disclosure or suspicion that a student has been, or is at risk of being abused.

The table below lists and describes the potential consequences of making a report:

Potential consequence	Description
<b>Confidentiality</b>	The identity of a reporter must remain confidential unless: (i) the reporter chooses to inform the student, young person or parent of the report; (ii) the reporter consents in writing to their identity being disclosed; (iii) 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 student; (iv) a Court or Tribunal decides that, in the interests of justice, the reporter is required to provide evidence.
<b>Professional Protection</b>	If a report is made in good faith: (i) it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter; (ii) the reporter cannot be held legally liable in respect of the report.
<b>Interviews</b>	<ul style="list-style-type: none"><li>• Child Protection and/or Victoria Police may conduct interviews of student at the College without the parent's knowledge or consent;</li><li>• Interviewing students at the College should only occur in exceptional circumstances and if it is in the best interests of the student to proceed in this manner;</li><li>• Child Protection and/or Victoria Police will notify the Executive Principal of their intention to interview the student on the College premises;</li><li>• When officers from Child Protection or Victoria Police come to the College premises, the Executive Principal should request to see identification before permitting them to have access to the student;</li><li>• When a student is being interviewed by Child Protection and/or Victoria Police, College staff must arrange to have a supportive adult present with the student.</li></ul>
<b>Support for the student</b>	The roles and responsibilities of staff members in supporting students who are involved with Child Protection may include the following: a) acting as a support person for the student;

	<ul style="list-style-type: none"> <li>b) attending Child Protection case planning meetings;</li> <li>c) observing and monitoring the student's behaviour;</li> <li>d) liaising with parents, guardians, other staff and external professionals.</li> </ul>
<b>Requests for Information</b>	<ul style="list-style-type: none"> <li>• Child Protection and/or Child FIRST and/or Victoria Police may request information about the student or family for the purpose of investigating a report and assessing the risk to the student;</li> <li>• In certain circumstances, Child Protection can also direct College staff to provide information or documents about the protection or development of the student. Such directions should be in writing and only be made by authorised persons within Child Protection.</li> </ul>
<b>Witness Summons</b>	<ul style="list-style-type: none"> <li>• If Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings.</li> </ul>

## Duty of Care

Fulfilling the requirements of Duty of Care does not displace or discharge any other obligations that arise if a person reasonably believes that a student is at risk of abuse. All College staff have a duty of care to take reasonable steps to prevent reasonably foreseeable harm to students. All College staff must ensure that the Executive Principal is aware of any incidents, suspicions or disclosures of child abuse **as soon as possible** after they occur. This will allow appropriate supports to be put in place for the student affected.

If the Executive Principal is unable to perform their role in relation to their responsibilities under this policy and there is no Acting Executive Principal appointed at the time, College staff must notify the Chair of the Board to make them aware of any incidents, suspicions or disclosures as soon as possible.

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

- 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](#));
- arranging counselling and/or other appropriate welfare support for the student;
- providing ongoing support to the student;
- sharing information with other College staff who will also be responsible for providing ongoing support to the student.

Duty of care also extends to students who are:

- aged 17 years and over

In circumstances where a College staff member suspects that a student is subject to abuse they should still follow the [Four Critical Actions](#). Although Child Protection generally work

with students under 17, they can still be contacted with concerns relating to students 17 and over for referral and advice.

- involved in student sexual behaviour

There is a duty of care towards all students involved in student sexual behaviour, including students exhibiting concerning/harmful behaviours, students impacted by such behaviours and any other students in the College who may have witnessed and/or been affected by the sexual behaviour.

### College Staff Legal Obligations

Set out in the Table below is a summary for College staff of their legal obligations in relation to *mandatory reporting, child in need of protection, child in need of therapeutic treatment and significant concerns about wellbeing of a child*:

Type of Reporting	By Whom	To Whom
<p><i>Mandatory Reporting</i></p> <p>Mandatory reporters must make a report 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 or young person needs protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.</p>	<p><i>Mandatory reporters</i></p> <ul style="list-style-type: none"> <li>• Victorian Institute of Teaching (VIT) registered teachers, including principals;</li> <li>• staff who have been granted permission to teach by the VIT;</li> <li>• registered doctors and nurses;</li> <li>• registered psychologists; and</li> <li>• youth welfare workers.</li> </ul>	<ul style="list-style-type: none"> <li>• Child Protection</li> </ul>
<p><i>Child in need of protection</i></p> <p>Any person may make a report if they believe on reasonable grounds that a child needs protection for any of the following reasons:</p> <ul style="list-style-type: none"> <li>• the child has been abandoned and there is no other suitable person who is willing and able to care for the child;</li> <li>• the child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child;</li> </ul>	<p><i>Any Person</i></p>	<ul style="list-style-type: none"> <li>• Child Protection</li> <li>• Victoria Police</li> </ul>



Type of Reporting	By Whom	To Whom
<ul style="list-style-type: none"> <li>the child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child;</li> <li>the child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child;</li> <li>the child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child;</li> <li>the child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.</li> </ul>		
<p><i>Child in need of therapeutic treatment</i> Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, needs therapeutic treatment because he or she has exhibited sexually-abusive behaviours.</p>	<b>Any Person</b>	<ul style="list-style-type: none"> <li>Child Protection</li> </ul>
<p><i>Significant concerns about wellbeing of a child</i> Any person may make a report if they have significant concerns for the wellbeing of a child.</p>	<b>Any Person</b>	<ul style="list-style-type: none"> <li>Child Protection</li> <li>Child FIRST</li> </ul>

### Reportable Conduct Scheme

The Reportable Conduct Scheme requires the College to report to the Commission for Children and Young People (CCYP) any allegations of sexual and physical abuse, sexual misconduct, significant emotional or psychological harm, or significant neglect **by an employee towards a child or young person in their care.**

For the purposes of the reportable conduct section of this policy, the following people are considered to be '**employees**' of the College:

- Board members;
- Executive Principal;
- staff members;
- volunteers;
- third party contractors;

- External Education Providers.

The Child Wellbeing and Safety Act 2005 (Vic.), defines reportable conduct as:

- *sexual offences (including grooming) whether or not a criminal offence has been committed or alleged;*
- *sexual misconduct;*
- *physical violence with, against, or in the presence of a child;*
- *any behavior causing significant emotional or psychological harm to a child; and*
- *significant neglect of a child.*

Any allegations of reportable conduct made against the Executive Principal must be reported to the Chair of the College Board.

An allegation of reportable conduct occurs where a person has formed a reasonable belief that there has been:

- a sexual offence (even prior to criminal proceedings commencing), sexual misconduct or physical violence committed against, with or in the presence of a student;
- behaviour causing significant emotional or physical harm to a student;
- significant neglect of a student; or
- misconduct involving any of the above.

Guidance from the CCYP states that reasonable belief is more than a suspicion. There must be some objective basis for the belief. However, it is not the same as proof and does not require certainty.

### **Reporting to the CCYP**

**Within three business days** of becoming aware of an allegation, the Executive Principal must notify the CCYP that a reportable allegation has been made against an ‘**employee**’. The Executive Principal must use the CCYP online form as provided on the website:

<https://ccyp.vic.gov.au/reportable-conduct-scheme/notify-and-update/>

**Within 30 days**, the Executive Principal must provide certain detailed information about the allegations and the proposed response to the allegations. It is a criminal offence for the Executive Principal to fail to comply within the required timeframes.

In the case of an allegation against the College Executive Principal, the Chair of the Board must notify the CCYP that a reportable allegation has been made against the Executive Principal. The Chair of the Board must use the CCYP online form as provided on the website:

<https://ccyp.vic.gov.au/reportable-conduct-scheme/notify-and-update/>

**Within 30 days**, the Chair of the Board must provide certain detailed information about the allegations made against the Executive Principal and the proposed response to the allegations. It is a criminal offence for the Board Chair to fail to comply within the required timeframes.

The College Executive Principal is also required to:

- report allegations which may involve criminal conduct to the Police;
- if the staff member is a registered teacher and the misconduct involves a charge, conviction or finding of guilt of a sexual offence, the Executive Principal (or the Chair of the Board if the allegation is made against an Executive Principal who is a registered teacher), must immediately notify the Victorian Institute of Teaching (VIT);
- ensure that allegations are appropriately investigated and after the investigation has concluded, give the CCYP certain information including a copy of the findings of the investigation;
- ensure that the College has systems in place to:
  - prevent reportable conduct from being committed by an ‘**employee**’ at the College;
  - enable any person to notify the Executive Principal of a reportable allegation;
  - investigate and respond to a reportable allegation against a ‘employee’ at the College;
- ensure any person can notify the College via the Chair of the Board of a reportable allegation involving the Executive Principal. The Chair of the Board must investigate and respond to a reportable allegation against the Executive Principal of the College.

### **Internal Reporting of Reportable Allegations**

As soon as a person within the College forms a reasonable belief that a ‘**employee**’ has engaged in reportable conduct, the person must notify the Executive Principal.

The College requires that the report should be made in written form using the Responding to Suspected Child Abuse Template available on the following link:

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT\\_Responding\\_TemplateSchools.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf)

Where the reportable allegation involves the Executive Principal, the staff member must notify the Chair of the Board.

### **Communication**

1. This policy will be communicated to the College community through the College website.
2. The College Board will be informed of their responsibilities under this policy by:
  - attending the induction program for new Board members;
  - receiving a copy of this policy at the first Board meeting of the College year;
  - retaining child safety as an agenda item at Board meetings and participating in any policy review; and
  - receiving training on child safety.
3. College staff will be informed of their responsibilities under this policy through:

- attending the College induction program for new staff;
- receiving a copy of this policy at the first staff meeting at the start of the College year;
- retaining child safety as an agenda item at staff meetings to facilitate improvements;
- the College Teacher Handbook; and
- attending training or professional development on College reporting processes.

<b>Appendices:</b>
Appendix 1: Four Critical Actions for Schools – Poster
<b>Related Policies</b>
<ul style="list-style-type: none"> <li>• Bullying and Harassment Prevention</li> <li>• Child Safe</li> <li>• Child Safe Code of Conduct</li> <li>• Camps and Excursions</li> <li>• Coronavirus</li> <li>• Critical Incident and Emergency Management</li> <li>• Duty of Care</li> <li>• External Providers</li> <li>• Student Engagement, Wellbeing and Inclusion</li> </ul>
<b>Relevant Legislation</b>
<ul style="list-style-type: none"> <li>• Child Wellbeing and Safety Act 2005 (Vic)</li> <li>• Child, Youth and Families Act 2005 (Vic)</li> <li>• Crimes Act 1958 (Vic.)</li> <li>• Crimes Amendment (Protection of Children) Act 2014</li> <li>• Education and Training Reform Act 2006 (Vic)</li> <li>• Ministerial Order (MO) 1359: Managing the Risk of Child Abuse in Schools and School Boarding Premises.</li> <li>• Worker Screening Act 2020 (Vic)</li> <li>• Worker Screening Regulations 2021 (Vic)</li> </ul>

## Appendix 1: Four Critical Actions for Schools - Poster

### FOUR CRITICAL ACTIONS FOR SCHOOLS

## Responding to Incidents, Disclosures and Suspicions of Child Abuse

#### YOU MUST TAKE ACTION

As a school staff member, you play a **critical role** in protecting children in your care.

- You **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.
- You **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.

\*A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

### 1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to **Action 2**.

If a child is at immediate risk of harm you **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.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

### 2 REPORTING TO AUTHORITIES / REFERRING TO SERVICES

As soon as immediate health and safety concerns are addressed you **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.

Q: Where does the source of suspected abuse come from?

#### WITHIN THE SCHOOL

##### VICTORIA POLICE

You **must** report all instances of suspected child abuse involving a school staff member, contractor, volunteer or visitor to Victoria Police.

You **must also** report **Internally** to:

##### GOVERNMENT SCHOOLS

- School principal and/or leadership team
- Employee Conduct Branch
- DET Incident Support and Operations Centre.
- CATHOLIC SCHOOLS**
- School principal and/or leadership team
- Diocesan education office.

##### INDEPENDENT SCHOOLS

- School principal and/or school chairperson
- Commission for Children and Young People on **1300 782 978**.

All allegations of 'reportable conduct' **must** be reported as soon as possible to:

##### GOVERNMENT SCHOOLS

- Employee Conduct Branch

##### CATHOLIC SCHOOLS

- Diocesan education office

##### INDEPENDENT SCHOOLS

- Commission for Children and Young People on **1300 782 978**.

#### WITHIN THE FAMILY OR COMMUNITY

##### DHHS CHILD PROTECTION

You **must** report to DHHS 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.

##### VICTORIA POLICE

You **must also** report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You **must also** report **Internally** to:

##### GOVERNMENT SCHOOLS

- School principal and/or leadership team
- DET Incident Support and Operations Centre.
- CATHOLIC SCHOOLS**
- School principal and/or leadership team
- Diocesan education office.

##### INDEPENDENT SCHOOLS

- School principal and/or chairperson.

### 3 CONTACTING PARENTS/CARERS

Your principal **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact** the parents/carer (e.g. 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.

### 4 PROVIDING ONGOING SUPPORT

Your school **must** provide support for children impacted by abuse. This should include the development of a **Student Support Plan** in consultation with wellbeing professionals. This is an essential part of your duty of care requirements. Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support.

You **must** follow the **Four Critical Actions** every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

#### CONTACT

##### DHHS CHILD PROTECTION

**AREA**  
North Division **1300 664 977**  
South Division **1300 655 795**  
East Division **1300 360 391**  
West Division (Rural) **1800 075 599**  
West Division (Metro) **1300 664 977**

##### AFTER HOURS

After hours, weekends, public holidays **13 12 78**.

##### CHILD FIRST

<https://services.dhhs.vic.gov.au/referral-and-support-teams>

##### ORANGE DOOR

<https://www.vic.gov.au/familyviolence/the-orange-door.html>

##### VICTORIA POLICE

**000** or your local police station

**DET INCIDENT SUPPORT AND OPERATIONS CENTRE**  
**1800 126 126**

**INCIDENT MANAGEMENT AND SUPPORT UNIT**  
**1800 126 126**

**EMPLOYEE CONDUCT BRANCH**  
**(03) 9637 2595**

**DIOCESAN OFFICE**  
Melbourne **(03) 9267 0228**  
Ballarat **(03) 5337 7135**  
Sale **(03) 5622 6600**  
Sandhurst **(03) 5443 2377**

##### INDEPENDENT SCHOOLS VICTORIA

**THE LOOKOUT**  
The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence: <http://www.lookout.org.au>.  
Family violence victims/survivors can be referred to **1800 Respect** for counselling, information and a referral service: **1800 737 732**.



**PROTECT**

**THE EDUCATION STATE**

**VICTORIA**  
Government  
Education and Training

**CCECV**  
catholic education commission of victoria inc

**Independent Schools Victoria**