

Child Protection – Reporting Policy

1.0 Introduction

St Michael's Grammar School (**the School**) is committed to the safety and wellbeing of all children and young people accessing the School's services. The School supports the rights of the child and young person and will take all reasonable steps to ensure a child-safe environment is maintained at all times. It also supports the rights and wellbeing of all Team Members and encourages their active participation in building and maintaining a secure environment for all students.

Children and young people have the right to be physically and emotionally safe at all times. They are the most vulnerable members of our community and they do not have the **power** to stop abuse – they rely on others to help them. Therefore at the School, it is the responsibility of **all Team Members** to ensure that the students are safe and their needs are met. This responsibility should be shared between Team Members and other members of the School Community.

Child Abuse damages children physically and emotionally. The initial effects and the long-term consequences of Child Abuse impact on the individual, their family and the community at large.

Early identification and effective intervention can lessen the initial and long-term effects of Child Abuse and promote recovery of the children and families concerned.

The moral imperative to act to protect children is backed up by the law.

In 1993, the Victorian Government introduced mandatory reporting of child sexual and physical abuse. The introduction of mandatory reporting has been successful in uncovering serious and hidden abuse and making a strong statement about the criminal nature of child physical and sexual abuse.

The *Crimes Amendment (Protection of Children) Act 2014 (Vic)* was introduced to play an important role in redefining the legal framework for responding to risks of child sexual abuse. The new reporting obligations ensure all members of the School Community aged 18 and over (who may not be Mandatory Reporters) who form a reasonable belief that a Sexual Offence has been committed by an adult against a child under 16, report that information to police. Refer to the **Child Protection – Child Sexual Abuse Crimes Act Policy** for further guidance.

The *Wrongs Amendment (Organisational Child Abuse) Act 2017 (Vic)* places a statutory duty of care on the School to take reasonable steps to minimise the risk of Child Abuse, perpetrated by School representatives. One way in which this duty of care is maintained is through the School encouraging reporting where a reasonable belief of abuse is present.

2.0 Purpose

The purpose of this policy is to define the roles and responsibilities of Team Members in protecting the safety and wellbeing of all children and young people and to enable them to:

- (a) comply with reporting obligations under law;
- (b) identify the indicators of a child or young person who may be in need of protection; and

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- (c) follow the School Protocols to make a report of a child or young person who is in need of protection.

3.0 Definitions

Child	A person who is under the age of 18 years.
Child Abuse	Child abuse is defined in section 3 of the <i>Child Wellbeing and Safety Act (2005)</i> (Vic) as including: (a) any act committed against a child involving: <ul style="list-style-type: none"> • a sexual offence or • an offence under section 49M(1) of the <i>Crimes Act 1958</i> (Vic) (Grooming) (b) the infliction, on a child, of: <ul style="list-style-type: none"> • physical violence or • serious emotional or psychological harm (c) serious neglect of a child.
CIRT	Critical Incident Response Team
CSO	Child Safety Officer
Sexual offence	Means a serious sexual offence as set out in clause 1 of Schedule 1 of the <i>Sentencing Act 1991</i> (Vic) which includes rape, attempted rape, sexual assault, incest, various sexual offences against or involving a child, persistent sexual abuse of a child, grooming, and the production, distribution or possession of child abuse material.
Significant	Means in relation to emotional or physical harm to a child, or neglect, that the harm is more than trivial or insignificant, but need not be as high as serious and need not have a lasting permanent effect.
School Community	Existing and prospective Team Members (teaching and non-teaching), Parents, Students, Board, and other stakeholders.
Team Members	All people employed by the School, contractors and others engaged by the School through various means including work experience placements and volunteers.

4.0 Reporting Classifications and Responsibilities

Responsibilities of all Team Members

The *Crimes Amendment (Protection of Children) Act 2014* requires all adults in Victoria (not just members of professional groups, as outlined below) to report cases to police where they believe, based on reasonable grounds, that a *Sexual Offence* has been committed in Victoria by an adult against a child under age 16.

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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.

In addition to the above legislative requirement, the **St Michael's Child Safety Code of Conduct** requires all Team Members to report *any allegations of Child Abuse or other child safety concerns* to a member of the School's Leadership Team or the CSO. The CSO is currently the Risk and Compliance Manager.

See the Failure to Disclose section below under the **Making a Report** heading for details of who to report to and the **School Protocols** below for the relevant procedure.

Mandatory Reporters

The Victorian *Children, Youth and Families Act 2005 (as amended in 2015)* requires members of professional groups (**Mandatory Reporters**) to report cases where they believe, based on reasonable grounds, that a child is in need of protection.

Who are Mandatory Reporters?

Section 182 (1) of the *Children, Youth and Families Act 2005 (as amended in 2015)* lists a broad range of professional groups and community members that are identified as 'Mandatory reporters'. The following Team Members are prescribed as Mandatory Reporters under section 182 of the Act:

- (a) any person who is registered as a **teacher** under the *Education and Training Reform Act 2006* ;
- (b) any person who has been granted **permission to teach by the VIT** to teach under that Act;
- (c) the Head of the School;
- (d) a nurse;
- (e) a registered psychologist.

It is the responsibility of Team Members and other members of the School Community to check whether they are Mandatory Reporters under the applicable child protection legislation.

Responsibilities of Mandatory Reporters

In addition to all of the responsibilities of Team Members as outlined above, a Mandatory Reporter:

- (a) **must** report to DHHS Child Protection a belief, based on reasonable grounds, that a child or young person is in need of protection from Child Abuse as soon as practicable;
- (b) **must** report each time they become aware of any further reasonable grounds for their belief;
- (c) does not have to be able to prove the abuse has occurred;

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- (d) if part of a group of Mandatory Reporters who have formed a belief about the same child or young person on the same occasion, need not make a report if another person already has. The Mandatory Reporter is obliged to ensure the report has been made and that the grounds for their own belief were included in the report made by the person making the report.

The School requires the Mandatory Reporter to make a report without delay to the School's CSO in the first instance. The Mandatory Reporter, CSO and potentially the School's CIRT may then consult with the Department of Human Services for advice before deciding on a formal report (see **School Protocols** below).

However, the Mandatory Reporter has a personal responsibility to report his/her belief – it is not the responsibility of his/her supervisor, Head of the School or other Team Members. This responsibility cannot be discharged by the Mandatory Reporter. The CSO and the CIRT are support mechanisms for the Mandatory Reporter as part of the School Protocols.

If the CSO or CIRT does not wish to make a report, this does not discharge the Team Member's obligation to do so if they have formed a reasonable belief that abuse may have occurred. If their concerns continue, even after consultation with the CSO or CIRT, that Team Member is still legally obligated to make a mandatory report of their concerns.

5.0 Types of Child Abuse and Indicators of Harm

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

Types of Child Abuse include:

- (a) physical abuse;
- (b) sexual abuse;
- (c) emotional abuse;
- (d) neglect;
- (e) medical neglect;
- (f) family violence;
- (g) human trafficking (including forced marriage); and
- (h) sexual exploitation (including pornography and prostitution).

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

- (a) the child is engaging in risk-taking behaviour;
- (b) female genital mutilation has occurred, or there is a risk of it occurring;
- (c) there is a risk to an unborn child;
- (d) a child or young person is exhibiting sexually harmful behaviours;
- (e) there are indications that a child is being groomed.

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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 Team Members to the possibility of child abuse and neglect.

Note: For full definitions for all types of Child Abuse and a comprehensive list of the indicators of harm see “Protecting the safety and wellbeing of children and young people” per the following link:

<http://www.education.vic.gov.au/school/principals/spag/safety/Documents/protectionofchildren.PDF>

6.0 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) a child or young person states that they have been physically or sexually abused;
- (b) 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);
- (c) someone who knows a child or young person states that the child or young person has been physically or sexually abused;
- (d) the Team Member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child or young person’s safety, stability or development;
- (e) signs of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision, lead to a belief that the child or young person has been physically or sexually abused;
- (f) 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.

7.0 Making a Report

The following table published by the Victorian Department of Education and Training indicates who should be contacted to make a report when there is a concern that a child or a young person has been, is being, or is at risk of being abused. The highlighted sections are types of reporting that are required by law. The School encourages all types of reporting in accordance with the **School Protocols** below.

Reporter	Type of Reporting	Report to
Mandatory Reporters	<u>Mandatory</u> “if, in the course of practising their profession or	• DHHS Child Protection

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	carrying out their duties, they form reasonable belief 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 from that abuse"	
All adults (including but not limited to Team Members)	<u>Failure to disclose</u> "where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16"	<ul style="list-style-type: none"> • DHHS Child Protection • Victoria Police
Adults in a position of authority in the School (including Head of School and Deputy Head of School)	<u>Failure to protect</u> "who becomes aware that an adult associated with their organisation (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 organisation, must take all reasonable steps to remove or reduce that risk"	<ul style="list-style-type: none"> • DHHS Child Protection • Victoria Police
Any person (including but not limited to Team Members)	<u>Child in need of protection</u> "can make a report to DHHS Child Protection if they believe on reasonable grounds that a child is in need of protection" on specific grounds including where significant harm has resulted/is likely to result from physical injury, sexual abuse or emotional or psychological harm in circumstances where their parents are unable or unwilling to protect the child	<ul style="list-style-type: none"> • DHHS Child Protection • Victoria Police
Any person (including but not limited to Team Members)	<u>Child in need of therapeutic treatment</u> "can make a report to DHHS Child Protection if they believe on reasonable grounds that a child is in need of protection"	<ul style="list-style-type: none"> • DHHS Child Protection • Victoria Police
Any person (including but not limited to Team Members)	<u>Significant concerns for the wellbeing of a child</u> "who has a significant concern for the wellbeing of a child should report these concerns". The following factors may contribute to a significant concern (among others) - significant parenting problems, family conflict, pressure due to a family member's illness, substance abuse or disability	<ul style="list-style-type: none"> • DHHS Child Protection • Child First

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Additionally, there are obligations under the new Reportable Conduct Scheme for the Head of School to investigate and report to the Commission for Children and Young People allegations of reportable conduct, or misconduct that may involve reportable conduct, committed by Team Members or those connected to the School. Refer to the School's **Reportable Conduct Scheme Policy**.

7.0 Reporting Procedures – School Protocols

Step 1

In case of emergency or if a child is in immediate danger contact (000) or the local police station.

Otherwise, make observations and keep dated notes of the concerns that exist that have led to the belief that a report may be necessary. Include the following:

- (a) a description of the concerns (e.g. physical injuries, student behaviour);
- (b) the source of those concerns (e.g. observation, report from the child or other person); and
- (c) the actions taken as a result of the concerns (e.g. any previous consultation with CSO, CIRT, report to DHHS Child Protection).

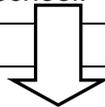
Confidentiality is crucial to a fair and effective reporting procedure. It is unacceptable, and potentially defamatory, for concerns of Child Abuse (and abusers) to be spread throughout the School, rather than being directed through a formal complaints procedure as set out in these School Protocols. It is important to follow the set reporting guidelines when concerns arise. Confidentiality protects the child, the reporter, the respondent, and the School, and ensures a fair and proper process.



Step 2

Discuss concerns with a CSO. The CSO will manage the reports in a caring confidential manner and give support to the reporting Team Member(s).

Where the concerns relate to the CSO, the discussion should instead be referred to the Head of School or Deputy Head of School.



Step 3

Gather the relevant information necessary to make the **Incident Report Form – Child Abuse**. This should include the following information:

- (a) full name, date of birth and address of the child or young person;
- (b) the details of the concerns and the reasons for those concerns;
- (c) the individual Team Member's involvement with the child and young person; and
- (d) details of any other agencies who may be involved with the child or young person.

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Step 4

After these internal discussions, the CSO can seek advice from the relevant child protection agency to determine if a report is justified. They will then nominate a person to report to the relevant child protection agency. This process will be well documented in School records to protect the individual teachers not making the report.

If the CSO or CIRT does not wish to make a report, this does not discharge the Team Member's obligation to do so if they have formed a reasonable belief that abuse may have occurred (obligations differ depending on a person's position within the School, as specified in **Making a Report** above). If their concerns continue, even after consultation with the CSO or CIRT, they are still legally obligated to make a mandatory report of their concerns.

Step 5

Make a report to the relevant agency as soon as practicable:

- (a) to report concerns that are **life threatening** phone **000** or the St Kilda Police Station on **(03) 9536 2666**. The nearest Victoria Police Sexual Offences and Child Abuse Investigation Team can be contacted on (03) 9556 6124;
- (b) 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 hrs 7 days, toll free); or
- (c) to report **concerns that are not the above** call DHHS Child Protection on 1300 655 795 or Child FIRST on 1300 367 441.

Refer to the Department of Education & Early Childhood Development's Step-by-Step guide that follows for further assistance:

<https://providers.dhhs.vic.gov.au/sites/dhhsproviders/files/2017-06/stpe-by-step-guide-making-report-child-protection-child-first.pdf>

Step 6

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

- (a) the date and time of the report;
- (b) a summary of what was reported;
- (c) the name and position of the person who made the report; and
- (d) the name and position of the person who received the report.

Step 7

It should then be decided who else, if anyone, should be informed. The need for confidentiality should be remembered at all times in the interests of the child and family.

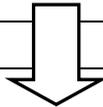
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Only where the welfare of the child will be affected should the matter be discussed with anyone else.

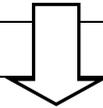
The Head of School (or their delegate) **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. These authorities may advise:

- (a) **not to contact** the parents/carers (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 parents/carers to be contacted); **or**
- (b) **to contact** the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day as the incident, disclosure or suspicion).



Step 8

If, following a report, a family approaches the School, it is recommended that any interview be conducted with a minimum of two Team Members present (e.g. the Head of the School and one other, not necessarily including the reporting Team Member(s)). The focus of such a meeting should be the welfare of the child, not on justifying the actions of the Team Members involved.



Step 9

Support for the reporting Team Member and the student that is the cause for concern, and anyone else affected, should be arranged. The School should be aware that a wide range of people may be affected. Support should continue to be provided if necessary, as the role of the reporting Team Member with the student and Child Protection Services may be ongoing.

8.0 Preventing Reportable Conduct from Occurring

The School has various policies and practices that take a preventative approach to keeping children safe, and for the early identification and response to risks of Child Abuse.

Such policies and practices include:

- Child Protection – Child Safe Policy
- Child Protection – Reporting Policy
- Child Safety Code of Conduct
- Disclosure Policy
- Reportable Conduct Scheme Policy.

9.0 Related procedures

- Anti-Bullying Student Policy

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- Child Protection – Child Sexual Abuse Crimes Act Policy
- Child Protection – Past Abuse Response Policy
- Child Protection – Risk Management Strategy
- Incident Report Form – Child Abuse
- Our way of Doing, Being and Becoming
- Statement of Philosophy
- Triage Process
- VIT Registration Policy (Staff)
- Working with Children Check Policy (Staff).

These policies and procedures may be updated from time to time.

10.0 References

- *Children Legislation Amendment (Reportable Conduct) Act 2017*
- *Children, Youth and Families Act 2005 (as amended in 2015) (Vic)*
- *Child Wellbeing and Safety Act 2005 (Vic)*
- *Commission for Children and Young People Act 2012*
- *Crimes Act 1958 (Vic)*
- *Education and Training Reform Act 2006*
- *Sentencing Act 1991 (Vic)*
- *The Crimes Amendment (Protection of Children) Act 2014 (Vic)*
- *Four Critical Actions for Schools, Victorian Department of Education and Training*
- *Wrongs Amendment (Organisational Child Abuse) Act 2017 (Vic)*

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