



# CHILD SAFETY RESPONDING AND REPORTING OBLIGATIONS POLICY AND PROCEDURES



[CHILD SAFE STANDARD 7]

**Help for non-English speakers**  
If you need help to understand this policy, please contact the Office

## PURPOSE

The purpose of this policy is to outline the procedures our school has in place to respond to complaints or concerns relating to child abuse and to ensure that all staff and members of our school community understand and follow the various legal obligations that apply to the reporting of child abuse to relevant authorities.

## SCOPE

This policy applies to complaints and concerns relating to child abuse made by or in relation to a child or student, school staff, volunteers, contractors, service providers, visitors or any other person while connected to the school (physical and online).

## DEFINITIONS

### **Child abuse**

Child abuse includes:

- physical violence inflicted on a child
- sexual offences committed against a child
- grooming of a child by an adult
- family violence committed against or in the presence of a child
- serious emotional or psychological harm to a child
- serious neglect of a child.

The definition of child abuse is broad and can include student to student incidents and concerns, as well as behaviour committed by an adult.

### **Grooming**

Grooming is a criminal offence under the *Crimes Act 1958* (Vic) and is a form of child abuse and sexual misconduct. This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in sexual activity at a later time. Grooming can include communicating (including electronic communications) and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer.

## School staff member

For the purpose of this policy a school staff member includes a contractor engaged by the school or school council to perform child-related work.

## POLICY

Swan Hill Primary School understands the important role our school plays in protecting children from abuse. We have a range of policies and measures in place to prevent child abuse from occurring at our school or during school activities.

### Information 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 Swan Hill Primary School they should start with their Classroom Teacher.
- Students can also use their 'Safety Network Hand' or approach their sub School Leader or Wellbeing/Disability Inclusion Leader.
- PROTECT posters are located around the school and in the front Office.

### Identifying child abuse

To ensure we can respond in the best interests of students and children when complaints or concerns relating to child abuse are raised, all staff and relevant volunteers must:

- understand how to identify signs of child abuse and behavioural indicators of perpetrators - for detailed information on identifying child abuse and behavioural indicators of perpetrators refer to [Identify child abuse](#).
- understand their various legal obligations in relation to reporting child abuse to relevant authorities - for detailed information on the various legal obligations refer to Appendix A
- follow the below procedures for responding to complaints or concerns relating to child abuse, which ensure our school acts in the best interests of students and children and complies with both our legal and Department policy obligations.

At Swan Hill Primary School, we recognise the diversity of the children, young people, and families at our school and take account of their individual needs and backgrounds when considering and responding to child safety incidents or concerns.

## COMMUNICATION

This code of conduct will be communicated to our school community in the following ways:

- Available publicly on school website
- Included in staff induction processes
- Included in our staff handbook
- Hard copy available from school Office upon request

## APPROVAL AND REVIEW

The Child Safety Champion is responsible for reviewing and updating the Child Safety Policy at least every two years.

<b>Created date</b>	<b>15-06-2022</b>
<b>Consultation</b>	<b>Staff and school community via school website</b>
<b>Endorsed by</b>	<b>Hayley Doyle, Principal</b>
<b>Endorsed on</b>	<b>21-06-2022</b>
<b>Next review date</b>	<b>21-06-2024</b>

SEE APPEBDIX A AND B BELOW

## APPENDIX A

### LEGAL OBLIGATONS RELATING TO REPORTING CHILD ABUSE

The following information outlines the various legal obligations relating to the reporting of child abuse to relevant authorities.

It is important to note that the procedures outlined in the above policy ensure compliance with the below reporting obligations, and also include additional steps to ensure compliance with Department policy and our school's duty of care obligations.

#### **Mandatory reporting to Department of Families, Fairness and Housing (DFFH) Child Protection**

The following individuals are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic):

- registered teachers and early childhood teachers (including principals and school staff who have been granted permission to teach by the VIT)
- school counsellors including staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare coordinators, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff
- nurses
- registered psychologists
- police officers
- registered medical practitioners
- out of home care workers (excluding voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- people in religious ministry
- midwives

All mandatory reporters must make a report to the Department of Families, Fairness 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 or carers have not protected, or are unlikely to protect, the child from harm of that type.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Swan Hill Primary School to be aware that they 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 or any other mandatory reporter does not share their belief that a report is necessary.

If charged with not making a mandatory report, it may be a defence for the person charged to prove that they honestly and reasonably believed that all of the reasonable grounds for their belief had been the subject of a report to child protection made by another person.

The identity of a person who reports any protective concerns to DFFH Child Protection is protected by law. It is an offence for a person, other than the person who made the report, to disclose the name of the person who made a report or any information that is likely to lead to their identification.

At our school, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually.

The policy of the Department of Education and Training (DET) requires **all staff** who form a reasonable belief that a child is in need of protection to discuss their concerns with the school Leadership Team and to report their concerns to DFFH and in some circumstances to Victoria Police, or to ensure that all the information relevant to the report has been made by another school staff member.

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 even if they are not a mandatory reporter listed above.

### **Reporting student wellbeing concerns to Child FIRST/Orange Door**

At Swan Hill Primary School, we also encourage staff to make a referral to Child FIRST/Orange Door when they have significant concern for a child's wellbeing. For more information about making a referral to Child FIRST/Child FIRST see the Policy and Advisory Library: [Protecting Children – Reporting and Other Legal Obligations](#).

### **Reportable Conduct**

The Reportable Conduct Scheme is focussed on worker and volunteer conduct and how organisations investigate and respond to suspected child abuse. The scheme aims to improve organisational responses to suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children.

There are five types of 'reportable conduct' listed in the *Child Wellbeing and Safety Act 2005*:

- sexual offences against, with or in the presence of, a child
- sexual misconduct (which includes grooming) against, with or in the presence of, a child
- physical violence against, with or in the presence of, a child
- behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

A reportable conduct allegation is made where a person makes an allegation, based on a reasonable belief, that a worker or volunteer has committed reportable conduct or misconduct that **may** involve reportable conduct.

If school staff or volunteers become aware of reportable conduct by any current or former employee, contractor or volunteer, they must notify the school principal immediately. If the allegation relates to the principal, they must notify the Regional Director.

The principal or regional director must notify the Department's Employee Conduct Branch of any reportable conduct allegations involving current or former employees of the school (including Department, allied health, casual and school council employees), contractors and volunteers (including parent volunteers).

- Employee Conduct Branch: 03 7022 0005 or [employee.conduct@education.vic.gov.au](mailto:employee.conduct@education.vic.gov.au)

The Department's Secretary, through the Manager, Employee Conduct Branch, has a legal obligation to inform the Commission for Children and Young People when an allegation of reportable conduct is made.

For more information about reportable conduct see the Department's *Policy and Advisory Library*: [Reportable Conduct](#) and the Commission for Children and Young People's [website](#).

### **Failure to disclose offence**

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 in Victoria.

Failure to disclose information to Victoria Police (by calling 000, local police station or the Police Assistance Line 131 444) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"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.

"Reasonable excuse" is defined by law and includes:

- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
- where the information has already been disclosed to Victoria Police and you have no further information to add (for example, through a mandatory report to DFFH Child Protection or a report to Victoria Police from another member of school staff).

### **Failure to protect offence**

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse

to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (ie persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

### **Further information**

For more information about the offences and reporting obligations outlined in this fact sheet refer to: [Protecting Children — Reporting and Other Legal Obligations](#).

## **APPENDIX B: MANAGING DISCLOSURES OF CHILD ABUSE**

### **Important information for staff**

#### ***When managing a disclosure relating to child abuse 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")
- Take prompt action in relation to following the procedures outlined below.

#### ***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 any promises you will keep the information the student provided confidential
- 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).