



Antonio Park  
Primary School

## **CHILD SAFETY**

# **RESPONDING & REPORTING OBLIGATIONS POLICY**

### **(Mandatory Reporting)**

### **(including School Specific Content & Procedures)**

#### **PURPOSE**

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

#### **SCOPE**

This policy applies to all school staff, volunteers and school community members. It also applies to all staff and students engaged in any school and School Council-run events, activities and services [such as Outside School Hours Care].

#### **POLICY**

All children and young people have the right to protection in their best interests.

The school 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

The staff are required by law to comply with various child safety reporting obligations. For detailed information about each obligation, please refer to [Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

At this school we also 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.

#### **Mandatory Reporting**

Principals, registered teachers, registered medical practitioners, nurses and all members of the police force are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic).

[NOTE: as a result of changes to mandatory reporter groups, registered psychologists will be mandatory reporters from 1 March 2019, and then from 21 January 2020, school counsellors will also be mandatory reporters.]

All mandatory reporters must make a report to the Department of Health and Human Services (DHHS) 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.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at the 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 does not share their belief that a report is necessary. At our school, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually.

### **Child in need of protection**

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

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 report their concerns to DHHS or Victoria Police, and discuss their concerns with the school leadership team.

For more information about making a report to DHHS Child Protection, see the Department's *School Policy and Advisory Guide: [Child Protection – Making a Report and Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse.](#)*

We also encourage all staff to make a referral to Child FIRST when they have significant concern for a child's wellbeing. For more information about making a referral to Child FIRST see the School Policy and Advisory Guide: *Child Protection – Reporting Obligations.*

### **Reportable conduct**

Our school must notify the Department's Employee Conduct Branch (9637 2594) if we become aware of an allegation of 'reportable conduct'.

There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been:

- a sexual offence (even prior to criminal proceedings commencing), sexual misconduct or physical violence committed against, with or in the presence of a child;
- behaviour causing significant emotional or physical harm to a child;
- significant neglect of a child; or
- misconduct involving any of the above.

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

The Principal must notify the Department's Employee Conduct Branch of any reportable conduct allegations involving current or former teachers, contractors, volunteers (including parents), allied health staff and school council employees.

If school staff become aware of reportable conduct by any person in the above positions, they should notify the school Principal immediately. If the allegation relates to the Principal, they should notify the Regional Director.

For more information about Reportable Conduct see the Department's *School Policy and Advisory Guide: [Reportable Conduct Scheme.](#)*

### **Failure to disclose offence**

Reporting child sexual abuse is a community-wide responsibility. All adults (i.e. 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 by another person aged 18 years or over.

Failure to disclose information to Victoria Police (by calling 000 or local police station) 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, for example, through a mandatory report to DHHS Child Protection.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: [Failure to disclose offence](#).

### **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.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: [Failure to protect offence](#).

### **Grooming**

Grooming is a criminal offence under the *Crimes Act 1958* (Vic). 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 and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer.

For more information about this offence and reporting obligations see: [Child Exploitation and Grooming](#)

## **FURTHER INFORMATION AND RESOURCES**

The school will refer to the following resources:

Department Resources

[PROTECT](#)

[Protecting the safety and wellbeing of children and young people](#)

[Protecting Children - Mandatory Reporting and Other Obligations](#) - elearning module log-in

Other Resources

Daniel Morcombe Child Safety Curriculum:

Government schools, see: FUSE (Edumail password is required before searching [Daniel](#))

*Morcombe Child Safety Curriculum)*

Parents, see: [Daniel Morcombe Child Safety Curriculum Parent Guides - Queensland Department of Education, Training and Employment.](#)

Department of Health and Human Services:

[Child Protection](#)

[Child FIRST](#)

[Victoria Police Sexual Offences and Child Abuse Investigation Teams \(SOCIT\)](#)

Department of Justice and Regulation:

[Failure to disclose offence](#)

[Failure to protect offence](#)

[Grooming offence](#)

Please refer also to the school's *Duty of Care Policy, Police & DHHS Interviews Policy, Risk Management Policy, Responding to Student Sexual Offences Policy, Access to Reports & Other Information about Students Policy, Information and Privacy Policy, Working with Children (Suitability) Checks* and the Child Safe Policies.

## **REVIEW PERIOD**

This policy, first developed in this format in May 2019, will be reviewed as part of the school's three-yearly review cycle or if guidelines change (latest DET updates late January, early February & late February 2019).

This update was ratified by School Council in August 2019

Reference:

[www.education.vic.gov.au/principals/spag/safety/Pages/childprotection.aspx](http://www.education.vic.gov.au/principals/spag/safety/Pages/childprotection.aspx)  
[www.education.vic.gov.au/principals/spag/safety/Pages/childprotectionreporting.aspx](http://www.education.vic.gov.au/principals/spag/safety/Pages/childprotectionreporting.aspx)

## School Specific Procedures

### **IF A CHILD DISCLOSES AN INCIDENT OF ABUSE TO YOU**

- Try and separate them from the other children discreetly and listen to them carefully.
- Let the child use their own words to explain what has occurred.
- Reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
- Explain to them that this information may need to be shared with others, such as with their parent/carer, specific people in your organisation, or the police.
- Do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
- Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
- Provide them with an incident report form to complete, or complete it together, if you think the child is able to do this.
- As soon as possible after the disclosure, record the information using the child's words and report the disclosure to your Principal or nominee, police or child protection.
- Ensure the disclosure is recorded accurately, and that the record is stored securely.
- If the child agrees, have a second person as a witness present for the report.

### **IF A PARENT/CARER SAYS THEIR CHILD HAS BEEN ABUSED OR RAISES A CONCERN**

- Explain that your organisation has processes to ensure all abuse allegations are taken very seriously.
- Ask about the wellbeing of the child.
- Allow the parent/carer to talk through the incident in their own words.
- Advise the parent/carer that you will take notes during the discussion to capture all details.
- Explain to them the information may need to be repeated to authorities or others, such as the organisation's management or Child Safety Officer, the police or child protection.
- Do not make promises at this early stage, except that you will do your best to keep the child safe.
- Provide them with an incident report form to complete, or complete it together.
- Ask them what action they would like to take and advise them of what the immediate next steps will be.
- Ensure the report is recorded accurately, and that the record is stored securely.
- You need to be aware that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. You need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member).
- If an allegation of abuse involves an Aboriginal child, you will need to ensure a culturally appropriate response. A way to help ensure this could include engaging with parents of Aboriginal children, local Aboriginal communities or an Aboriginal community controlled organisations to review policies and procedures.
- Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters. Advice on [communicating with people with a disability](http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities) can be found on the Department of Health and Human Services website [www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities](http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities)

If you believe a child is at immediate risk of abuse phone 000.

### Making a Report

- Any person may make a report if:
  - They have serious concerns about the wellbeing of a child
  - They believe on reasonable grounds that a sexual offence has occurred on a child under 16.
  - They believe on reasonable grounds that a child who is 10 years of age or over, but under 14 years of age, is in need of therapeutic treatment because he or she has exhibited sexually **abusive** behaviours.
- A child may exhibit sexually abusive behaviours by using their power, authority or status to engage another party in sexual activity that is unwanted or where, due to the nature of the situation, the other party is not capable of giving informed consent
- Children under the age of 10 years cannot commit an offence (section 344 of the CYFA). For children over 10 years but less than 14 years, the prosecution must prove that the child was aware of the serious wrongfulness of their action before they can be found guilty of a criminal offence.
- Staff are expected to follow the Department policy for making a report set out at: <http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>
- School staff should keep comprehensive notes that are dated and include the following:
  - Description of the concerns (e.g. physical injuries, student behaviour).
  - Source of those concerns (e.g. observation, report from child or another person).
  - Actions taken as a result of the concerns (e.g. consultation with the Principal, report to DHHS Child Protection etc).
- School staff should also gather relevant information necessary to make the report including:
  - Full name, date of birth, and residential address of the child or young person.
  - Details of the concerns and the reasons for those concerns.
  - The individual staff member's involvement with the child or young person.
  - Details of any other agencies who may be involved with the child or young person.
- School staff should make a written record of the report which includes the following information:
  - The name and position of the person who made the report.
  - The name and position of the person who received the report.
- School staff should advise the Principal or Assistant Principal if they have made a report.
- In the case of an international student the Principal must notify the International Education Division of Department of Education and Training (03 9637 2990) to ensure that appropriate support is arranged for the student.
- In the case of Koorie students, the Principal must notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student.
- Notify the Victoria Police if there is concern that a criminal offence may have been committed.

#### **NOTE:**

The role of investigating an allegation of child abuse rests solely with Child Protection and/or Victoria Police.

### Confidentiality

Staff must respect confidentiality when dealing with a case of suspected child abuse and neglect and may discuss case details and the identity of the child or young person only with those involved in managing the situation.