

CHILD PROTECTION: MANDATORY REPORTING POLICY

INTRODUCTION

- Victory Christian College is committed to creating and maintaining a child-safe and child-friendly environment, where children and young people are safe and feel safe. It is vitally important that we are diligent ambassadors for child safety as an expression of our Christian values and ethos.
- Staff have a legal and moral responsibility and a duty of care to protect any child under their care from foreseeable harm. Staff are required to respond to any reasonable suspicion that a child has been or is at risk of being abused.
- Mandatory reporting is a legal requirement under the **Children, Youth and Families Act 2005 (Vic) Act** to protect children from harm relating to physical injury and sexual abuse. A child, for the purpose of the relevant parts of the Act, is any person who is under 17 years of age. School personnel mandated under this Act who in the course of carrying out their duties- form a reasonable belief that a child needs protection from physical harm or sexual abuse, and that the child's parents are unwilling or unable to protect the child, must report that belief to Department of Families, Fairness and Housing (DFFH) - Child Protection and the grounds for it as soon as practicable after forming the belief.
- In addition to **Mandatory Reporting**, additional legal obligations in relation to reporting suspected sexual child abuse have been introduced in response to the *Betrayal of Trust Report*. Failure to do so can constitute a criminal offence, including the **Failure to Disclose Offence and Failure to Report Offence**.

AIMS

- To ensure that children's rights to be safe are maintained and each child is protected against physical abuse, emotional abuse, sexual abuse, family violence, neglect, grooming and forced marriage.
- To ensure staff and the wider community are aware of their responsibilities.
- To ensure all staff, volunteers and community are empowered to take appropriate action in the event that a report is necessary.

MANDATORY REPORTERS

As stated in section 182 of the Children, Youth and Families Act, within the school, mandatory reporters include all:

- Victorian Institute of Teaching (VIT) registered teachers (including principals)
- staff who have been granted permission to teach by the VIT
- registered doctors, nurses and psychologists
- police officers.
- school counsellors, chaplains and student support services staff
- people in religious ministry
- youth justice workers
- out-of-home care workers (excluding voluntary foster and kinship carers)

All staff, regardless of whether they are mandatory reporters, have a duty of care to take active and reasonable steps to protect children and young people in their care from risks of reasonably foreseeable harm. Such active steps should include reporting their concerns to the relevant authorities and the Chaplain or other Child Safety Champions.

All staff who form a belief on reasonable grounds that a child or young person is in need of protection must report their concerns using the 4 Critical Actions for Schools and 4 Critical Actions for Student Sexual Offending (referred to herein collectively as '4 Critical Actions') and PROTECT Responding to Suspected Child Abuse: A Template for all Victorian Schools (PROTECT report template).

FORMING A 'REASONABLE BELIEF'

A person may form a belief on reasonable grounds that a child needs protection after becoming aware that a child or young person's health, safety or wellbeing is at risk and the child's parents are unwilling or unable to protect the child. Abuse may be perpetrated by adults or students within the school or community, including online.

There may be reasonable grounds for forming such a belief if:

- A child or young person states that they have been physically or sexually abused.
- A child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves).
- Someone who knows the child or young person states that the child or young person has been physically or sexually abused.
- A child shows signs of being physically or sexually abused (refer to Appendix 1)
- The staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting the child or young person's safety, stability or development.
- The staff member observes signs or indicators 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. *Note: The role of investigating an allegation of child abuse rests solely with DFFH Child Protection and/or Victoria Police.*
- The staff member must make a report even if the Child Safety Champion/s or Principal does not agree.
- A staff member must make a report on each occasion that they form a reasonable belief that a child is in need of protection.

IMPLEMENTATION

- This policy is publicly available to the community on our College website.
- All allegations and disclosures are taken seriously and acted upon.
- All concerns must be communicated as soon as is practicable to the Chaplain, or in their absence, another Child Safety Champion (Year Level Coordinators: YLCs). They will then support the staff member to complete the reporting process promptly using the PROTECT report template which references the 4 Critical Actions.
- The Child Safety Champion (whether the Chaplain or one of the YLCs) will notify the Principal of the report.
- The staff member making the report and/or the Child Safety Champions or Principal can share information and make a referral to Child FIRST when they have a significant concern for a child's wellbeing, but do not believe that the child needs protection.
- If a reasonable belief is formed that a child needs protection, then the staff member or Principal that formed the belief must make a report to DFFH Child Protection. This report should be made as soon as practicable.
- All incidents are to be monitored, and any subsequent signs or indications of abuse are also to be reported.
- All relevant information that is documented about a vulnerable child may be shared with DFFH Child Protection without concern about legal or professional consequences, provided it is done so in good faith.
- Staff do not require the permission of parents, carers or guardians to make a report to DFFH Child Protection, nor are they required to tell parents, carers or guardians that they have done so. However, it is good practice and/or necessary to discuss any concerns prior to making a report a referral, and it would be normal to raise the possibility of making a report or referral during such discussions. Consent should not be sought if you believe that it will put you or the child at risk.
- Students, who disclose to staff a desire to harm themselves or others, must be reported by staff to the Chaplain or in their absence, another Child Safety Champion (YLC).
- If a staff member receives a disclosure or forms a reasonable belief that a child, young person or their family member is experiencing family violence, they must make a report using the 4 Critical Actions and PROTECT report template.
- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- Staff will be reminded of mandatory responsibilities annually through e-Learning Modules and in-house staff child-safety training.
- Allegations of misconduct against a staff member, contractor or volunteer, which meet the Reportable Conduct Scheme criteria must be reported by the Principal to the Commission for Children and Young People, within three business days of the Principal becoming aware of the allegation.
- Any children who disclose abuse or are otherwise linked to suspected child abuse will be supported and assisted by the Chaplain and other Child Safety Champions. Such support may include but is not limited to:
 - Establishing a student support group for the child, including parents/guardians where it is safe to do so
 - Creating and implementing a student support plan
 - Creating a safety plan for the child
 - Offering in-school counselling with the College Counsellor or Chaplain
 - Organising or facilitating external organisation support for the child (primarily allied health and wellbeing professionals)
 - Other strategies outlined in the [DET's advice for Action 4 of the Critical Actions](#).
- The principal or their delegate will ensure the [PROTECT Principal's checklist](#) is completed in response to any report being made that involves student sexual offending.

RECORD KEEPING

Records relating to reports- formal and informal- are to be retained permanently in line with the Australian Society of Archivists Records Retention Schedule for Non-Government Schools.

- Working notes regarding child safety will be made using the Xuno Student Information System (Xuno) in the 'Confidential Notes' section. These notes may include behaviours or comments made by students that do not amount to a reasonable belief being formed. However, collectively they will represent a chronology of events which may help to form a reasonable belief that a child is at risk of abuse and therefore lead to a report being made to DFFH Child Protection. A teacher's working notes can be used to provide information to DFFH Child Protection Officers or police investigating an allegation and may be used as evidence in subsequent court proceedings.
- Concerns that do not amount to a reasonable belief being formed will be documented on Xuno in the 'Incidents> Referral to Wellbeing Team' section. This allows the Chaplain or Counsellor to meet with the child.
- All formal reports made to DFFH Child Protection (using the PROTECT report template) will be stored in a private SharePoint site with retention labelling to ensure documents are stored permanently.
- Any additional working notes belonging to the Chaplain or Counsellor- including notes from counselling sessions- will be collected and stored in a locked cabinet in the Chaplain/Counsellor's office.

INFORMATION SHARING

Victory Christian College is a prescribed Information Sharing Entity under the Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS). Therefore, the College may be asked to share confidential information with other schools and prescribed Information Sharing Entities to promote the wellbeing and safety of children and to assess or manage family violence risk.

The College is not obliged to and should not attempt to investigate instances of family violence.

If the College receives a request from another CISS or FVISS prescribed organisation, they will:

- acknowledge they have received a request for information
- respond to requests for information and provide all relevant information to other Information Sharing Entities that meets the requirements of the scheme it was requested under, and do so in a timely manner
- consider the information-sharing legislative principles for the schemes
- if declining to share all or part of a request for information, the College will advise the requesting information-sharing entity in writing.

In turn, the College may:

- request information from other Information Sharing Entities
- proactively share information with other Information Sharing Entities
- The College must meet the record-keeping requirements of the Information Sharing Schemes. Guidance regarding how to do this will be sought from the DET website: ['Child and Family Violence Information Sharing Schemes'](#).

RELEVANT LEGISLATION

- [Ministerial Order 1359](#)
- [Child Protection Manual](#) (online), Department of Families, Fairness and Housing.
- Children, Youth and Families Act 2005
- Child Wellbeing and Safety Act 2005 (Vic)
- Education and Training Reform Act 2006
- Crimes Act 1958 (Vic)
- Working with Children Act 2005
- Family Violence Protection Act 2008
- Victorian Institute of Teaching Act 2001

RELEVANT RESOURCES

- ['Child and Family Violence Information Sharing Schemes'](#), Department of Education and Training
- ['Online Grooming'](#), Department of Education and Training
- [PROTECT Principal's Checklist: Responding to Student Sexual Offending](#)
- [PROTECT Responding to Suspected Child Abuse: A Template for all Victorian Schools](#)
- ['Report Child Abuse in Schools'](#), Department of Education and Training
- [The Four Critical Actions for Schools](#)
- [The Four Critical Actions: Student Sexual Offending](#)

RELATED POLICIES, PROCEDURES AND OTHER DOCUMENTS

This policy should be read in conjunction with the other policies and procedures of Victory Christian College concerned with Child Safety:

- Bullying and Harassment Policy
- Child Protection: Failure to Disclose Policy
- Child Protection: Failure to Protect Policy
- Child Protection: Grooming Policy
- Child Protection Student Fact Sheet
- Child Safety and Wellbeing Policy
- Child Safety Code of Conduct
- ICT and Internet Acceptable Use Policy
- Privacy Policy
- Screening Checks Procedure for Working with Children

APPENDICES

1. Identifying Signs of Child Abuse
2. 4 Critical Actions: Responding to Incidents, Disclosures and Suspicions of Child Abuse
3. Legislation

APPENDIX ONE: IDENTIFYING SIGNS OF CHILD ABUSE

Physical Abuse

Physical abuse consists of any non-accidental form of injury or serious physical harm inflicted on a child or young person by any person. Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline. Physical abuse can include beating, shaking, burning and assault with implements.

Physical abuse - Possible Indicators

Physical Indicators	Behavioural Indicators
<ul style="list-style-type: none"> • Bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms and inner thighs. Any bruises or welts in unusual configurations. • Burns that show the shape of the object used to make them • Fractures of the skull, jaw, nose and limbs, especially those not consistent with the explanation offered or with the type of injury probable/possible at the child's age and development • Cuts and grazes to the mouth, lips, gums, eye area, ears, and external genitalia • Human bite marks • Bald patches where hair has been pulled out • Multiple injuries, old and new • Poisoning • Internal injuries 	<ul style="list-style-type: none"> • The child or young person states that an injury has been inflicted by someone else or offers an inconsistent or unlikely explanation or can't remember the cause of injury • Unusual fear of physical contact with adults (for example, flinches if unexpectedly touched) • Wearing clothes unsuitable for weather conditions (such as long-sleeved tops) to hide injuries • Wariness or fear of a parent/caregiver; reluctance to go home • No reaction or little emotion displayed when hurt • Little or no fear when threatened • Habitual absences from school without explanations • Overly compliant, shy, withdrawn, passive and uncommunicative • Fearfulness when other children cry or shout • Unusually nervous or hyperactive, aggressive, disruptive and destructive to self and/or others • Excessively friendly with strangers • Regressive behaviour, such as bed wetting or soiling • Poor sleeping patterns, fear of dark, nightmares • Sadness and frequent crying • Drug or alcohol misuse • Poor memory and concentration • Suicide attempts

Sexual Abuse

A child is sexually abused when any person uses their authority or power over the child or young person to engage in sexual activity. Child sexual abuse involves a wide range of sexual activities. It can also include exploitation through pornography or prostitution.

Sexual abuse – Possible indicators

Physical Indicators	Behavioural Indicators
<ul style="list-style-type: none"> • Injury to the genital or rectal area, such as bruising or bleeding • Vaginal or anal bleeding or discharge • Discomfort in urinating or defecating • Presence of foreign bodies in the vagina and/or rectum • Inflammation and infection of the genital area • Sexually transmitted diseases • Pregnancy, especially in very young adolescents • Bruising and other injuries to breast, buttocks and thighs 	<ul style="list-style-type: none"> • The child or young person discloses sexual abuse • Persistent and age-inappropriate sexual activity • Drawings or descriptions in stories that are sexually explicit and not age appropriate • A fear of home, a specific place, a particular adult; excessive fear of men or women • Poor or deteriorating relationships with adults and peers • Poor self-care/personal hygiene • Arriving early at school and leaving late • Complaining of headaches, stomach pains or nausea without a physiological basis • Frequent rocking, sucking or biting • Sleeping difficulties • Reluctance to participate in physical or recreational activities • Regressive behaviour, such as bedwetting or speech loss

Sexual abuse – Possible indicators (continued)

Physical Indicators	Behavioural Indicators
<ul style="list-style-type: none"> • Anxiety-related illnesses such as anorexia or bulimia • Frequent urinary tract infections 	<ul style="list-style-type: none"> • Sudden accumulation of money or gifts • Truancy or running away from home • Delinquent or aggressive behaviour • Depression • Self-injurious behaviour, including drug/alcohol abuse, prostitution, self-mutilation, attempted suicide • Sudden decline in academic performance, poor memory and concentration • Wearing provocative clothing, or layers of clothes to hide injuries • Promiscuity

Emotional and Psychological Abuse

Occurs when a child or young person is repeatedly rejected, isolated or frightened by threats or witnessing family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child or young person is disturbed or their emotional development is at serious risk of being impaired.

Emotional or Psychological abuse may occur with or without other forms of abuse. The child or young person may develop personality or behavioural disorders, or become filled with self-doubt and internalised rage, unable to form sustained and intimate relationships. There are few physical indicators, although emotional abuse may cause delays in emotional, mental or even physical development.

Emotional and Psychological abuse – Possible indicators

Physical Indicators	Behavioural Indicators
<ul style="list-style-type: none"> • Speech disorders • Delays in physical, mental or emotional development • Failure to thrive (without an organic cause) 	<ul style="list-style-type: none"> • Overly compliant, passive and undemanding behaviour • Extremely demanding, aggressive, attention-seeking behaviour • Anti-social, destructive behaviour • Low tolerance or frustration / Unexplained mood swings • Poor self-image and low self-esteem • Behaviours that are not age-appropriate (e.g. overly adult, or overly infantile) • Fear of failure, overly high standards, and excessive neatness • Depression, suicidal • Running away • Violent drawings or writing • Contact with other children forbidden • Poor social and interpersonal skills • Lack of positive social contact

Family violence

Family violence is defined as violence (either actual or threatened) which occurs within a family including physical, verbal, emotional, psychological, sexual, financial or social abuse. Where there are strong indicators that incidents of family violence are placing children at significant risk or danger, DFFH Child Protection must be informed. Family violence is a criminal offence and can be liable to prosecution.

Family violence- risk factors

Known risk factors relating to severe risk of family violence for families are:

- Physical harm or threats to harm a member of the household, including pets
- Recent separation of parents, including separation under the same roof
- Harm of, or threat to harm a child
- Mother/carer/partner (e.g. for an adolescent) is pregnant
- Child under one year of age in the household
- Isolation
- Financial difficulties
- DFFH Child Protection has previous or current involvement with the family

Family violence- risk factors (continued)

- Behaviour indicating non-return of the child (in custody situations)
- Threat of suicide or previous attempts
- Unemployment of person perpetrating family violence
- Alcohol or drug misuse or person perpetrating violence

Family violence – Possible indicators

Physical Indicators	Behavioural Indicators
<ul style="list-style-type: none"> • Speech disorders • Delays in physical development • Failure to thrive (without an organic cause) • Bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms and inner thighs. • Any bruises or welts (old or new) in unusual configurations, or those that look like the object used to make the injury (such as fingerprints, handprints, buckles, iron or teeth) • Fractures of the skull, jaw, nose and limbs, especially those not consistent with the explanation offered or with the type of injury probable/possible at the child's age and development • Cuts and grazes to the mouth, lips, gums, eye area, ears, and external genitalia • Multiple injuries, old and new • Internal injuries • Poisoning 	<ul style="list-style-type: none"> • Overly compliant, shy, withdrawn, passive and uncommunicative • Extremely demanding, aggressive, attention-seeking behaviour • Participating in dangerous, risk-taking behaviour to impress peers • Low tolerance or frustration • Showing wariness or distrust of adults • Demonstrated fear of parents and of going home • Depression, anxiety or suicidal thoughts • Criminal activity • Psychosomatic illness • Bedwetting and sleeping disorders • 'Acting out' such as cruelty to animals • Taking on care-taker role prematurely, trying to protect family members • Demonstrated fear of parents, carers or guardians, and of going home • Disengagement from school (absenteeism, lateness and/or school refusal) and/or poor academic outcomes • Parent/child conflict • Wearing long-sleeved clothes on hot days in an attempt to hide bruising or other injuries • Becoming fearful when other children cry or shout • Being excessively friendly to strangers • In older students: <ul style="list-style-type: none"> • Moving away/ running away from home • Entering a relationship early to escape the family home • Entering into other violent and/or unsafe relationships • Involvement in risk-taking and/or unlawful activity • Alcohol and substance misuse

Identifying Family Violence in Parents/Carers

Key indicators that a family member is experiencing violence include:

- Nervous, ashamed or evasive behaviour
- Describing their partner as controlling or prone to anger
- Appearing to be uncomfortable or anxious in the presence of their partner
- Being accompanied by their partner, who does the talking
- Having physical signs of violence such as bruising
- Giving unconvincing explanations or injuries that they (or their child) have sustained
- Suffering anxiety, panic attacks, stress and/or depression

Some alleged perpetrators or family violence may also be subject to court orders, including Family Violence Intervention Orders.

Neglect

Neglect includes a failure to provide the child or young person with an adequate standard of nutrition, medical care, clothing shelter or supervision to the extent where the health or development of the child is significantly impaired or placed at serious risk. A child is neglected if they are left uncared for over long periods of time or abandoned. Two types of neglect are discussed below.

Serious Neglect

Serious neglect includes situations where a parent has consistently failed to meet the child's basic needs for food, shelter, hygiene or adequate supervision to the extent that the consequences for the child are severe. For example, where:

- the child's home environment is filthy or hazardous in the extreme and poses a threat to the child's immediate safety or development and is characterised by the presence of animal or human faeces or urine, decomposing food, syringes or other dangerous paraphernalia
- the child is provided with consistently insufficient or inadequate food or nourishment for the child's healthy development
- the child has a serious medical condition for which the parent has consistently failed to obtain treatment or dispense prescribed medication
- the parent consistently leaves the child unattended, exposed to or in the care of strangers who may harm the child.

Medical Neglect

Neglect of medical care refers to a situation where a parent's refusal of, or failure to seek, treatment or agree to a certain medical procedure leads to an unacceptable deprivation of the child's basic rights to life or health.

Neglect – Possible indicators

PHYSICAL INDICATORS	BEHAVIOURAL INDICATORS
<ul style="list-style-type: none"> • Consistently dirty and unwashed • Consistently inappropriately dressed for weather conditions • Consistently without adequate supervision and at risk of injury or harm • Consistently hungry, tired and listless, falling asleep in class • Unattended health problems and lack of routine medical care • Inadequate shelter and unsafe or unsanitary conditions • Abandonment by parents • Failure to thrive 	<ul style="list-style-type: none"> • Begging or stealing food • Gorging when food is available • Inability to eat when extremely hungry • Alienated from peers; withdrawn, listless, pale, and thin • Aggressive behaviour • Delinquent acts, for example, vandalism, drug and alcohol abuse • Little positive interaction with parent/caregiver • Appearing miserable or irritable • Poor socialising habits • Poor evidence of bonding, little stranger anxiety • Indiscriminate with affection • Poor, irregular or non-attendance at school or kindergarten/childcare • Staying at school long hours • Self-destructive • Dropping out of school • Taking on an adult role of caring for a parent

Grooming

Grooming is a criminal offence that occurs when an adult engages in predatory conduct to prepare a child for sexual abuse 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/carer.

Grooming- behavioural indicators

Behavioural indicators	Online grooming indicators
<ul style="list-style-type: none"> • Giving gifts or special attention to a child or their parent or carer (this can make a child feel special or indebted to an adult) • Controlling a child through threats, manipulation, force or use of authority (this can make a child fearful to report unwanted behaviour) • Making close physical contact such as inappropriate tickling and wrestling 	<ul style="list-style-type: none"> • Being excessively secretive about their use of communications technologies, including social media • Nude images or pornography on the child's computer. Online predators may send pornographic images first to 'normalise' their requests for pictures.

Grooming- behavioural indicators (continued)

Behavioural indicators	Online grooming indicators
<ul style="list-style-type: none"> • Openly or pretending to accidentally expose the victim to nudity, sexual material and sexual acts (this in itself is classified as child sexual abuse but it can also be a precursor to physical sexual assault) • 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 circle • Possessing jewellery, clothing or expensive items given by the 'friend' • Possessing large amounts of money which they cannot account for • Using a new mobile phone (given by the 'friend') excessively to make phone calls, videos or send text messages • Frequently staying out overnight, especially if the relationship is with an older person • Being dishonest about where they've been and whom they have been with • Using drugs; physical evidence includes spoons and silver foil • Assuming a new name; being in possession of a false ID, stolen passport or driver's licence provided by the 'friend' to avoid detection • Being picked up in a car by the 'friend' from home or school, or 'down the street' 	<ul style="list-style-type: none"> • Sexualised search results as the child 'googles' what they have been asked. • Engaging online with people they don't know personally. • The child using sexualised language. • The child spending an increasing and / or an excessive amount of time online. • There are people on your child's 'friends' list that you do not know and who your child has never met offline.

Forced Marriages

A forced marriage is when a person is married without freely and fully consenting because they have been coerced, threatened or deceived, or because they are incapable of understanding the nature and effect of a marriage ceremony, for reasons of age or mental capacity.

Forced marriage includes marriage-like relationships where no registered marriage occurs, such as cultural or religious marriages.

Forced marriage is different from an arranged marriage. Arranged marriage is a lawful practice where other parties organise the marriage and the participants understand and freely consent to the union.

While victims include men and boys, most reported victims are young women and girls.

Indicators include (but are not limited to):

- A sudden announcement that the student is engaged
- The student's older siblings stopped going to school or were married early
- The student's family appear to exert a large degree of control over the student's life when compared to peers. For example, imposing unreasonable curfews
- The student displays signs of depression, self-harm, social isolation or substance abuse
- The student seems scared or nervous about an upcoming holiday overseas
- The student does not come to, or suddenly withdraws from school
- The student's academic performance significantly declines
- There is evidence of family disputes or conflict, family violence, abuse or running away from home

Student Sexual Offending

Student sexual offending refers to sexual behaviour that is led by a student 10 years and over which may amount to a criminal offence. Sexual offences under the Crimes Act include rape, sexual assault, indecent acts and other unwanted sexualized touching.

Additionally, under Victorian law:

- Children between the ages of 12 and 15 can only consent to sexual activity with a peer no more than two years their senior (therefore sexual contact between a student with a child or young person outside of the two-year age parameter may amount to student sexual offending).
- Consent must be freely given. If a student does not have the capacity to understand the sexual nature of an act, they may not be able to consent. Likewise, where a student is affected by alcohol and/or other drugs, they may not be able to consent. Sexual contact in these circumstances may also amount to student sexual offending.

Identifying Substantial Risk

In line with the Failure to Protect offence, people in authority must consider whether there is a substantial risk that a child will be a victim of child abuse. People in authority include- but are not limited to- principals, senior school leaders, business managers, College Board managers and church leaders.

The following considerations must be taken into account when determining whether there is a substantial risk to the child:

- the likelihood or probability that the 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 child
- 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.

People in authority must take all reasonable steps to remove or reduce the risk of sexual abuse posed by an adult associated with the school. If the responsible person fails to take reasonable steps in these circumstances, this may amount to the person committing a criminal offence.

APPENDIX TWO: 4 CRITICAL ACTIONS: RESPONDING TO INCIDENTS, DISCLOSURES AND SUSPICIONS OF CHILD ABUSE

FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

VCC IMPORTANT: Speak to the Chaplain before making a report. In their absence, speak to another Child Safety Champion (YLC)

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.

VCC You can find this template on SharePoint

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

DFFH CHILD PROTECTION
You **must** report to DFFH Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

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.

OTHER CONCERNS

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

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

3 CONTACTING PARENTS/CARERS

Your principal **must** consult with DFFH 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

DFFH 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.dffh.vic.gov.au/child-first-and-family-services>

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
(03) 9825 7200

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**.



FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Student Sexual Offending

PROTECT



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 4 critical actions as soon as you witness an incident, receive a disclosure or form a suspicion that a student is a victim of a student sexual offending and/or a student has engaged in sexual offending
- You **must** act even if you are unsure and have not directly observed student sexual offending (e.g. if a victim, or another person tells you about the offence)
- You **must** use the *Responding to Student Sexual Offending template* to keep clear and comprehensive notes.

VCC

You can find this template on SharePoint

VCC IMPORTANT: Speak to the Chaplain before making a report. In their absence, speak to another Child Safety Champion (YLC)

1 IMMEDIATE RESPONSE TO AN INCIDENT

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

As soon as immediate health and safety concerns are addressed you **must** report incidents, suspicions and disclosures of student sexual offending as soon as possible:

VICTORIA POLICE
All instances on **000**

DFFH CHILD PROTECTION
If you believe that:

- the victim's parent/carers are unable or unwilling to protect the child
- the student who is alleged to have engaged in the student sexual offending is:
 - aged over 10 and under 15 years and may be in need of therapeutic treatment to address these behaviours
 - may be displaying physical and behavioural indicators of being the victim of child abuse*.

INTERNALLY
ALSO report internally to:

- School Principal and/or leadership team** (all instances)
- Government Schools:** DET Security Services Unit
- Catholic Schools:** Diocesan education office

You must identify a contact person at the school for future liaison with Victoria Police and/or Child Protection and seek advice about contacting parents/carers (see **Action 3**).

*See the *Four Critical Steps for Schools: Responding Incidents, Disclosures and Suspicions of Child Abuse* for further guidance in these circumstances.

3 CONTACTING PARENTS/CARERS

Your Principal **must** consult with **Victoria Police** or **DFFH Child Protection** to determine what information can be shared with parents/carers of all impacted students. They may advise:

- not to contact the parents/carers** (e.g. in circumstances where contacting the parents/carers is likely to adversely affect a **Victoria Police** investigation or where the student is a mature minor and has requested that their parent/carer not be notified)
- 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).

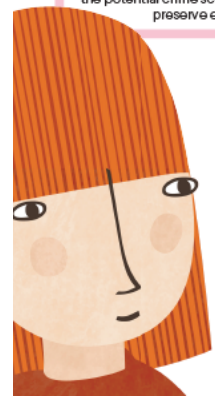
4 PROVIDING ONGOING SUPPORT

Your school **must** provide support for students who are victim to a student sexual offence AND students who have engaged in a sexual offence. This is an essential part of your duty of care requirements.

This support should include the development of a *Student Support Plan* in consultation with wellbeing professionals, outlining support strategies.

Strategies may include the development of a safety plan, direct support and referral to wellbeing professionals.

CONTACT		
DFFH CHILD PROTECTION AREA	CHILD FIRST https://services.dffh.vic.gov.au/child-first-and-family-services	EMPLOYEE CONDUCT BRANCH (03) 9637 2595
North Division 1300 664 977	VICTORIA POLICE 000 or contact your local police station	DIOCESAN OFFICE Melbourne (03) 9267 0228 Ballarat (03) 5337 7135 Sale (03) 5622 6600 Sandhurst (03) 5443 2377
South Division 1300 655 795	DET SECURITY SERVICES UNIT (03) 9589 6266	INDEPENDENT SCHOOLS VICTORIA (03) 9825 7200
East Division 1300 360 391	STUDENT INCIDENT AND RECOVERY UNIT (03) 9651 3622	
West Division (Rural) 1800 075 599		
West Division (Metro) 1300 664 977		
AFTER HOURS After hours, weekends, public holidays 13 1278		



APPENDIX THREE: LEGISLATION

1. **Crimes Act 1958 (Vic.)-** Three new criminal offences have been introduced under the *Crimes Act 1958 (Vic.)*: **failure to disclose offence**, which requires adults to report to police a reasonable belief that a sexual offence has been committed against a child; **failure to protect offence**, which applies to people within organisations who knew of a risk of child sexual abuse by someone in the organisation and had the authority to reduce or remove the risk, but failed to do so; **grooming offence**, which targets communication with a child or their parents with the intent of committing child sexual abuse.
2. **Failure to disclose-** Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child **under 16** must disclose that information to the police. Failure to disclose the information to the police is a criminal offence under section 327 of the *Crimes Act 1958 (Vic)* and applies to **all adults** in Victoria, not just professionals who work with children. The obligation is to disclose that information to the police as soon as it is practicable to do so, except in limited circumstances where there is a 'reasonable excuse' such as a fear for your safety or the safety of another person, or you believe the information has already been reported to the police. See the Child Protection: Failure to Disclose Policy for further information.
3. **Failure to protect-** Any staff member in a position of authority who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer, sports coach or visitor) poses a risk of sexual abuse to a child **under 16 years of age** who is in the care or supervision of the organisation must take all reasonable steps to reduce or remove that risk. Failure to take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation is a criminal offence contained in section 49O of the *Crimes Act 1958 (Vic)*.
4. **Grooming-** The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in section 49M of the *Crimes Act 1958 (Vic)*. The offence applies where an adult communicates, by words or conduct, with a child **under the age of 16 years** or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time. The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as upskirting and indecent behaviour in public. Grooming can be conducted in person or online via interaction through social media, web forums and emails. The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.