3804



Policies and Procedures for Responding to and Reporting Allegations of Child Abuse

Quick reference:

Whenever there are concerns that a child is in immediate danger the **Police** should be called on 000.

A report to **DHHS Child Protection** should be considered if the staff member forms the view the child is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability and development
- the child's parents cannot or will not protect the child from harm.

A referral to **Child FIRST** should be considered if a staff member forms the view that the concerns have a low-to-moderate impact on the child and the immediate safety of the child is not compromised (**see Appendix A**).

To report concerns about the immediate safety of a child within their family unit, call the 24-hour **Child Protection Crisis Line** 13 12 78.

Concerns that require immediate attention should be made to the local or regional **Human Services Child Protection** office, or the After-Hours **Child Protection Emergency Ser**vices on 13 12 78.

Policy and Procedure Overview

There is neither scope nor tolerance for abuse of children in any shape or form at Harkaway Hills College. To facilitate or condone abuse in any way would tear asunder the very raison d'être of the school community. To abuse a child is to strip her dignity from her, deny her freedom, contradict her self confidence and destroy her trust in goodness. In sharp contrast, every aspect of our College community strives to build trust, engender deep self confidence, educate and foster true freedom and recognise every person's inalienable dignity.

Harkaway Hills College will take appropriate, prompt action in response to **all** allegations or disclosures of abuse, neglect, inappropriate behaviour or concerns about child safety by reporting all matters to DHHS Child Protection, the Commission for Children and Young People (CCYP), or the Police, depending on the allegation or disclosure made.

Harkaway Hills College has established simple and accessible procedures for anyone to report, if appropriate, a child safety and protection concern internally to one of the College's Child Protection Officers. Please be aware that consulting with a Child Protection Officer does not change any obligation you have under legislation to report to an external authority.

Harkaway Hills College has developed and implemented procedures for Board members, staff and Direct Contact Volunteers for responding to allegations and disclosures of child abuse, or suspected child abuse, including procedures for support following a disclosure by a student.

Reporting procedures for Third Party Contractors, External Education Providers, Indirect Contact Volunteers, parents/carers and other community members are also included in our Child Safety and Wellbeing Policy which is on our public website.

Age-appropriate reporting procedures for students are developed through our Virtues program as well as our Mentoring program.

This document describes the College work systems, practices, policies and procedures for responding to and reporting allegations of child abuse both internally and externally.

The College's policies and procedures for responding to and reporting allegations of suspected child abuse are made available to staff, students, parents/carers and the wider College community through our College intranet and by request.

All of the College's procedures for reporting and responding to allegations of child abuse are designed and implemented taking into account the diverse characteristics of the College community.

A summary of these procedures is made publicly available on the College's website through our Child Protection Policy and is accessible to all children, College staff and the wider community.

Harkaway Hills College will respond to all allegations of child abuse in an appropriate manner including:

- informing the appropriate authorities and fully cooperating with any resulting investigation
- protecting any child connected to the allegation until it is resolved and providing ongoing support to those affected
- taking particular measures in response to an allegation that concerns a culturally diverse child or a child with a disability
- securing and retaining records of the allegation and the College's response to it.

1) Initial Response to a Child Safety Incident

All teaching staff, non-teaching staff, Board members, Volunteers, Third Party Contractors and External Education Providers must act as soon as they witness a child safety incident or form a reasonable belief that a child has been or is at risk of being abused.

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 assistance or Police assistance to address immediate health and safety concerns
- briefing the Senior Child Protection Officer to be the future liaison with the Police on the matter.

The following sections outline the six ways that you may become aware that a child may be experiencing abuse and strategies for managing each situation and supporting and assisting children involved in the disclosure or report.

| Witnessing a Child Safety Incident | If you witness an incident where you believe a child has been subject to abuse you must take immediate action to protect the safety of the child or children involved. Where there is an immediate risk to the health and/or safety of a child, follow the steps outlined above. The College's Procedures for Responding to and Reporting Allegations of Child Abuse should be followed after the health and safety of the child involved is ensured. |
|--|---|
| Observation of Risk Indicators | The different types of child abuse and their key risk indicators are set out in detail in the annual Child Protection training for Staff, Board members and direct contact volunteers. See supplement document "Child protection annual training content." |



The process of identifying child abuse purely through observation of risk indicators can be complex and may occur over time. The complexity is magnified by the fact that many of the key risk indicators described may also occur as a result of other factors, not related to child abuse.

If you form a concern that a child may be being abused, you report the matter internally to a College Child Protection Officer who will make written notes of your observations recording both dates and times.

Private Disclosure by a Child

If a student discloses a situation of abuse or neglect to you privately, you should stay calm and not display expressions of panic or shock.

You should reassure and support the child. You can do this by: stating clearly that the abuse is not the child's fault

- reassuring the child that you believe them
- telling the child that disclosing the matter is the right thing to do.

You should be patient and allow the child to talk at their own pace. When responding you should use the child's language and vocabulary.

Sometimes a student may try to elicit a promise from you that you will not tell anyone about the allegation. You must not make this promise, as you are responsible for reporting the matter.

Finally, remember that your role is not to investigate the allegation. You should not interrogate the child or pressure them to tell you more than they want to.

Once a disclosure is made you must report the matter internally to a College Child Protection Officer as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.

Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the College's "Support Following Disclosure" section in this table below.

Public Disclosure by a Child

Public disclosure occurs where you observe a child disclosing abuse to another child or group of children.

In this circumstance you should use a strategy of "protective interrupting".

The aim of "protective interrupting" is to prevent a child from disclosing details of abuse in front of other children, whilst at the same time providing the child with the opportunity to disclose later, in a safe and confidential manner.

You can do this by:

- asking the child if you can talk privately
- moving the child away from the other students to a quiet space

and then following the guidelines with respect to managing a private disclosure as explained in this table above.

Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the College's "**Support Following Disclosure**" section in this table below.

Third Party Disclosure

A third party such as a friend of the child, a relative or another parent/carer may provide you with information relating to child abuse. In this situation you should:

• listen to the person's concerns seeking clarification where required



• thank the person for raising their concern

- advise the person that we have procedures for dealing with situations like this
- advise the person that you will discuss their concerns with the relevant authorities.

As with Private Disclosure, you should reassure and support the person providing the information.

Sometimes a person may try to elicit a promise from you that you will not tell anyone about the allegation. You **must not** make this promise, as you are responsible for reporting the matter.

Finally, remember that your role is not to investigate the allegation. You should not interrogate the third party and pressure them to tell you more than they want to.

Once a third party disclosure is made you must report the matter internally to a College Child Protection Officer as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.

Disclosure by a Former Student

A former student of the College may come forward to disclose past abuse from their time at the College. If you receive a disclosure from a former student about historical abuse, you must act

If the former student is still of schooling age in Victoria and currently attending a Victorian school, you must follow the Procedures for Responding to and Reporting Allegations of Child Abuse in this document.

If the former student is no longer of schooling age or attending a school in Victoria, you must still act. For example, if the disclosure includes an allegation against a current staff member or teacher at the College this may trigger obligations under our Failure to Protect policy (see section 4) to remove the risk of abuse to other students.

Support Following Disclosure

You should take the following steps to support and assist a child after a disclosure of child abuse or neglect is made.

The range of measures employed will depend on:

- the degree of severity of the situation
- the risk of harm to the child
- the capability and willingness of the parent to protect the child from harm.

After a disclosure is made:

- do not promise the child that you will not tell anyone about the disclosure
- reassure the child that it was the right thing to do to tell an adult
- tell the child what you plan to do next
- do not confront the person believed to be the perpetrator
- report the matter to one of the College's Child Protection Officers who will be able to assist you in developing additional support strategies
- whenever there are concerns that a child is in immediate danger the Police should be called on 000.

Support for Staff and Volunteers

Witnessing a child safety incident or receiving a disclosure or allegation of abuse can be a stressful experience for staff and Volunteers involved. The College provides support to impacted staff and Volunteers to access necessary support.

2) Reporting a Child Abuse Concern Internally



Child abuse situations can be very complex, not only from the perspective of ascertaining whether abuse has occurred but also in understanding what steps to take to protect a child.

It is important to remember at all times that the safety and welfare of the child are paramount.

Therefore, if you have a concern that a child may be experiencing abuse, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with one of the College's Child Protection Officers. Our Child Protection Officers will be able to assist you in clarifying your concerns and managing the next steps.

Contact details for our Child Protection Officer is below:

Mary Broadsmith

Mobile: 0419496019

Email: marybroadsmith@harakwayhills.vic.edu.au

Please note that reporting the matter internally does not release you from other legal and regulatory reporting obligations you may have under the following policies addressed in the table below (see section 4 of this document):

- Obligation to Report a Sexual Offence
- Failure to Protect
- Mandatory Reporting
- Reportable Conduct

In addition, these reporting obligations apply even if the Principal, a member of the Board or a Child Protection Officer advises you not to proceed with reporting suspected abuse.

3) Definitions

Behaviour that causes emotional or psychological harm

Behaviour that causes emotional or psychological harm to a child requires a clear link between the alleged conduct and the significant harm suffered (significant is defined below). Signs that a child may have been emotionally or psychologically harmed may include:

- patterns of out-of-character behaviour
- regression in behaviour
- distress and anxious behaviours
- other physical symptoms, such as self-harm.

The exacerbation or aggravation of an existing mental health disorder may also cause emotional or psychological harm. Examples of emotional or psychological harm may include:

- exposure to violence or threats of violence
- self-destructive behaviour
- antisocial behaviour
- persistent hostility/rejection
- humiliation/belittling
- · scapegoating.

It will not be reportable conduct if:

- a person takes reasonable steps to protect a child from immediate harm
- a person with responsibility for discipline takes lawful and reasonable disciplinary action, such as sending a child to sit in 'time out' for a period of time



| | an appropriately qualified person gives medical treatment in good faith such as a first aid officer administering first aid. |
|------------------------|---|
| Child Abuse | Child abuse is defined in section 3 of the Child Wellbeing and Safety Act 2005 (Vic) as including: any act committed against a child involving a sexual offence or a grooming offence under section 49M(1) of the Crimes Act 1958 (Vic); • the infliction of physical violence or serious emotional or psychological harm; and • the serious neglect of a child. A child is defined by the Child Wellbeing and Safety Act 2005 (Vic) as a person who is under the age of 18 years. For more information about sexual offences that constitute child abuse, refer to the definition "sexual offence". |
| Employee | Section 3 of the Act defines "employee" as a person aged 18 years or over who is: employed by the College whether or not that person is employed in connection with any work or activities of the College that relate to children; or engaged by the College to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to children. A minister of religion or a religious leader is also an employee. Of relevance to the College, the following people are considered to be employees: Board Members the Principal staff members Volunteers Third Party Contractors External Education Providers For the purposes of this policy, all of the above are referred to collectively as "Staff" or "Staff Members". |
| Family Violence | Whilst the term "family violence" does not form part of the legislative definition of "child abuse", the impact of family violence on a child is commonly referred to as a form of child abuse. In Victoria section 5 of the Family Violence Protection Act 2008 (Vic) defines "family violence" as behaviour by a person towards a family member that is: • physically or sexually abusive; • emotionally or psychologically abusive; • economically abusive; • threatening; • coercive; or • in any other way controlling or dominating of the family member and causes them to feel fear for their own, or other family members' safety or wellbeing. Behaviour that causes a child to hear, witness, or be exposed to the effects of such behaviour also falls within the definition of "family violence". |
| Mandatory Reporters | Mandatory Reporters are defined by the CYFA in section 182, and include: • teachers |



• the Principal

- medical practitioners
- nurses
- early childhood teachers and early childhood workers
- registered psychologists
- persons in religious ministry.

"Person in religious ministry" is defined by the CYFA to mean "a person appointed, ordained or otherwise recognised as a religious or spiritual leader in a religious institution." This definition includes a chaplain, priest, pastor, minister, brother and nun.

It is the responsibility of other staff, Volunteers or members of the College community to check whether they are Mandatory Reporters under child safety legislation.

Neglect

Neglect occurs when a person does not meet their obligations and responsibilities to keep a child safe and well. The neglect:

- must be more than minor and insignificant
- does not need to have a lasting or permanent effect
- may be an ongoing situation or a one-off incident, as long as it is not minor in nature.

Parents Have Not Protected, or Are Unlikely to Protect, the Child from Harm of That Type

A parent who "has not protected or is unlikely to protect that child from harm of that type" includes a parent who wants to protect their child from harm but lacks the means to. It also includes a parent who has the means to protect their child from harm but does not want to.

A parent may be rendered "unlikely to protect" that child for many reasons. For example:

- that parent does not, or refuses to recognise that harm is occurring
- that parent or child may be subject to domestic violence
- that parent's partner may be abusive or harmful to the child.

"Parent" includes:

- the child's father
- the child's mother
- the spouse of the mother or father of the child
- the domestic partner of the father or mother of the child
- a person who has custody of the child
- a person who is named as the father on the child's birth certificate
- a person who acknowledges that he is the father of the child by an instrument under the Status of Children Act 1974 (Vic)
- a person in respect of whom a court has made a declaration or a finding or order that the person is the father of the child.

Person Associated with the College

A person associated with the College is an adult and can be a:

- Board member
- Principal
- teacher
- boarding house supervisor
- employee
- Volunteer (including parent/carer volunteers)
- Third Party Contractor.

A person will not be considered to be associated with the College purely because they receive services from the College.



| Physical | Refer to definitions "Child Abuse" and "Family Violence" | | | | | | |
|-----------------------|---|--|--|--|--|--|--|
| Injury or | | | | | | | |
| Sexual Abuse | | | | | | | |
| Physical Violence | Physical violence includes an act that causes physical injury or pain. Examples of physical violence can include: • hitting/kicking/punching • pushing/shoving/grabbing/throwing/shaking • using an object to hit or strike • using inappropriate restraint/excessive force. Physical violence does not include: • reasonable steps taken to protect a child from immediate harm, such as taking a child's arm to stop them from going into oncoming traffic • medical treatment given in good faith by an appropriately qualified person, such as a first aid officer administering first aid. | | | | | | |
| Reasonable | A "reasonable belief" is formed if a reasonable person in the same position would have formed | | | | | | |
| Belief | the belief on the same grounds. 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 the child states that the child has been sexually abused | | | | | | |
| | signs of sexual abuse lead to a belief that the child has been sexually abused. | | | | | | |
| Reasonable Grounds | The concept of "reasonable grounds" requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well founded and based on information from a reliable source. There may be reasonable grounds for forming such a belief if: • a child states they have been physically or sexually abused • a child states that they know someone who has been physically or sexually abused • someone who knows the child states that the child has been physically or sexually abused • a child shows signs of being physically or sexually abused • the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a child's safety, stability or development • the staff member observes signs of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision • a child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child. | | | | | | |
| Reportable allegation | Reportable allegation is defined in section 3 of the Act to mean any information that leads a person to form a reasonable belief that a Staff Member has committed: • reportable conduct; or • misconduct that may involve reportable conduct – • whether or not the conduct/misconduct is alleged to have occurred in the course of the person's employment at the College. | | | | | | |
| Reportable conduct | Reportable conduct is defined in section 3 of the Act to mean: a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded; sexual misconduct committed against, with or in the presence of, a child; physical violence committed against, with or in the presence of, a child; | | | | | | |



any behaviour that causes significant emotional or psychological harm to a child; or significant neglect of a child. Our Child Safe Code of Conduct outlines expected standards of behaviour for all staff, Volunteers and Third Party Contractors at the College. It is important to note that a breach of this Code will not always constitute an incident of reportable conduct. Such breaches can often be dealt with at the College level and don't need to be reported to the CCYP. For example, reasonable discipline of a student would not amount to behaviour that causes emotional or psychological harm to a child and therefore is not reportable. Sexual Sexual misconduct includes: misconduct behaviour, physical contact or speech or other communication of a sexual nature inappropriate touching or physical contact grooming behaviour voyeurism. The Crimes Act sets out what constitutes a "sexual offence". This includes: Sexual offence indecent assault incest sexual penetration grooming a child for sexual conduct encouraging a child to engage in, or be involved in, sexual activity. A "sexual offence" includes an attempted sexual offence. **Significant** "Significant" means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. What is "significant" is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare or wellbeing. Significant harm can result from a single act or omission or an accumulation of these. **Substantial** A risk will be a substantial risk if a reasonable person would have judged the risk of a sexual Risk offence being committed against the student as being substantial. It is not necessary to prove that a sexual offence was committed in order for the substantial risk to exist - a person in a position of authority should not wait for a student to be harmed before acting. A number of factors will contribute to determining if a risk is a substantial risk, including: the likelihood or probability that a child will become the victim of a sexual offence the nature of the relationship between a child and the adult who may pose a risk to the background of the adult who may pose a risk to the child, including any past or alleged misconduct any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.



4) Policies for Responding to and Reporting Allegations of Child Abuse

For items marked with * refer to the definition in section 3 of this document

Policy 1.

Obligation to Report a Sexual Offence

Obligation to Report a Sexual Offence

Under the Crimes Act 1958 (Vic) (section 327), anyone aged 18 years or over must make a report to the Police if they form a reasonable belief that a sexual offence has been committed against a child under the age of 16 years, by a person aged 18 years or over. Failure to make a report without reasonable excuse is an offence and carries a prison term.

If a report is made to Department of Health and Human Services (DHHS) Child Safety in accordance with Mandatory Reporting requirements, an additional report to the Police will not usually be required unless further information is obtained.

This obligation applies to anyone aged 18 years or over, including all non-teaching staff, Volunteers, and students aged 18 and over. The legislation also applies to teaching staff if not already covered by the mandatory reporting obligation.

What to Report

Any person aged 18 or over who forms a **reasonable belief*** that a **sexual offence*** has been committed by an adult (a person aged 18 years or over) against a child under 16 has an obligation to report that information to the Police.

Exceptions

If you fail to disclose a sexual offence against a child to the Police, you will not be held liable where your reason for not reporting is that:

- you fear on reasonable grounds for the safety of any person (other than the offender), and a failure to report is reasonable
- the victim told you about the sexual offence (directly or indirectly), the victim was over 16 years old when they told you about the sexual offence, and the victim requested that the information not be disclosed (unless the victim has an intellectual disability and does not have the capacity to make an informed decision about this)
- you believe on reasonable grounds that the information has already been disclosed to the Police by another person (such as to DHHS Child Protection as part of Mandatory Reporting) and you have no further information.

Unacceptable reasons for not reporting include if you are concerned with the interests (including the reputation, legal liability or financial status) of:

- the person involved in the sexual offence
- any organisation (such as the College).

A report made under the Children, Youth and Families Act 2005 (Vic) Mandatory Reporting obligations may constitute a 'reasonable excuse' if you believe that you have no further information to provide to the Police.



Policy 2.

Failure to Protect

Failure to Protect

Where a person in a position of authority at the College knows that a staff member, Volunteer, Third Party Contractor, or other person associated with the College poses a substantial risk of committing a sexual offence against a student or students, the person has a duty to take immediate action to ensure that the student or students are protected from that risk.

The College has a duty of care which requires the protection of all students from foreseeable risks while at school or engaging in College activities.

In addition, under section 490 of the Crimes Act 1958 (Vic) (Crimes Act) a person who:

- (a) by reason of the position they occupy within or in relation to the College, has the power or responsibility to reduce or remove a substantial risk that a relevant child (under the age of 16 who is, or may come under the care, supervision or authority of the College) will become the victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the College; and
- (b) knows that there is a substantial risk that the person will commit a sexual offence against a relevant child,

must not negligently fail to reduce or remove that risk.

Who Must Act to Protect

The person responsible for taking steps to remove or reduce the risk to the student will depend upon the source of the risk. In a normal school context usually a member of the Management Team would have the necessary degree of supervision, power and authority to remove or reduce the risk. On tours, excursions, or camps a teacher or a volunteer coach could have the requisite power and responsibility.

Examples of people in a position of authority include:

- the Principal
- members of the College Executive Committee
- teachers
- Volunteers where they are in a position of supervision.

When Action Should be Taken

A person in a position of authority at the College is required to act if they know that there is a **substantial risk*** that a student or students may become the victim of a **sexual offence***, and the risk is caused by a **person associated with the College***.

Knowledge is more than holding a tentative belief or mere suspicion.

If a person in authority has a suspicion or belief that students are at risk of harm, they must take steps to follow up on that suspicion or belief by investigating further and should raise the issue with a College Child Protection Officer.

The duty to act extends to situations where the students at risk or the person in authority is outside of Victoria.

Procedure to Reduce or Remove a Substantial Risk



Where any person in a position of authority at the time, becomes aware of a risk of a sexual offence against a student or students under their care, they should immediately:

- take reasonable steps which would remove or reduce the risk to the student or students, which may include immediately removing the person from contact with the student or students
- report the matter to a College Child Protection Officer as soon as practicable
- conduct an investigation unless this relates to a Mandatory Reporting situation
- make the appropriate report.

Appropriate action to be taken may include, for example:

- a current employee who is known to pose a risk to a student or students should be immediately removed from contact with students and reported to authorities and investigated
- a parent who is known to pose a risk of sexual abuse to children should not be allowed to attend overnight College camps as a parent helper.

Whenever there are concerns that a child is in immediate danger call the Police on 000.

Policy 3.

Mandatory Reporting

Mandatory Reporting

The Children, Youth and Families Act 2005 (Vic) (CYFA) (section 184) requires Mandatory Reporters to make a report to Department of Health and Human Services (DHHS) Child Protection when they believe that a child (aged under 17) is in need of protection from significant harm from physical injury or sexual abuse.

If a **Mandatory Reporter***, makes a report in accordance with their Mandatory Reporting obligations under the CYFA, an additional report to the Police under section 327 Crimes Act 1958 (Vic) may not be required unless you have further information. It is the responsibility of other staff, Volunteers or members of the College community to check whether they are **Mandatory Reporters*** under child safety legislation.

Reporting by Non-Mandated Staff

If you are not a **Mandatory Reporter***, you still have the option of making a report to DHHS Child Protection under the CYFA if you believe on reasonable grounds that a child is in need of protection.

The CYFA states that any person who believes on reasonable grounds that a child is at risk of harm should report their concerns to DHHS Child Protection.

All College staff who have concerns that a student may be in need of protection or may have been the victim of a sexual offence, should notify a College Child Protection Officer as soon as possible to discuss their concerns. Also refer to the **Obligation to Report a Sexual Offence** section above.

A **Mandatory Reporter*** must make a report even if the Child Protection Officer does not share their belief that a report must be made.

When to Make a Mandatory Report

A Mandatory Report must be made when you form a belief on **reasonable grounds*** that a child is in need of protection where the child has suffered, or is likely to suffer, **significant*** harm as a result of: **physical injury or sexual abuse***; and the child's **parents have not protected, or are unlikely to protect***, the child from harm of that type.



What to Report and When

A report becomes mandatory as soon as is practicable after forming the belief.

A report must include details of the belief, and the **reasonable grounds*** of that belief.

Additional reports must be made on each occasion where you become aware of any further **reasonable grounds*** for the belief.

Refer to the Victorian Department of Education's **Guide to Making a Report to Child Protection or Child FIRST (Appendix A)** for guidance on making a decision on whether to report.

How to Make a Report/Referral

Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

A report to DHHS Child Protection should be considered if the staff member forms the view the child is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability and development
- the child's parents cannot or will not protect the child from harm.

To report concerns about the immediate safety of a child within their family unit, call the 24-hour Child Protection Crisis Line 13 12 78.

Concerns that require immediate attention should be made to the local or regional Human Services Child Protection office, or the After Hours Child Protection Emergency Services on 13 12.78.

Reporters Without a Reasonable Belief

If you don't have a **reasonable belief*** about a child, but still have concerns, you can refer the matter to a College Child Protection Officer.

There is also the option to refer the matter to Child FIRST.

A referral to Child FIRST should be considered if a staff member forms the view that the concerns have a low-to-moderate impact on the child and the immediate safety of the child is not compromised.

A referral can be made when the following factors may affect a child:

- significant parenting problems
- family conflict
- a family member's physical or mental illness, substance abuse, disability or bereavement
- isolated or unsupported families
- significant social or economic disadvantage.

After a Report/Referral is Made

After receiving a report, DHHS Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further



action is required. In most cases, DHHS Child Protection will inform the reporter of the outcome of the report.

After receiving a referral, Child FIRST may consult an experienced community-based Child Protection practitioner in their assessment. The assessment may lead to the involvement of a local family services organisation.

In most cases, Child FIRST will inform the referrer of the outcome of the referral.

Child FIRST must report the matter to DHHS Child Protection if they form the view the child is in need of protection.

Reports made to the Police will be dealt with in accordance with Police practice.

Policy 4.

Reportable Conduct

Reportable Conduct

The Child Wellbeing and Safety Act 2005 (Vic) (the Act) requires College to investigate and report to the Commission for Children and Young People (CCYP) allegations of **employee*** reportable conduct or misconduct that may involve **reportable conduct***.

The College has developed the following policy which sets out our systems for enabling persons to report reportable conduct and for such reports to be investigated and responded to. This policy is made available to all staff, Volunteers, Third Party Contractors, the Board, parents/carers and students via our public website and College intranet.

What to Report

Under the Act, the College must notify the CCYP of a **reportable allegation*** against a Staff Member.

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.

Who Must Report

Any person may disclose a reportable allegation to the CCYP by using an online form available from the CCYP's website, by phone or by letter (section 16L of the Act).

While any person *may* disclose a reportable allegation, the "head" of the College *must* notify the CCYP of a reportable allegation (section 16M).

The "head" of the College has distinct responsibilities under the Reportable Conduct Scheme. The "head" of the College is the Principal.

It is a criminal offence for the Principal to fail to disclose a reportable allegation to the CCYP without a reasonable excuse. The Act doesn't define what a reasonable excuse may be, but



section 16M(5) provides an exemption if they honestly and reasonably believed that another person had notified the CCYP.

The Principal must make a report using an online form available from the CCYP's website: https://ccyp.vic.gov.au/reportable-conduct-scheme/notify-and-update/

Fulfilling the Principal's Responsibilities

The Principal is responsible for ensuring the College complies with the reportable conduct obligations under the Act. However, the CCYP does not expect the Principal to practically carry out their responsibilities alone. They may seek help from other people within the College. This may include creating and developing systems, sending approved notifications to the CCYP, or conducting investigations on the behalf of the Principal.

The Principal cannot *delegate* their responsibilities under the Act – they are still solely responsible for ensuring the College's compliance with the Reportable Conduct Scheme.

The Principal may authorise trained staff to carry out physical or practical tasks such as making notifications to the CCYP, or liaising with the CCYP, when the Principal is unavailable.

Reportable Conduct and Other Reporting Obligation

The reportable conduct obligation covered in this policy is separate and distinct from the:

- Mandatory Reporting obligation under the Children, Youth and Families Act 2005 (Vic)
- Obligation to Report a Sexual Offence obligation under the Crimes Act 1958 (Vic)
- Conduct that is Reportable to the Victorian Institute of Teaching under the Education and Training Reform Act 2006 (Vic) (see separate Policy)

The threshold for reporting allegations of reportable conduct is much lower than these other reporting obligations.

Any allegations of criminal conduct, including physical violence, significant emotional or psychological abuse, sexual offences and significant neglect must be reported to the Victorian Police as the first priority. A Police investigation will take priority over any investigation conducted by the College under this Policy.

Internal Reporting of Reportable Allegations

As soon as a person, including a Staff Member, forms a reasonable belief that a Staff Member at the College has engaged in reportable conduct or misconduct that may involve reportable conduct (a reportable allegation), the person must notify the Principal.

The report may be made the Principal verbally (either face to face or via the phone).

Where the reportable allegation involves the Principal, the Staff Member must notify the Board Chair or the CCYP using an online form available from the CCYP's website, by phone or by letter.

See Appendix C for How to Report to the CCYP



5) Student Sexual Offending

All staff, Volunteers, Third Party Contractors and External Education Providers must take action if they suspect, or are witness to, student sexual offending.

The "Four Critical Actions for Schools: Responding to Student Sexual Offending" (**Appendix D**) published by the DHHS must be applied in any circumstance where there is an incident, allegation, or you form a suspicion that, a student is victim to a student sexual offence and/or a student has committed a sexual offence.

This includes suspected sexual offending that may have taken place outside of College grounds and hours.

What is student sexual offending?

Student sexual offending refers to sexual behaviour by a student at the College, over 10 years of age, which amounts to a sexual offence. Sexual offences are defined in the Crimes Act 1958 (Vic) and include:

- rape
- sexual assault
- indecent acts
- other unwanted sexualised touching.

Sexual Behaviour in Children under 10 Years of Age

Under the Crimes Act children under the 10 years of age cannot commit a sexual offence, however children under 10 may display problem sexual behaviour. This is behaviour that is developmentally inappropriate and/or aggressive sexual behaviour and includes self-focused sexual behaviour. Such behaviour may include:

- frequent, repeated sexual behaviour, for example compulsive masturbation
- sexual behaviour between children who do not know each other well
- · high-frequency occurrences of sexual behaviour that interfere with normal childhood activities
- sexual behaviour associated with emotional distress
- sexual behaviour between children of different ages and development levels
- aggressive, forced and/or coerced interaction between children
- behaviour that does not stop once the child is told to stop, or occurs in secrecy
- behaviour that causes harm to the child or other children.

If you suspect that a student under 10 years of age has engaged in concerning sexual behaviour, notify the Principal who will advise the parents/carers of the child. The College will work with the parents/carers to ensure that the child is aware that their behaviour is not appropriate in a school environment. In the event of very concerning sexual behaviour advice should be sought from DHHS Child Protection on 131 278.

For any students affected by concerning sexual behaviour, the College will develop a Student Support Plan and offer College-based support or refer the student to appropriate external support services.

Responding to Incidents of Student Sexual Offending

There are four main ways to become aware of student sexual offending:

- witnessing an incident
- forming a suspicion through observing risk indicators
- receiving a disclosure from or about a current student
- receiving a disclosure from or about a former student

For more information about how to respond in the first instance refer to Section 1) of this document.



When you become aware of, or suspect, student sexual offending, or that a student is at risk of perpetrating or suffering student sexual offending, you must follow the Four Critical Actions for Schools: Responding to Student Sexual Offending:

Critical Action 1:

As soon as you become aware of student sexual offending, you must take steps to protect all affected students, including:

Responding to an Emergency

separating the alleged victim and others involved, ensuring all affected students are supervised by a staff member

arranging and providing any necessary urgent medical care by either administering first aid or calling 000 for an ambulance

calling 000 for urgent Police assistance if the alleged student offender poses an immediate health or safety risk to any person at the College α

taking reasonable steps to preserve the environment, clothing, other items or potential witnesses until the Police arrive.

You must record all immediate action taken in the Student Sexual Offending.

Critical Action 2:

Report to Victoria Police

Reporting to Authorities

After the immediate health and safety of all students involved has been addressed, you must report incidents, allegations, disclosures and suspicions of student sexual offending to Victoria Police on 000.

Report to DHHS Child Protection

Additionally, you must report the incident to DHHS Child Protection if you reasonably believe that:

the victim's parents/carers are unable to protect the child

- the student who is alleged to have engaged in student sexual offending is:
- over 10 and under 15 years of age and may be in need of therapeutic treatment (see below) to address their sexually abusive behaviours
- displaying physical and behavioural indicators which lead you to reasonably believe that they may have been a victim of abuse, neglect or grooming.

When reporting to DHHS Child Protection, you must identify a contact person at the College for future liaison with DHHS Child Protection about the incident. This can be the Principal or the Senior Child Protection Officer for example. Additionally, you should seek advice from DHHS Child Protection about contacting parents/carers.

Report to the Principal

Following any incident, allegation, disclosure or suspicion of student sexual offending you must report the matter to the Principal. When reporting to the Principal include:

- the details of the suspected student sexual offending, including the names of those involved
- any immediate actions taken to protect the safety of the students involved
- your report to Victoria Police and/or DHHS Child Protection
- possible steps that can be taken to contact parents/carers to support the students impacted by the incident, where appropriate.

If you have notified the Principal before making an external report to Victoria Police or DHHS Child Protection, and they advise you not to make an external report, you must disregard this advice if you have formed a reasonable belief that student sexual offending



has occurred, and you must make a report to the Police and, where appropriate, DHHS Child Protection.

A failure to report student sexual offending may amount to a criminal offence under the Obligation to Report a Sexual Offence. If you decide not to report externally, you must record the reasons for this decision.

The Principal has additional responsibilities in coordinating the College's response to the incident.

Child in Need of Therapeutic Treatment

Any person may report concerns to DHHS Child Protection about a child's (aged over 10 years and under 15 years) sexually abusive behaviour. DHHS Child Protection may then make an application to the Children's Court for a therapeutic treatment order if it assesses that the child is in need of therapeutic treatment, and the child, or the child's parents/carers, are unable or unwilling to access treatment.

Note that reporting to DHHS Child Protection in relation to a child in need of therapeutic treatment does not replace your requirement to report student sexual offending to Victoria Police. All instances of student sexual offending must be reported to the Police.

Making Additional Reports

Every report is critical to protecting a child by building evidence and providing more information to authorities. Therefore, you must make a new report in any circumstances where you become aware of any further incidents, allegations, disclosures, or form a new suspicion, of student sexual offending.

Even where DHHS Child Protection or Victoria Police have been involved or notified regarding the same incident, you must report all new information.

Your reporting obligations are separate from others' obligations, so even where you think that another person at the College might make a report about an incident based on their own information, you too must report your suspicion or knowledge of student sexual offending. It's important to remember that others may not have the specific detail that you have regarding the incident.

Where you and another staff member have formed a reasonable belief of student sexual offending involving the same child, based on the same events or information, you can discuss who is best placed to report the matter to Victoria Police or DHHS Child Protection, however the non-reporter must ensure that the report has been made.

Reporting Student Sexual Offending and Other Reporting Obligations

The obligation for staff, Volunteers, Third Party Contractors and External Education Providers to report student sexual offending to Victoria Police and, where appropriate, DHHS Child Protection is separate and distinct from other legal reporting obligations.

However, there are times when more than one reporting obligation will apply. For example, an incident of student sexual offending may give rise to the obligation to report to Victoria Police under these student sexual offending requirements, the Mandatory Reporting scheme and the Obligation to Report a Sexual Offence.

The offence of Failure to Protect a child from a substantial risk of becoming a victim of a sexual offence committed by an adult associated with the College does not apply to student sexual offending, unless you form a reasonable belief that an adult associated with the College may have also engaged in the offence.



Critical Action 3:

Following an incident, allegation, disclosure or suspicion of student sexual offending, communicating with the parents/carers of students involved is critical.

Contacting Parents/Carers

However, it is equally important that before contacting parents/carers, advice is sought from Victoria Police and/or DHHS Child Protection to ensure that communication is the correct decision and also to confirm what should be communicated.

Sometimes communication with parents/carers is not appropriate because:

- a disclosure to the parent/carer may subject the child to abuse
- the student is an adult (aged 18 years or over) and has requested that their parent/carer not be notified
- the student is a mature minor (assessed to be sufficiently mature and intelligent to make such decisions on their own behalf) and has requested that their parent/carer not be notified (in these circumstances it is preferable that the child nominate another responsible adult to be contacted)
- contacting the parents/carers is likely to adversely affect a Victoria Police of DHHS Child Protection investigation of the student sexual offending.

If the Police or DHHS Child Protection have advised that it is appropriate to contact the parents/carers, remember to:

- remain calm, be empathetic, and acknowledge their concerns
- provide appropriate details of the incident of student sexual offending
- outline the action the College has taken to date, including who the incident has been reported to
- provide the name and contact number of the Police officer or DHHS Child Protection worker who is investigating the matter
- provide information on whether they are likely to be contacted by the Police or DHHS Child Protection
- inform them that the investigation may take some time and ask what further information or assistance the College can provide
- assure them that the College's wellbeing staff can provide support to the student.

All communication with parents/carers must be recorded.

Critical Action 4:

Instances of student sexual offending can cause trauma and significantly impact on the mental health and wellbeing of students involved, and College community members.

Providing Ongoing Support

In addition to reporting incidents of student sexual offending, and communication with parents/carers, the College must provide ongoing support to students, staff, Volunteers and other members of the College community affected by the incident.

Support for affected students (including victims of the offending, or those who engaged in the offending) can include direct support from wellbeing professionals including the College Mentors, referral to external wellbeing professionals, support during any Police or DHHS Child Protection interviews with the student, and should also include the development of a Student Support Plan.

Where appropriate, this ongoing support should be provided in partnership with affected students' parents/carers.

Whilst a child's background should not impact on a decision to report alleged or suspected abuse, neglect or grooming, you should be sensitive to a child's individual circumstances



when providing support and working with parents/carers impacted by abuse. Before creating a Student Support Plan, special consideration needs to be taken for students who:

- have a disability
- identify as Aboriginal or Torres Strait Islander
- are from culturally or linguistically diverse (CALD) backgrounds
- have refugee backgrounds
- are overseas students.

Support must also be provided to staff and Volunteers impacted by student sexual offending. Staff and Volunteers can contact Independent Schools Victoria on (03) 9825 7200 for more information about wellbeing support.

You must record the planned actions to be taken to support all students involved in the student sexual offending.

6) Responding to Other Concerns About the Wellbeing of a Child

If you have any concern about the wellbeing of a child or young person, regardless of whether or not it has been caused by abuse or neglect, your concern should be taken seriously and acted upon.

The College and its teaching staff, non-teaching staff, Board members, Principal, Volunteers, Third Party Contractors and External Education Providers ("Staff") owe a duty of care to all students at the College to ensure that they feel safe and are supported at College.

Concerns about the wellbeing of a child that do not appear to be the result of abuse or neglect, may be reported to:

- Child FIRST
- the Victorian Police.

DHHS Child Protection should also be contacted if you believe a child is in need of protection.

Child FIRST

Child FIRST is a community-based referral point to Family Services in Victoria. In addition to reporting suspected abuse to the appropriate authorities in accordance with the College's Procedures for Responding to and Reporting Allegations of Child Abuse, all Staff should make a referral to Child FIRST if:

- you have 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 the College, have discussed the referral with the child's family and they are supportive of it.

Examples of concerns that staff should refer to Child FIRST include instances where a child's care or development is significantly impacted by:

- parenting problems
- family conflict or breakdown
- pressure due to a family member's physical/mental illness
- significant social or economic disadvantage.

Victoria Police

In addition to reporting suspected abuse in accordance with the College's Policies and Procedures for Responding to and Reporting Allegations of Child Abuse, Staff must contact Victoria Police on 000 if:

• a child's immediate safety is compromised



 a child is partaking in any risk-taking activity that is illegal or extreme in nature or poses a high risk to the child.

DHHS Child Protection

In addition to reporting suspected abuse to Child FIRST or the Police, the appropriate authorities in accordance with the College's Procedures for Responding to and Reporting Allegations of Child Abuse, all Staff should contact DHHS Child Protection if you believe a child is in need of protection.

Common grounds for protection include instances where:

- a child's parents have abandoned the child and after reasonable inquiries, the parents cannot be found, and no other suitable person can be found who is willing and able to care for the child
- a child's parents are dead or incapacitated and there is no other suitable person willing and able to care for the child
- a child is displaying extreme risk-taking behaviour, which has potentially severe or life-threatening consequences. For example, severe alcohol or drug use, unsafe sexual activity including prostitution, or violent or dangerous peer group activity. Staff should also report extreme risk-taking behaviour that is illegal to the Police.
- there is a threat of harm to an unborn child, including circumstances where a parent has previously demonstrated an inability to safely parent.

7) Conduct that is Reportable to the Victorian Institute of Teaching

See separate Policy

8) Communication with Parents-Carers

In many cases of suspected child abuse, or where it is suspected that a child is at risk of being abused, it is critical that the child's parents/carers are notified as soon as is practicable after a notification has been made to the appropriate external authority. This enables the child's parents/carers to take steps to:

- prevent or limit their child's exposure to further abuse
- ensure that their child receives the support that is needed.

It is the College's policy that any notification made to parents/carers of a child suspected to have been abused, or is at risk of being abused, is made by the Principal after a notification to either DHHS Child Protection or the Police has been made.

Before contacting parents/carers the College's Principal or a Child Protection Officer must seek advice from DHHS Child Protection and/or the Police, depending on who the report was made to. The Principal or a Child Protection Officer will be advised by an external authority not to contact the parents in circumstances where:

- the parents/carers are alleged to have engaged in the abuse
- a disclosure to the parents/carers may subject the child to further abuse
- the child is a mature minor (assessed to be sufficiently intelligent and mature to make such decisions on their own behalf) and has requested that the parents/carers not be contacted
- the notification is likely to have an adverse effect on an ongoing investigation into the incident.

The Principal may disclose information about an investigation into a reportable allegation to a parent or carer of the child in relation to which a reportable allegation has been made.



9) Support for Students Interviewed at the College

The College has certain legal requirements when a request is made by the Police or DHHS Child Protection workers to interview students regarding child safety incidents at the College. Students to be interviewed may include victims, witnesses or those alleged to have perpetrated abuse.

Support for Students

All students interview by the Police or DHHS Child Protection at the College must be supported. Where possible, the student's parents/carers should be present for any interview. Where this is not practicable, one of the following persons may provide support to the student during the interview, as appropriate:

- the Principal
- a Child Protection Officer
- in the case of Police interviews, an independent support person over the age of 18 who is not connected with the College, for example a social worker or nurse (independent supportive adult).

Consideration should be given as to whether there may be a conflict of interest between the independent supportive adult and the student being interviewed. For example, a situation may arise where the Principal or a Child Protection Officer is related to the perpetrator of the child safety incident, the student is a family member, or the Principal or a Child Protection Officer may be the perpetrator.

General Protocols

The College's Principal must:

- facilitate interviews requested by the Police or DHHS Child Protection workers
- advise students of their right to have an independent supportive adult, parent or carer present at such an interview
- arrange for the student to choose an independent supportive adult to be present
- balance their obligation to protect the rights of students with their obligation to assist the Police and DHHS Child Protection in their exercise of duty
- ensure there is someone acting as an independent supportive adult for students interviewed at school by the Police or DHHS Child Protection workers
- observe confidentiality at all times in the management of a mandatory reporting or criminal case.

Contacting Parents/Carers

Before contacting a student's parents/carers, the Principal must seek advice from the Police or DHHS Child Protection to determine if parents/carers should be present at the interview.

Where appropriate, parents/carers must be advised of the scheduling of an interview with the Police. Parents/carers should also be advised of interviews that have been scheduled with DHHS Child Protection where it is deemed to be appropriate, however DHHS Child Protection may conduct interviews with students without parental/carer knowledge or consent in exceptional circumstances.

Student as a Victim/Witness

When the Principal allows interviews involving students who may be victims or witnesses, they should:

- support and encourage the student to provide as much information as possible
- inform the student that a note of the circumstances and the content of the interview will be made and communicated to their parents/carers as soon as possible, unless doing so causes a risk of abuse.

Student as a Suspect

If Police need to speak with a student who has allegedly abused another child, or student at the College, this should preferably be done in the presence of the student's parents/carers, or another independent supportive adult.

Complying with Court Orders

A subpoena or witness summons is a court order that compels the College to produce documents or attend court and give evidence, or both. The Principal or a staff member will usually be issued with a subpoena or witness



summons because a party to legal proceedings believes that the College, the Principal or a staff member has information or documents that are relevant to the proceeding.

The College will seek external legal advice and support relating to complying with subpoenas or witness summons.

10) Making Additional Reports

There are some circumstances in which you will be required to make an additional report to an appropriate external authority.

Reporting Further Grounds for Belief or Suspicion

If you hold a reasonable belief that a child has been, or is at risk of being abused, you must still make a report to the relevant external authority about a child even if:

- DHHS Child Protection or the Police have previously been involved or are currently involved with the child and/or their family
- you are aware that another party, such as another staff member, Volunteer, or family member, has raised concerns with the relevant authorities.
- Every report is critical to protecting a child by building evidence and enabling external authorities to gain a clear understanding of the risks posed to the child.

Another Person Has Made a Report

There may be times when two or more staff members at the College (for example the Principal and a Child Protection Officer) has formed a belief about the same child on the same occasion and based on the same information.

In this situation, it is sufficient that only one of the staff members make a report to the relevant external authority, as the belief is based on the same information. However, the other staff member, who does not make the report, is obliged to ensure that the report has been made and that all grounds for their own belief were included in the report made to the authority.

If staff members do not agree on what should be reported, for example a staff member does not agree with the Principal's decision to make a report to an external authority, the staff member is legally obliged to make a report anyway.

Other Concerns About the Wellbeing of a Child

If you believe that a child has not been subjected to abuse or neglect but still hold significant concerns about the child's wellbeing, you still may be required to report your concerns to DHHS Child Protection, the Police or Child FIRST.

11) Confidentiality and Privacy

Anyone who has access to information regarding a case of suspected child abuse must keep such information confidential and secure and must only disclose or discuss this information with those involved in managing the situation.

You must not provide undertakings that are inconsistent with your reporting obligations in the College's Child Safety Program. In particular, you must not promise a student that you will not tell anyone about the student's disclosure.

Students and any other parties who become involved in the investigation (this may include other students) should be informed of the reporting process and be required to maintain confidentiality.

Inappropriate disclosure will be subject to disciplinary action.



Protection of Reporter's Identity

Reports or referrals made to DHHS Child Protection or Child FIRST are confidential and the reporter's identity is generally protected by law. Exceptions include if:

- the reporter chooses to inform the child or family of the report
- the reporter consents in writing to their identity being disclosed
- a court or tribunal decides it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child
- a court or tribunal decides the reporter is required to attend court to provide evidence.

The identity of the person who makes a report to the Police, including reports under section 327 of the Crimes Act 1958 (Vic) (Obligation to Report a Sexual Offence), will remain confidential unless:

- the person themselves discloses their identity or they consent in writing to their identity being disclosed
- a court or tribunal decides that it is necessary in the interests of justice for the person's identity to be disclosed.

Reporter Liability

A person who makes a Mandatory Report in accordance with the Children, Youth and Families Act 2005 (Vic), or a report under the Child Wellbeing and Safety Act 2005 (Vic) (Reportable Conduct Scheme) will not be held liable for the eventual outcome of any investigation.

If a report is made in good faith, it does not constitute a breach of professional ethics on the part of the reporter and the reporter cannot be held legally liable in respect of the report.

Protection of Staff's WWCC Status

The College will only be informed of whether an individual passes or fails the WWC Check. None of the information gathered for the WWC Check, such as criminal or professional records, will be passed on to Harkaway Hills College.

Protection of Personal Information

How Harkaway Hills College handles the information we collect about individuals (referred to in the Privacy Act 1988 (Cth) as personal information) is very important, as the people we deal with expect us to handle their personal information properly and we have a legal obligation to do so. Personal information is information, or an opinion, about an identified individual, or an individual who is reasonably identifiable:

- whether the information, or opinion, is true or not
- whether the information, or opinion, is recorded in a material form or not.

The Privacy Act 1988 (Cth) only applies to personal information that is captured in a record.

Requests for Information

If you receive a request from the Police, the Commission for Children and Young People (CCYP) or DHHS Child Protection for information relating to a student who has been impacted (or is suspected to have been impacted) by child abuse, you should:

- · obtain the request for information in writing; and
- ensure that the written request includes:
 - o the name of the Police officer, the representative of the CCYP or DHHS Child Protection worker, the organisation they work for and their contact details
 - o a description of the information and/or documents being sought
 - o the reasons why the information and/or documents are being sought
 - what authority the officer/worker or the organisation believes that they have to access the requested information and documents.



When information and/or documents are requested in this way, you may be permitted to share the information. However, **you are not compelled** to do so.

Information Sharing with the College Community

The College takes great care to assess the relevance and appropriateness of sharing information about a child safety incident before providing any information about child abuse to the College community because even the confirmation of an incident or allegation can lead to the identification of a victim

12) Record Keeping Obligations

For the College's record keeping obligations relating to child safety incidents, refer to our **Record Keeping Policy**.

The College maintains records of these reportable allegations, written reports and reportable conduct investigation findings indefinitely.

Harkaway Hills College maintains a register of the registration status of all teachers at the College. That register includes a record of the date and type of any notifications made to the Victorian Institute of Teaching (VIT) by the College about a registered teacher pursuant to Conduct that is Reportable to the Victorian Institute of Teaching (see separate Policy).

It is the responsibility of the Principal to ensure that the register of teachers is maintained up to date with relevant notifications.

Records relating to a child safety incident are only disposed of in accordance with our **Record Keeping Policy**.

13) Documenting Your Observations and Actions

All teaching staff, non-teaching staff, Board members, Volunteers, Third Party Contractors and External Education Providers must keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse. This information may be sought at a later date if the matter is the subject of court proceedings. Your notes may also assist you later if you're required to provide evidence to support your decisions regarding the handling of child safety incidents.

For more information about how to record observations, disclosures or allegations refer to our **Record Keeping Policy.**

Preserving Evidence

When an incident of suspected child abuse occurs at the **College**, consider all of the following:

- environment: do not clean up the area, and preserve the sites where the alleged incident occurred
- clothing: take steps to ensure that the person who has allegedly committed the abuse and the child who has allegedly been abused remain in their clothing. If this is not possible, ensure the clothes are not washed, handled as little as possible and stored in a sealed bag.
- other physical items: ensure that items such as weapons, bedding and condoms are untouched
- potential witnesses: reasonable precautions must be taken to prevent discussion of the incident between those involved in the alleged incident.

Last reviewed: January 2023



Appendix A

A step-by-step guide to making a report to **Child Protection or Child FIRST**

Protective concerns

You are concerned about a child because you have:

· received a disclosure from a child about abuse or neglect

Go to Step 3

- · observed indicators of abuse or neglect
- been made aware of possible harm via your involvement in the community external to your professional role.

At all times remember to:

- record your observations
- follow appropriate protocols
 consult notes and records
- · consult with appropriate colleagues if necessary consult with other support agencies if necessary

FORMING A BELIEF ON REASONABLE GROUNDS MAKING A REFERRAL TO Child FIRST MAKE A REPORT TO CHILD PROTECTION **RESPONDING TO CONCERNS** 1. If your concerns relate to a child in 1. Consider the level of immediate Child Wellbeing Referral Mandatory/Protective Report* need of immediate protection; or you have formed a belief that a child is at significant risk of harm*. danger to the child. Contact your local Child FIRST provider. Contact your local Child Protection Intake provider immediately. Ask yourself: a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm? See over for contact list for local Child FIRST phone · See over for contact list for Go to Step 4 local Child Protection phone If you have significant concerns that a child and their family need a referral to Child FIRST for family numbers. numbers. YES / NO 2. Have notes ready with your For After Hours Child Protection Emergency and observations and child and b) Am I in doubt about the child's safety and the parent's ability to protect the child? family details. Services, call Go to Step 3 131 278 . In all other situations 2. Have notes ready with your Go to Step 2. YES / NO observations and child and family details. 2. If you answered yes to a) or b) Go to Step 4 Non-mandated staff members who * Refer to Appendix 2: Definitions of child abuse and indicators of harm in 3. If you have significant concerns that a child and their family need believe on reasonable grounds that a child is in need of protection are able to the Protocol – Protecting the safety and wellbeing of children and young people a referral to Child FIRST for family report their concerns to Child Protection

For further information refer to Protecting the safety and wellbeing of children and young people – A joint protocol of the Department of Human Services Child Protection,
Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools

| | | Contact | Numbers | 5 | | | |
|---|---|---|-----------------|------------------|-----------------------------------|---|-----------------------------|
| Department of Education and Early Childhood Developme | nt Departmen | t of Human Servic | es Child Prote | ction | CHILD FIRST | | |
| METROPOLITAN REGIONS | METROPOLI | METROPOLITAN REGIONS METROPOLITA | | | Local Catchm | ocal Catchment Area | |
| Eastern (03) 9265 2 | 400 Intake Unit | Intake Unit Regional | | fice Barwon | Greater Geelong, Queenscliff, | 1300 551 948 | |
| Northern (03) 9488 9 | 488 Eastern | 1300 360 39: | L Box Hill | (03) 9843 6000 | South | Surf Coast | |
| Western (03) 9291 6 | | Vest 1300 664 97 | | 1300 664 977 | Western | Colac – Otway, Corangamite | 5232 5500 |
| Southern (03) 9794 | | | Footscray | 1300 360 462 | | Warrnambool, Moyne, Glenelg, Southern Grampians | 1300 889 713 |
| RURAL REGIONS | Southern | 1300 655 799 | Dandenong | (03) 9213 2111 | Gippsland | East Gippsland | 5152 0052 |
| Barwon South Western 5225 1 | | ONS | | | | Wellington | 5144 7777 |
| Gippsland 5127 of Grampians 5337 8 | Intoles Unit | | Regional Off | ice | | La Trobe, Baw Baw | 1800 339 100 |
| Grampians 5337 8 Hume 5761 2 | | Barwon South Western | | | | South Gippsland, Bass Coast | 5662 5150 |
| Loddon Mallee 5440 3 | | 1800 075 599 | Geelong Geelong | (03) 5226 4540 | Grampians | Northern Grampians, West | 1800 195 114 |
| 5440 | Gippsland | 1800 020 202 | Traralgon | (03) 5177 2500 | | Wimmera, Hindmarsh, Yarrambat, | |
| Office for Children and Licensed Children's Services: | Grampians | 1800 000 55: | L Ballarat | (03) 5333 6530 | | Horsham | |
| | Hume | 1800 650 227 | 7 Wangaratta | (03) 5722 0555 | | Ararat, Pyrenees, Hepburn, Ballarat, Golden Plains, Moorabool | 1300 783 341 |
| METROPOLITAN REGIONS | | | Wodonga | (02) 6055 7777 | Hume | Wodonga, Towong, Indigo | 1800 705 211 |
| Eastern (03) 9265 2 | | lee 1800 675 598 | Bendigo | (03) 5434 5555 | nume | Alpine, Benalla, Mansfield, | 1800 705 211 |
| Northern (03) 9412 5 | | Child Bustontine For | | (ALICDEC) | | Wangaratta | 1000 /05 211 |
| Western (03) 9275 7 Southern (03) 9096 9 | 555 | After hours Child Protection Emergency Services (AHCPES) | | | | Greater Shepparton, Strathbogie, Moira | 1300 854 944 |
| RURAL REGIONS | | umber for all emerge | | | | Mitchell, Murrindindi | 1800 663 107 |
| Barwon South Western 5225 3 | child protection matters outside of norm business hours (24 hours, 7 days a week | | | 131 278 | Loddon | Greater Bendigo, Campaspe, | 1800 260 338 |
| Gippsland 5127 0 | | 115 (£ 1 110a15, 7 days | u ween, | -3/- | Mallee | Central Goldfields, Loddon, Macedon Ranges, Mount Alexander | 1000 100 330 |
| Grampians 5337 8 | 444 | | | | | | |
| Hume 5761 2 | Victoria Pol | ice | | 000 | | | -0 |
| Loddon Mallee 5440 | Catholic Ed | lucation Offices | | | | Buloke, Goonawarra, Swan Hill, Mildura | 1800 625 533 1800 MALLEE |
| Important information for government schools | Catholic Edu | Catholic Education Office, Melbourne (03) 9267 0228 Catholic Education Office, Ballarat Diocese 5337 7135 Catholic Education Office, Ballarat Diocese 5522 6600 Catholic Education Office, Sandhurst Diocese 5432 377 | | | Eastern | Yarra Ranges, Knox, Maroondah | 1300 369 146 |
| | | | | | Metropolitan | Monash, Whitehorse, | 1300 762 125 |
| Principals of Victorian Government schools must report all | | | | | | Manningham, Booroondarra | |
| incidents to the Emergency and Security Management Unit on | Catholic Edi | | | | North and West Metropolitan | Nillumbik, Whittlesea, Banyule, Yarra and Darebin | (03) 9450 0955 |
| 03 9589 6266. | Independen | Independent Schools Victoria (03) 9825 7200 | | Brimbank, Melton | | 1300 138 180 | |
| Victorian Government schools should contact the Student Critic | Other | Other | | | | Hume, Moreland | 1300 786 433 |
| Incident Advisory Unit (SCIAU), Student Wellbeing Division, for | | | | | | Hobson's Bay, Maribyrnong, | 1300 775 160 |
| advice and support when responding to allegations of student | | original Education As | | (03) 9481 0800 | | Melbourne, Moonee Valley and | |
| sexual assault or inappropriate sexual behaviours. | Victoria Police Sexual Offences and Child Abus | | | 1800 806 292 | | Wyndham | |
| The SCIAU can be contacted on Gatehouse Centre Royal Children's | | | n's Hospital | (03) 9345 6391 | Southern Metropolitan | Casey, Cardinia, Greater Dandenong | (03) 9705 3939 |
| o3 9637 2934 or o3 9637 2487. | | (for specialist counselling and medical assistance) | | | | Aboriginal children and families | (03) 9794 5973 |
| Victorian Government School Principals should refer to the | Child Safety | Child Safety Commissioner | | | | (Casey, Cardinia and Great Dandenong) | |
| flowchart – Responding to Allegations of Student Sexual Assault | Victorian Ab | Victorian Aboriginal Child Care Agency (o | | | | Frankston, Mornington Peninsula | 1300 721 383 |
| Compulsory Actions for Principals at: | | | | | | Kingston, Bayside, Glen Eira, | 1300 721 383 |
| http://www.education.vic.gov.au/healthwellbeing/safety/cl | ildprotection/chile | protection.htm | | | | Stonington, Port Phillip | 2300 307 441 |

https://www.education.vic.gov.au/Documents/childhood/parents/health/mandreportsep10.pdf



Appendix B



MANDATORY REPORTING: JANUARY 2020 CHANGES

1. What is mandatory reporting?

Certain professionals must, by law, make a report to the Department of Health and Human Services (DHHS) Child Protection if they form a reasonable belief in the course of practising their profession or carrying out their work duties of their office, position or employment that:

- a child has suffered or is likely to suffer significant harm, as a result of physical or sexual abuse, and
- the child's parents have not protected or are unlikely to protect the child from harm of that type.

The report must be made as soon as practicable after forming the belief, and after each occasion on which they become aware of any further reasonable grounds for the belief. Failure to make a mandatory report is an offence, and penalties apply for failing to comply with your mandatory reporting obligations.

2. Who are mandatory reporters?

Within schools, classes of professionals who are mandatory reporters include:

- Victorian Institute of Teaching (VIT) registered teachers, including principal class
- Staff who have been granted permission to teach by the VIT
- Medical practitioners
- Nurses
- Early childhood workers
- Social workers
- Youth workers
- · Registered psychologists
- School counsellors (from 31 January 2020).

3. What is a 'school counsellor'?

From 31 January 2020, 'school counsellors' will be mandatory reporters. For mandatory reporting purposes, the definition of a school counsellor is broad, meaning: "a person employed or engaged (other than on a voluntary basis), to provide direct support to school students, at or directly connected with a school, for mental, emotional or psychological wellbeing." This may include, but is not limited to, the following staff:

- Student Support Service staff
- Primary Welfare Officers
- Mental Health Practitioners in secondary schools
- Social workers

- Student Wellbeing Coordinators
- Chaplains
- Speech pathologists
- Youth worker

The above list is NOT exhaustive. You must consider whether your work and duties could mean you are a school counsellor for the purpose of the mandatory reporting laws.



4. Are TAFE student counsellors 'school counsellors' under mandatory reporting laws?

A TAFE would not generally be considered a 'school', so TAFE student counsellors would not ordinarily fall within the above definition of 'school counsellors' for the purpose of mandatory reporting laws. Exceptions to this would include where:

- the TAFE counsellor is a professional who has their own separate mandatory reporting obligations under law (for example, a nurse or psychologist). See Question 2 above; or
- part of the TAFE counsellor's role requires them to provide direct mental, emotional or psychological support to <u>school students</u> as part of their school studies (i.e. students who are enrolled at a primary or secondary school), for example, school students completing TAFE units as part of their secondary school studies and receiving support from the TAFE counsellor.

Regardless of whether they are mandatory reporters, TAFE student counsellors may still make a voluntary report to DHHS Child Protection if they believe on reasonable grounds that a child is in need of protection.

5. When will school counsellors be required to comply mandatory reporting obligations?

From 31 January 2020, school counsellors will be included as mandatory reporters. It is important that you understand your mandatory reporting obligations before that date, so you know how to make a mandatory report.

6. What training do I need to do as a mandatory reporter?

You must complete the Department's <u>online Mandatory Reporting module</u> and refresh your training every 12 months.

Go to https://educationvic.elmotalent.com.au/ and select "Create an Account" to begin.

7. How do I make a mandatory report?

You can make a mandatory report by contacting the DHHS Child Protection intake service covering the Division where the child normally resides. The telephone numbers to make a report during business hours (8.45am-5.00pm), Monday to Friday, are listed below.

North Division intake: 1300 664 977
South Division intake: 1300 655 795
East Division intake: 1300 360 391

West Division intake - metropolitan: 1300 664
 977

 West Division intake - rural and regional: 1800 075 599

• After Hours: 13 12 78



This process is detailed in the Four Critical Actions for Schools on the PROTECT website.

For more information, you can also visit the **DHHS Mandatory Reporting website**.

8. When must I make a mandatory report?

If the child or anyone else is in immediate danger, you must call 000 immediately to report your concerns.

In addition, you must make a mandatory report to DHHS Child Protection as soon as practicable if you form a reasonable belief in the course of practising your profession or carrying out your duties that:

- a child has suffered or is likely to suffer significant harm, as a result of physical or sexual abuse, and
- the child's parents have not protected or are unlikely to protect the child from harm of that type.

You must also make additional reports every time you become aware of additional reasonable grounds for the above belief.

9. Will the family know I have made a report?

In accordance with relevant legislation, the identity of a reporter must remain confidential, unless:

- the reporter chooses to inform the child or family of the report
- the reporter consents in writing to their identity as the reporter being disclosed
- a court or tribunal decides it needs this information in order to ensure the safety and wellbeing
 of the child
- a court or tribunal decides that in the interests of justice the evidence needs to be given.

10. I have made a mandatory report. What else must I do?

After you make a mandatory report, you must inform the principal or school leadership of the situation and your actions, if you have not already done so. You must also keep detailed notes, and to assist you, the Department has developed the <u>Recording your actions</u>: responding to suspected child abuse template.

There are a number of additional steps that school staff must take following a mandatory report, consistent with duty of care obligations. These are explained in the <u>Four Critical Actions for Schools</u>, which must be followed in all situations requiring a mandatory (or non-mandatory) report to be made.

11. What if I have concerns that a child is being abused outside of school, but I don't think it is physical or sexual abuse (e.g. emotional child abuse, exposure to family violence, neglect)?

You must follow the <u>Four Critical Actions for Schools</u> and make a report to DHHS Child Protection in all situations where you believe on reasonable grounds that a child is:

- 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 such concerns internally to:

- School principal and/or leadership team
- DET Incident Management and Support Unit (IMSU) on 1800 126 126.



12. What if another school staff member has already made a report - do I still have to make a report?

If you are satisfied that another school staff member has already made a report based on the same information, then you do not need to make an additional report of the same information. In this situation, it is sufficient that only one school staff member (who might also be a mandatory reporter) makes a report.

You must make additional reports every time you become aware of additional information that meets the threshold to require you to make a mandatory report, unless you are satisfied that another staff member has made the same additional report(s).

13. I have concerns about a student who attends my school but lives across the border in another state. What do I do?

If you have concerns about a student who attends your school but lives across the border in another state, you must report your concerns to that state's child protection service (see New South Wales Child Protection Helpline and South Australia Reporting Child Abuse). You must also continue to follow the other steps in the Four Critical Actions for Schools, and provide the same supports to the student as it would a student who lived in Victoria.

14. What are the consequences of not making a mandatory report?

In addition to potentially placing a child at risk of abuse, if you do not comply with your mandatory reporting obligations, you may be charged with a criminal offence.

15. Where can I go for more information on mandatory reporting?

For more information on your mandatory reporting obligations, as well as how to identify and respond to child abuse, visit the <u>PROTECT website</u>.

You can also:

- Undertake the online mandatory reporting module
- Visit the <u>DHHS Mandatory Reporting website</u>
- Read the Child Protection Reporting Obligations page on the School Policy and Advisory Guide
- Speak to your principal/manager or school leadership for further information.



Appendix C

Reporting to the CCYP

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

Where the Principal receives a reportable allegation from any person, including a Staff Member, they must notify the CCYP within three business days.

Where the reportable allegation involves the Principal, the person must notify the Insert Alternate Head of Entity who will become the "head" of the College for the purposes of reporting the reportable allegation.

There are two stages of reporting.

The CCYP must be notified by the Principal in writing of:

- the reportable allegation as soon as possible, and in any event within three business days of the Principal being notified of the reportable allegation (Stage One Report)
- the proposed next course of action (see below), as soon as practicable, and within 30 days of becoming aware of the reportable allegation (Stage Two Report).

Stage One Report

The report to the CCYP must state:

- that a reportable allegation has been made against a Staff Member
- the name (including any former name and alias, if known) and date of birth, if known, of the Staff Member
- whether the Victoria Police has been contacted about the reportable allegation
- the name, address and telephone number of the College
- the name of the Principal.

An online form available on the CCYP's website must be used for the Stage One Report.

If the Staff Member is a registered teacher and the misconduct involves a charge, conviction or finding of guilt of a sexual offence, the College must immediately notify the Victorian Institute of Teaching (VIT) under our **Conduct that is Reportable to the Victorian Institute of Teaching policy (see separate Policy).** The timing of making a Stage One Report to the Commission under this policy will coincide with the timing of a report made to the VIT.

Stage Two Report

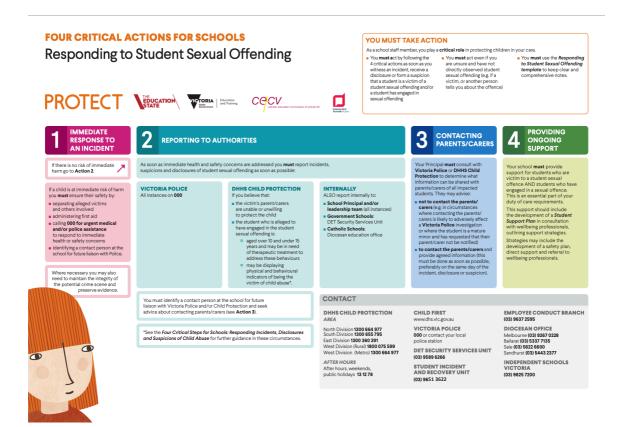
The report to the CCYP must state:

- detailed information about the reportable allegation
- whether or not the College proposes to take any disciplinary or other action in relation to the Staff Member and the reasons why it intends to take, or not to take, that action
- any written submissions made to the Principal concerning the reportable allegation that a Staff Member wished to have considered in determining what, if any disciplinary or other action should be taken in relation to the Staff Member.

Any allegation of criminal conduct, including physical violence, significant emotional or psychological abuse, sexual offences or significant neglect, must be reported to the Victorian Police. A Police investigation will take priority over any investigation conducted by the College under this Policy.



Appendix D



 $\frac{https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_SS}{O.pdf}$

