

Purpose

Schools have a responsibility in the prevention and reporting of child abuse and neglect. Castlemaine Steiner School and Kindergarten (CSSK) has developed policies and procedures to outline the requirement and process involved in the mandatory reporting of child abuse.

This Policy sets out what constitutes child abuse, who is mandated to make a notification, and the process of making a report to the Department of Human Services (Child Protection).

By definition, child abuse is an act by parents or caregivers which endangers a child or young person's physical or emotional health or development. Child abuse includes physical injury, sexual abuse, emotional abuse and neglect.

Procedure

Reporting child protection concerns

Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to Department of Health and Human Services (DHHS) Child Protection.

All other school staff members who form a belief on reasonable grounds that a child or young person:

- is in need of protection, should report their concerns to DHHS Child Protection or Victoria Police.
- is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to DHHS Child Protection.

If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to DHHS Child Protection or Child FIRST.

In cases where staff have concerns about a child or young person, they should also discuss their concerns with the principal or a member of the school leadership team.

Reporting criminal child sexual abuse - failure to disclose offence

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 police. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

The offence applies to **all adults** in Victoria, not just professionals who work with children. To read more information about the 'failure to disclose' offence, see

<http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>

Duty of care

School staff have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care they should take immediate action.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, school staff can discharge this duty of care by taking action which includes the following:

- reporting their concerns to the DHHS Child Protection or another appropriate agency (as identified above)
- notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.

Protecting children from the risk of sexual abuse - failure to protect offence

Any staff member in a position of authority, who becomes aware that an adult associated with the school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the school, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child-related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

The offence applies only to **adults in a position of authority** within the school, including the Principal or other senior school staff.

Forming a 'reasonable belief'

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation.

A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if:

- a child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been physically or sexually abused
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused
- signs of abuse lead to a belief that the child has been physically or sexually abused.

Types of child abuse and indicators of harm

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing.

Child abuse is defined by the ***Education and Training Act*** as

- (a) any act committed against a child involving—
 - (i) a sexual offence; or
 - (ii) an offence under section 49B(2) of the *Crimes Act 1958* (grooming); and

- (b) the infliction, on a child, of—
 - (i) physical violence; or
 - (ii) serious emotional or psychological harm; and
- (c) serious neglect of a child.

Types of child abuse include:

- physical abuse
- sexual abuse
- emotional and psychological abuse
- neglect
- racial, cultural and religious abuse
- medical neglect
- family violence
- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution).

A report should be made to DHHS Child Protection in circumstances where, for example:

- the child is engaging in risk-taking behaviour
- female genital mutilation has occurred, or there is a risk of it occurring
- there is a risk to an unborn child
- a child or young person is exhibiting sexually-abusive behaviours
- there are indications that a child is being groomed. For information see <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/grooming+offence>

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert teachers to the possibility of child abuse and neglect.

When to Report

The following table sets out when to report a concern that a child or a young person has been abused, or is in need of protection.

Type of Reporting	By Whom	To Whom
<p>Mandatory Reporting - DHHS Child Protection</p> <ul style="list-style-type: none"> Mandatory reporters must make a report as soon as practicable if, in the course of practicing their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child. A mandated reporter must ensure that a report has been made in instances where another mandated reporter has undertaken to make a report Mandated reporters must make a report on each occasion that they form a belief 	<p><i>Mandatory reporters</i></p> <ul style="list-style-type: none"> Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006 (Vic)</i> Principals of government and non-government schools Registered medical practitioners Nurses All members of the police force 	<ul style="list-style-type: none"> DHHS Child Protection
<p>Child in need of protection</p> <p>Any person may make a report if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:</p> <ul style="list-style-type: none"> The child has been abandoned and there is no other suitable person who is willing and able to care for the child. The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child. The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child. The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child. The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child. The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care. 	<ul style="list-style-type: none"> Any person 	<ul style="list-style-type: none"> DHHS Child Protection Victoria Police

Type of Reporting	By Whom	To Whom
<p><i>Child displaying sexually abusive behaviours and in need of therapeutic treatment</i></p> <p>Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours.</p>	<ul style="list-style-type: none"> Any person 	<ul style="list-style-type: none"> DHHS Child Protection
<p><i>Significant concerns about wellbeing of a child</i></p> <p>Any person may make a report if they have significant concerns for the wellbeing of a child.</p>	<ul style="list-style-type: none"> Any person 	<ul style="list-style-type: none"> DHHS Child Protection Child FIRST
<p><i>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</i></p> <p>Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to police. It is a criminal offence not to make a report, except in the following circumstances:</p> <ul style="list-style-type: none"> The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor. The victim turned 16 years of age before 27 October 2014. <p>Reasonable excuses for failing to comply with the requirement include:</p> <ul style="list-style-type: none"> a reasonable belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm 	<ul style="list-style-type: none"> Any person aged 18 or over 	<ul style="list-style-type: none"> Victoria Police
<p>Victoria’s Reportable Conduct Scheme:</p> <p>The scheme:</p> <ul style="list-style-type: none"> requires some organisations to respond to allegations of child abuse (and other child-related misconduct) made against their workers and volunteers, and to notify us of any allegations enables us to independently oversee those responses facilitates information sharing between organisations, their regulators, Victoria Police, the Department of Justice and Regulation’s Working With Children Check Unit and us. <p>Principals have the responsibility to:</p> <ul style="list-style-type: none"> respond to a reportable allegation made against a worker or volunteer from their organisation, by ensuring that allegations are appropriately investigated report allegations which may involve criminal conduct to the police notify us of allegations within three business days after becoming aware of the allegation give us certain detailed information about the allegation within 30 days after becoming aware of the allegation after the investigation has concluded, give us certain information including a copy of the findings of the investigation 	<p>Principal</p>	<p>Police</p> <p>Victoria’s Reportable Conduct Scheme:</p>

<ul style="list-style-type: none"> • ensure that their organisation has systems in place to: <ul style="list-style-type: none"> i. prevent reportable conduct from being committed by a worker or volunteer within the course of their employment ii. enable any person to notify the head of a reportable allegation iii. enable any person to notify us of a reportable allegation involving the head iv. investigate and respond to a reportable allegation against a worker of volunteer from that organisation. <p>Timelines for reporting</p> <ul style="list-style-type: none"> • Within three business days of becoming aware of an allegation, Principals must notify us that a reportable allegation has been made against one of their workers or volunteers. • Within 30 calendar days heads of organisations must provide certain detailed information about the allegations and their proposed response. • It is a criminal offence for a head of an organisation to fail to comply with the three-day and 30-day notification obligations without a reasonable excuse. <p>See Appendix 1 for more information</p>		
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Making a report

This table describes how to make a mandatory report, to report child abuse or child protection concerns.

1 In case of emergency or if a child is in immediate danger contact Triple Zero (000) or the local police station - 5470 4100.

Alternatively, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hours 7 days, toll free)

2 Keep comprehensive notes that are dated and include the following information:

- information that has led to concerns about the child's safety (e.g. physical injuries, student behaviour)
- the source of this information (e.g. observation of behaviour, report from child or another person)
- the actions taken as a result of the concerns (e.g. consultation with principal, report to DHHS Child Protection etc.).

3 Discuss any concerns about the safety and wellbeing of students with the principal or a member of the school management group. The individual staff member should then make their own assessment about whether they should make a report about the child or young person and to whom the report should be made.

If the staff member makes an assessment that the child is at risk they must notify DHSS even if the Principal or other senior staff member does not agree with that assessment

4 Gather the relevant information necessary to make the report. This should include the following information:

- full name, date of birth, and residential address of the child or young person
- the details of the concerns and the reasons for those concerns
- the individual staff member's involvement with the child and young person
- details of any other agencies who may be involved with the child or young person, if known.

5 Make a report to the relevant agency

To report concerns that are life threatening phone 000 or the local police station. To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact Castlemaine Police 5470 4100

To report concerns about the immediate safety of a child within their family unit to DHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hrs 7 days, toll free)

To report concerns to DHHS Child Protection, contact the local office of Child Protection - North Division Intake - 1300 664 977.

6 Make a written record of the report which includes the following information:

- the date and time of the report and a summary of what was reported.
- the name and position of the person who made the report and the person who received the report

7 Notify relevant school staff and/or Department staff of a report to DHHS Child Protection or Child FIRST. The allegations **must** be reported to the:

- principal or member of the school management group
- The School Pastoral Care Worker

In the case of Indigenous students, the principal must arrange appropriate support through the Bendigo office of ChildFirst - 1800 260 338

Potential consequences of making a report

Confidentiality

The identity of a reporter must remain confidential unless:

- the reporter chooses to inform the child, young person or parent of the report.
- the reporter consents in writing to their identity being disclosed.
- a Court or Tribunal decides that it necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child.
- a Court or Tribunal decides that, in the interests of justice, the reporter is required to provide evidence.

Professional Protection

If a report is made in good faith:

- it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter.
- the reporter cannot be held legally liable in respect of the report.

Interviews

DHHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent's knowledge or consent.

Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.

DHHS Child Protection and/or Victoria Police will notify the principal or a member of the Management Group of their intention to interview the child or young person on the school premises.

When officers from DHHS Child Protection or Victoria Police come to the school premises, the principal or a member of the Management Group should request to see identification before permitting them to have access to the child or young person.

When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.

Support for the child or young person

The roles and responsibilities of staff members in supporting children who are involved with DHHS Child Protection may include the following:

- acting as a support person for the child or young person
- attending DHHS Child Protection case planning meetings
- observing and monitoring the child's behaviour
- liaising with professionals.

Requests for Information

DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.

In certain circumstances, DHHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection.

Witness Summons

If DHHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings,

Related policies

- Duty of care
- Prevention of Child Abuse

REPORTABLE CONDUCT SCHEME

WHO IS THE 'HEAD OF AN ORGANISATION'?

The head of an organisation is the person who is primarily responsible for an organisation's compliance with the Reportable Conduct Scheme (the Scheme). Depending on the particular structure or type of organisation, the head of the organisation may be:

- the Chief Executive Officer (CEO)
- the Secretary, if the organisation is a Victorian Government department, or their delegate
- the Principal Officer of the organisation.

Determining who the Principal Officer is of a particular organisation may depend on that organisation's structure, governance arrangements and legal obligations. Some organisations may wish to obtain their own legal advice to assist them to identify their Principal Officer, in order to ensure they fulfil their organisation's obligations under the scheme.

While heads of organisations are responsible for ensuring their organisations comply with the Scheme, the Commission does not expect heads to carry out their responsibilities alone. Heads of organisations can get help from other people within their organisation to fulfil their obligations under the Scheme. This may include creating and developing systems, sending approved notifications to the Commission, and conducting investigations on their behalf. While heads of organisations can seek internal support and assistance from within their organisations, it is ultimately their responsibility to ensure the Commission is notified of any reportable allegations they become aware of.

WHAT DOES THE HEAD OF AN ORGANISATION NEED TO HAVE IN PLACE?

Section 16K of the *Children Wellbeing and Safety Act 2005* requires the head of an organisation to:

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| <ul style="list-style-type: none"> • Take a preventative approach to keeping children safe | <p>This includes acknowledging children are vulnerable to abuse and taking steps to reduce this risk in their organisation.
An organisation's response to meeting their obligations under Child Safe Standards will help the organisation take a preventative approach to child safety.</p> |
| <ul style="list-style-type: none"> • Have systems in place to enable anyone to notify their concern or allegation that conduct in line with reportable conduct may have occurred | <p>This includes having clear and well communicated systems to facilitate and support the reporting of concerns.
Your organisation's work to meet Child Safe Standard 5 – Processes for responding to and reporting suspected child abuse will mean you will have internal reporting processes in place to notify allegations.</p> |
| <ul style="list-style-type: none"> • Have systems in place to allow other people to report to the Commission if the reportable allegation concerns the head of the organisation | <p>As there may be instances in which the actions of concern are alleged to have been taken by the head of your organisation, organisations must have policies and systems that enable other people in your organisation to notify the Commission of alleged reportable conduct.</p> |
| <ul style="list-style-type: none"> • Have investigation processes clearly defined and developed | <p>Once an allegation has been made, organisations must have processes in place to investigate the matter.
In meeting Child Safe Standard 5 – Processes for responding to and reporting suspected child abuse, your organisation should have developed systems and processes to respond to allegations and report the matter internally, to Victoria Police and other relevant authorities as required.</p> |

WHAT THE HEAD OF AN ORGANISATION MUST REPORT TO THE COMMISSION

Section 16M requires the head of an organisation to initially notify the Commission of a reportable allegation within three business days and update the Commission of progress within 30 calendar days. They must also investigate the reportable

allegation and provide the findings of the investigation to the Commission. The Commission will seek the following information at various milestones.

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



It is an offence to fail to notify and update the Commission about reportable allegations.

The Commission will also publish *Investigation Standards* to help guide the approach of organisations. An organisation's regulator or government funder may also have investigation requirements and supports.

The head of the organisation must provide information to the Commission about any of these systems described above, if the Commission requests this in writing.

The Commission may make recommendations to the organisation to improve their practices and processes.

WHERE TO GET HELP

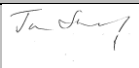
Organisations covered by the Scheme should contact the Commission for clarification and guidance, and to talk through any issues of concern.

- Telephone: 8601 5281
- Email: childsafestandards@ccyp.vic.gov.au

Further information is also available on the Commission for Children and Young People's website at www.ccyp.vic.gov.au

Related legislation

- *Children, Youth and Families Act 2005*
- *Crimes Act 1958*
- *Education and Training Reform Act 2006*
- *Victorian Institute of Teaching Act 2001*

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