

CHILD SAFE RESPONDING AND (MANDATORY) REPORTING POLICY

Purpose

The purpose of this policy is to ensure that all members of our school community understand the various legal and other reporting obligations related to child safety that apply to CSSK.

Scope

All children have a right to feel safe and to be safe. As members of a community, we all have a moral obligation to protect any child under our care and supervision from foreseeable harm. Professionals who work with children play a vital role in protecting children from abuse by responding and reporting any incidents, disclosures or suspicions - they are often best placed to identify signs and behaviours that may indicate that a child has been subject to abuse, or that a school community member or a school staff member may be a perpetrator of abuse.

CSSK understands the important role our school plays in protecting children from abuse including:

- Physical abuse
- Sexual abuse (including sexual exploitation)
- Family violence
- Emotional abuse
- Neglect (including medical neglect)
- Grooming

At CSSK we recognise the diversity of the children and young people at our school and take account of their individual needs and backgrounds when considering child safety. We particularly recognise the child safety needs of Aboriginal students, those from culturally and linguistically diverse backgrounds, international students, students with disabilities, those unable to live at home, children and young people who identify as lesbian, gay, bisexual, trans and gender diverse, intersex and queer (LGBTIQ+) and other students experiencing risk or vulnerability.

This policy applies to all school staff, Board members, volunteers and any other member of our school community. It also applies to all staff and students engaged in any school- and Board-run events, activities, and services.

This Policy should be read in conjunction with:

Child Safety and Wellbeing Policy
Child Safety Code of Conduct
Duty of Care Policy
Volunteers Terms of Agreement
Camps and Excursion Policy

Key legislation:

Crimes Act 1958 (Vic)
Children, Youth & Families Act (CYFA) 2005 (Vic)
Recommendations of the Betrayal of Trust Report.
Education and Training Reform Act 2006 (Vic.)
Victorian Institute of Teaching Act 2001 (Vic.)
Ministerial Order 1359

Policy

It is our policy to aim to ensure:

- That children's rights to be safe are maintained and each child is protected against abuse and neglect.
- Defined roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people
- Empowerment of children so they feel confident to report incidences.
- Staff and community members understand the specific procedures that are applicable at our school related to mandatory reporting
- Staff have the knowledge and skills to identify the indicators of a child or young person who may be in need of protection
- Staff take appropriate steps to make a report on a child or young person who may be in need of protection.
- Individual compliance with reporting obligations under child protection law and criminal law by following DET Policy on Mandatory Reporting.
- The school is compliant with Ministerial Order 1359 related to the Child Safe Standards, particularly *Standard 5- Processes for responding to and reporting suspected child abuse.*
https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_SchoolsGuide.pdf

Note that fulfilling the roles and responsibilities contained in the Child Safe Responding and (Mandatory) Reporting procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

Implementation

- Principals, registered teachers, psychologists, registered medical practitioners, nurses and all members of the police force are mandatory reporters under the Children, Youth and Families Act 2005 (Vic). All mandatory reporters must make a report to the Department of Families, Health and Housing (DFFH) Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:
 - a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/or sexual abuse, and
 - the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

- All mandated staff are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the principal does not share their belief that a report is necessary.
- If a 'reasonable belief' has been formed by a staff member that a mandatory report must be made, the Staff member (with or without the Principal) should contact the Department of Families, Fairness and Housing (DFFS) by telephone or Victoria Police as soon as possible to make an official notification
- The following critical actions should be taken
https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf

"Reasonable belief" is not the same as having proof. 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 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 a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

It is important to note that any person can make a report to DFFH Child Protection (131 278 – 24 hour service) if they believe on reasonable grounds that a child is in need of protection.

Protective measures include:

- 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.
- All mandated school staff must undertake the Mandatory Reporting and Other Obligations eLearning Module annually. We also expect and encourage all other staff to undertake this module, even where they are not mandatory reporters.
- All concerns, including about students who disclose to staff a desire to harm themselves or others, must be reported immediately to the Principal, or delegate in their absence
- All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential with the Principal
- Staff are also encouraged to make a referral to Child FIRST when they have significant concern for a child's wellbeing - while only mandated by law to report incidents of physical and sexual abuse, and neglect; teachers are also encouraged to report incidents of emotional abuse or neglect.

Designated Child Safe Support Staff

The Student Care and Wellbeing Team are CSSK Staff designated with additional responsibilities around supporting child safety and responding to protection issues within the school. They

- act as a source of support, advice and expertise on matters of child safety
- maintain the visibility of child safety
- make school policies known and be used appropriately
- be alert to the specific needs of children in need and those with additional educational needs
- be available for any student in the school who needs a trusted adult to talk with

Legislative responsibilities

CSSK takes its legal responsibilities seriously including:

- **Failure to disclose:** Reporting child sexual abuse is a community wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to Victoria Police.
<https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>
- **Failure to protect:** A person in a position of authority in an organisation will commit this offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to>

Evaluation and Review

To ensure ongoing relevance and continuous improvement, the principal is responsible for reviewing and updating this policy annually. The principal will also ensure the Child Safe Standards Risk Register is maintained and regularly updated.

CHILD SAFETY REPORTING PROCEDURES at CSSK

Our school will follow the Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse (Four Critical Actions) when responding to incidents, disclosures and suspicions of child abuse.

- Note that fulfilling the roles and responsibilities contained in this procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.
- Note that the school has a responsibility to protect any child connected to the alleged child abuse until the allegation is resolved.

The four critical actions are:

ACTION 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 (the Principal) for future liaison with Police.

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

ACTION 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)

The Principal (or the Student Care Leader in the Principal's absence) will be the contact person at the school for future liaison with Victoria Police and/or Child Protection. Seek advice about contacting parents/carers (see **Action 3**)

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

ACTION 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. 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).

ACTION 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.

Nothing in this procedure prevents a Staff member or any other person from the community reporting to the relevant authorities if they form a reasonable belief that a child is at risk of abuse.

There is no requirement for community members to inform the school if they are making a disclosure to DFFH Child Protection or the Victoria Police. However, where a community member is concerned about the safety of a child or children at the school, and where disclosure of that concern will not compromise any potential police investigation, the community member should report this concern to the Principal so that appropriate steps to support the student can be taken

For students

- All students should feel safe to speak to any staff member to raise any concerns about their safety or any other concerns that they have.
- If a student does not know who to approach at CSSK they should start with their Class Teacher as the appropriate first port of call; the [Student Care and Wellbeing Team](#) and the Principal are also available for any student in the school who needs a trusted adult to talk with.

For Staff when managing disclosures made by students

When managing a disclosure you should:

- listen to the student and allow them to speak
- stay calm and use a neutral tone with no urgency and where possible use the child's language and vocabulary (you do not want to frighten the child or interrupt the child)
- be gentle, patient and non-judgmental throughout
- highlight to the student it was important for them to tell you about what has happened
- assure them that they are not to blame for what has occurred
- do not ask leading questions, for example gently ask, "What happened next?" rather than "Why?"
- be patient and allow the child to talk at their own pace and in their own words
- do not pressure the child into telling you more than they want to, they will be asked a lot of questions by other professionals and it is important not to force them to retell what has occurred multiple times
- reassure the child that you believe them and that disclosing the matter was important for them to do
- use verbal facilitators such as, "I see", restate the child's previous statement, and use non-suggestive words of encouragement, designed to keep the child talking in an open-ended way ("what happened next?")
- tell the child in age-appropriate language you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate (for a young child this may be as simple as saying "I will need to talk to people to work out what to do next to help you").

When managing a disclosure you should AVOID:

- displaying expressions of panic or shock
- asking questions that are investigative and potentially invasive (this may make the child feel uncomfortable and may cause the child to withdraw)
- going over the information repeatedly (you are only gathering information to help you form a belief on reasonable grounds that you need to make a report to the relevant authority)
- making any comments that would lead the student to believe that what has happened is their fault
- making promises to the child about what will occur next or that things will be different given the process can be unpredictable and different for each child depending on their circumstances (instead reassure them that you and others will do your best to help).

Document Control

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Version History

Version	Effective Date	Description of changes from previous version	Authors
1.0	April 2022	Update of previous policy	H Bridgwood
1.1	July 2022	Update to meet the requirements of Ministerial Order 1359 (effective 1 July, 2022) – includes diversity statement and reference to Child Safe Standards Risk Register	N Johnson
1.2	20 July 2022	Update to include reference to DFFH and to include information about the 4 critical actions	N Johnson
2.0	20 July 2022	Ratified by the Board	N Johnson
3.0	October 2022	Update to include reference to the Department of Families, Fairness and Housing	N Johnson
3.1	December 2024	Addition of Document control Formatting	H Ashwell