



CHILD SAFE STANDARD 5:

RESPONDING TO AND REPORTING SUSPECTED CHILD ABUSE

PURPOSE

Protection for children and young people is based upon the belief that the inherent dignity of all should be recognised and fostered. Broadmeadows Valley Primary School (BVPS) is entrusted with the holistic education of the child in partnership with parents, guardians and caregivers, who are the primary educators of their children. BVPS staff have a duty of care to students by taking available steps to avoid acts or omissions which they can reasonably foresee would be likely to result in harm or injury to the student.

All school staff, as defined by Ministerial Order 870, within Victoria must understand and abide by the professional, moral and legal obligations to implement child protection and child safety policies, protocols and practices. Schools must comply with the legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005 (Vic.)*, the *Crimes Act 1958 (Vic.)* and the recommendations of the *Betrayal of Trust Report*. School staff must follow the **Four Critical Actions** where there is an incident, disclosure or suspicion of child abuse.

Broadmeadows Valley Primary School is committed to ensuring the safety and wellbeing of children is maintained by putting the needs of children and young people first and to ensure they are protected against significant harm from physical, sexual, emotional abuse and neglect. The purpose of the BVPS Child Safe Standard 5: Responding to and Reporting Suspected Child Abuse Policy, is to ensure all staff and individuals engaging in child related work are aware of their responsibilities. Through this policy we aim to ensure that all personnel are provided with appropriate guidance and resources to fulfil these responsibilities as outlined in the DET "Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools" 2016.

SCOPE

This policy applies to all staff, volunteers, and contractors in the school environment, whether or not they work in direct contact with children or young people. This policy also applies to school council members where indicated. This policy will apply to the school environment (refer to Definitions section) and covers both school and outside of school hours.

DEFINITIONS

The Act: Child Safety and Well Being Act 2005

Child or young person: A person who is under the age of 18 years.

Aboriginal Child: A person under the age of 18 who: is of Aboriginal or Torres Strait Islander descent, identifies as Aboriginal or Torres Strait Islander, and is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander Community

Children from culturally and/or linguistically diverse backgrounds: A child or young person who identifies as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents' identification on a similar basis

Child Safe Organisation: In the context of the child safe standards, a child safe organisation is one that meets the child safe standards by proactively taking measures to protect children from abuse

Cultural Competency: A set of congruent behaviours, attitudes and policies that come together in a system, agency or among professionals that enable them to work effectively in cross-cultural situations

Cultural Abuse: Actions and attitudes that deliberately ignore denigrate or attack the culture of a person or community. The positive recognition and celebration of cultures. It is more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity. A culturally safe environment does not ignore, challenge or deny cultural identity

Cultural Safety for Aboriginal Children: Cultural safety upholds the rights of Aboriginal children to:

- Identify as Aboriginal without fear of retribution or questioning
- Have an education that strengthens their culture and identity maintain connections to their land and country maintain their strong kinship ties and social obligations be taught their cultural heritage by their Elders
- Receive information in a culturally sensitive, relevant and accessible manner. Be involved in services that are culturally respectful

Cultural safety for children from culturally and/or linguistically diverse backgrounds: An environment, which is spiritually, socially and emotionally safe, as well as physically safe for children; where there is no assault, challenge or denial of their cultural or linguistic identity, of who they are and what they need. Efforts need to be made to ensure the culturally and/or linguistically diverse children and their families receive information in a culturally sensitive, relevant and accessible manner, including in relevant community languages

Children with a Disability: A disability can be any physical, sensory, neurological disability, acquired brain injury, intellectual disability, or developmental delay that affects a child's ability to undertake everyday activities. A disability can occur at any time in life. Children can be born with a disability or acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden

Organisation: The *Child Safety and Wellbeing Act 2005* (the Act) will provide that the standards apply to 'applicable entities', which are defined in the Act as: an unincorporated body or association (however structured) an individual who carries on a business and engages contractors, employees or volunteers to assist in the business in providing services or facilities

Child Abuse: For the purposes of these standards, abuse constitutes any act committed against a child involving: physical violence, sexual offences, grooming, serious emotional or psychological abuse or serious neglect. For further information regarding child abuse refer: Ministerial Order 870-Managing the Risk of Child Abuse in Schools 2016

Child physical abuse: Generally, child physical abuse refers to the non-accidental use of physical force against a child that results in harm to the child. Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. The fabrication or induction of an illness by a parent or carer (previously known as Munchausen syndrome by proxy) is also considered physically abusive behaviour. (Safe Schools Hub)

Child sexual abuse: Any sexual activity between a child under the age of consent (16) and an adult or older person (i.e., a person five or more years older than the victim) is child sexual abuse. The abuse can include:

- any sexual behaviour between a child and an adult in a position of power or authority over them (e.g., a teacher); the age of consent laws does not apply in such instances due to the strong imbalance of power that exists between young people and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated
- any sexual behaviour between a child and an adult family member, regardless of issues of consent, equality or coercion
- sexual activity between peers that is non-consensual or involves the use of power or coercion
- non-consensual sexual activity between minors (e.g., a 14-year-old and an 11-year-old), or any sexual behaviour between a child and another child or adolescent who, due to their age or stage of development, is in a position of power, trust or responsibility over the victim. Sexual activity between adolescents at a similar developmental level is not considered abuse. (Safe Schools Hub)

Child-connected work: Child-connected work means work authorised by the school, school council, or Secretary of the Department of Education and Training and performed by an adult in a school environment while children are present or reasonably expected to be present

Child safety: Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse

Child protection: Statutory services designed to protect children who are at risk of serious harm.

Mandatory Reporting: The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons include teachers, nurses, police, psychologists, psychiatrists and medical practitioners. (Safe Schools Hub)

Reasonable Belief: When staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as 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.

School environment: School environment means any physical or virtual place made available or authorised by the school for use by a child during or outside school hours, including:

- a campus of the school
- online school environments (including email and intranet systems); and
- other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, homestays, and other school activities or events)

School staff: School staff means an individual working in a school environment who is:

- employed by the Department of Education and Training
- directly engaged or employed by a school council, or, a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary)

POLICY

This policy is designed to assist staff to:

- Identify the at-risk indicators of a child or young person who may be in need of protection
- Understand how a 'reasonable belief' is formed
- Make a report of a child or young person who may be in need of protection
- Comply with mandatory reporting obligations under child protection law and their legal obligations relating to child abuse and grooming under criminal law
- Understand that Child Protection reporting obligations fall under separate pieces of legislation with differing reporting requirements
- Understand their legal and moral responsibility to respond to incidences involving abuse of the children and young people with whom they have contact, and to use their professional judgement of available information to ensure the reporting is appropriate to the situation.

POLICY IMPLEMENTATION GUIDELINES

Teachers and principals (including student teachers) are among a broad range of professional groups identified in the *Children Youth and Families Act 2005* (CYFA) as mandatory reporters. BVPS mandated staff members must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person is in need of protection from significant harm as a result of physical injury or sexual abuse, and his/her parents are unable or unwilling to protect the child.

BVPS procedures acknowledge the potential barriers that some people may experience in reporting abuse including those from culturally and/or linguistically diverse backgrounds, Aboriginal and Torres Strait Islanders and children with disabilities. All children and young people have the right to feel safe and to be safe. All professionals working with children and young people and/or their families share the responsibility of protecting them.

The Principal of Broadmeadows Valley Primary School is the child safety officer. The Principal is available to provide knowledge of child safety issues, and to be a point of contact for any staff who have questions or concerns or to support staff who want to report an allegation of child abuse. All concerns about the safety and wellbeing of a student must be reported immediately to the Child Safety Officer/Principal or the Assistant Principal or delegate.

What is Child Abuse?

Child abuse can include physical abuse, sexual abuse, grooming, emotional or psychological harm, neglect or family violence. Child abuse does not have to involve physical contact or force. Child abuse examples can include: -

- Talking to a child in a sexually explicit way
- Grooming a child for future sexual activity
- Forcing a child to watch pornography
- Being witness to family violence
- Failing to provide a child with an adequate standard of nutrition, supervision or medical care to the extent that their development is placed at serious risk or impairment

Who is Mandated to Report?

Under the Children, Youth and Families Act (CYFA) 2005 (Vic.), mandatory reporters must make a report to child protection, if, in the course of practicing their profession or carrying out duties of their office, position or employment. The following are mandatory reporters in Victoria:

- Registered teachers and early childhood teachers (and workers)
- School Principals
- School Counsellors
- Registered medical practitioners
- Nurses
- Midwives
- Police officers
- Out of home care workers (excluding voluntary foster and kinship carers)
- Youth justice workers
- Registered psychologists
- People in religious ministry

Forming a Belief on Reasonable Grounds

In the context of this policy a “*belief*” is a belief on reasonable grounds if a reasonable person, doing the same work, would have formed the same belief on those grounds. Grounds for forming a belief are matters of which you have become aware and any opinions in relation to those matters. A person may form a belief on reasonable grounds that a child or young person is in need of protection after becoming aware that a child or young person’s health, safety or wellbeing is at risk and the child or young person’s parents are unwilling or unable to protect the child. (Ref: providers.dhhs.vic.gov.au)

There may be reasonable grounds for forming such a belief if:

- A child discloses that they have been physically or sexually abused
- A child discloses that they know someone who has been physically or sexually abused (sometimes he/she may be talking about themselves)
- Someone who knows the child or young person discloses that the child or young person has been physically or sexually abused
- A child shows signs of being physically or sexually abused
- The staff 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
- The staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- 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.

Reporting a Belief

BVPS staff members, whether or not mandated, need to report their belief when the belief is formed in the course of undertaking their professional duties. Staff must take action as soon as an incident is witnessed or has received a disclosure, or suspects that a child has been or is at risk of being abused. Action must be taken as soon as a reasonable belief has been formed, even if the BVSP staff member is unsure or has not directly observed the abuse. Failure to act can be a criminal offence.

A report must be made as soon as practicable after forming the belief that a child or young person is at risk of harm and in need of protection, and his/her parents are unable or unwilling to protect the child. Additional reports must be made whenever they become aware of any further reasonable grounds for the belief. There may be times when two or more mandated staff members, for example a teacher and the principal, have formed a belief about the same child or young person on the same occasion. In this situation, it is sufficient for only one of the mandated staff members to make a report. The other staff member is obliged to ensure that the report has been made and that all of the grounds for their own belief

were included in the report made by the other staff member. If one staff member has a different view from another staff member (e.g., a teacher and the Principal or delegate) about making a report and the staff member continues to hold the belief that a child is in need of protection, that person is obliged to make a report to Child Protection. If the principal does not wish to make a mandatory report, this does not discharge the teacher's obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the teacher's concerns continue, even after consultation with the principal or member of the leadership team, that teacher is still legally obliged to make a mandatory report of their concerns. If one mandated reporter directs another mandated reporter not to make a report, and the one professional continues to hold the belief that a child is in need of protection, then that professional is legally obliged to make a report to Child Protection.

The mandatory reporter may continue to suspect that a child is at risk and in need of protection. Any further observations should continue to be recorded and a report made on each separate occasion where a belief has been formed, on reasonable grounds, that a child is likely to be at risk and in need of protection. If there is any suspicion that this relates to a sexual offence involving an adult and a child **under 16** then it must be reported to the police.

Making a report to Child Protection

Two types of reports can be made in relation to significant concerns for the safety or wellbeing of a child e.g., a report to Child Protection or a referral to Child FIRST. The decision regarding the most appropriate option should be taken in discussion with the BVPS Principal or Assistant Principal or the Student Wellbeing leader.

A report to Child Protection should be considered if, after taking into account all available information, the staff member forms a view that the child is in need of protection because:

- The harm or risk of harm has a serious impact on the child's immediate safety, stability or development
- The harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability or development
- The child's parents cannot or will not protect the child or young person from harm.

If a BVPS staff member forms the belief on reasonable grounds that a child is in need of protection, the staff member must make a report to Child Protection regarding this belief and the reasonable grounds for it as soon as practicable.

Staff may form a professional judgement or belief, in the course of undertaking their professional duties based on:

- Warning signs or indicators of harm that have been observed or inferred from information about the child
- Legal requirements, such as mandatory reporting
- Knowledge of child and adolescent development
- Consultation with colleagues and other professionals
- Professional obligations and duty-of-care responsibilities
- Established protocols
- Internal policies and procedures in the school

Upon receipt of a report, Child Protection may seek further information, usually from professionals who may also be involved with the child/young person or family, to determine whether further action is required. In most circumstances, Child Protection will inform the reporter of the outcome of the report. When the report is classified by Child Protection as a Wellbeing Report, Child Protection will, in turn, make

a referral to Child FIRST.

A direct referral to Child FIRST can be requested by school staff where a belief is formed that the risk to the child is acknowledged by the family and that there is willingness on the part of the family to accept support and assistance. The decision to refer to Child First rather than Child Protection should always be made in consultation with the BVPS Principal.

The Role of School Staff

The role of **investigating** an allegation of child abuse rests solely with Child Protection and/or Victoria Police. The roles and responsibilities of BVPS staff in supporting children and young people who are involved with Child Protection may include acting as a support person for students, attending Child Protection case plan meetings, observing and monitoring students' behaviour and liaising with professionals.

Protecting the Identity of the Reporter

Confidentiality is provided for reporters under the Children, Youth and Families Act (CYFA). The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances. The identity of a reporter must remain confidential unless:

The reporter chooses to inform the child, young person or family of the report

- The reporter consents in writing to their identity being disclosed
- A court or tribunal decides that it is 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 attend court to provide evidence.

Information provided during a protective investigation may be used in a court report if the risks to the child or young person require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

If Child Protection decides that the report is about a significant concern for the wellbeing of a child or young person, they may refer the report to a community-based child and family service and disclose the identity of the reporter to that service. However, the CYFA provides that neither Child Protection nor the community-based child and family service may disclose the reporter's identity to any other person without the reporter's consent.

Professional Protection for Reporters

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

This means that a person who makes a report in accordance with the legislation will not be held liable for the eventual outcome of any investigation of the report.

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 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).

A "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
- Where signs of sexual abuse led to a belief that the child has been sexually abused.
- 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.

These steps may include removing the adult (i.e., 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*. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age. For more information about managing and responding to the risk of abuse refer to **section 49B (2) of the Crimes Act 1958 (Vic.)**.

Confidentiality

BVPS Staff must respect confidentiality when dealing with suspected child abuse or neglect and may discuss case details and the identity of the child or the young person and their family only with those

involved in managing the situation. Students have the right to privacy of their health information and to make their own decisions in regard to privacy where they are competent to do so. Competency generally refers to secondary school students who are not considered immature nor have a disability. When a child or young person has moved to another school, professional judgement should be exercised as to what information needs to be passed on. This will be guided by usual procedures for passing on information about a child's general wellbeing or special needs, and the role of the school in any ongoing care plans.

Advising Parents, Carers or Guardians

BVPS Staff do not require the permission of parents, carers or guardians to make a report to Child Protection, nor are they required to tell parents, carers or guardians that they have done so. It is the responsibility of Child Protection to advise the parents, carers or guardians of the interview at the earliest possible opportunity. This should occur before or by the time the child arrives home.

Ensuring that a Child Protection Interview Takes Place

The school does not have the power to prevent parents, carers or guardians from removing their children or young people from the school and should not attempt to prevent the parents, carers or guardians from collecting the child. If a parent/carer or guardian removes a child before a planned interview has taken place, the principal and/or their nominee should contact Child Protection or Victoria Police immediately.

Child Protection may conduct interviews with children and young people at school without parental knowledge or consent. However, a child will be interviewed at a Victorian school only in exceptional circumstances and if it is in the child's best interests to proceed in this manner. Child Protection will notify the school/Principal Class Officer of any intention to interview a child or young person. This may occur regardless of whether the school is the source of the report to Child Protection.

When Child Protection practitioners arrive at the school, the principal or their nominee should ask to see their identification before allowing Child Protection to have access to the child or young person.

Support Persons

Children and young people should be advised of their right to have a supportive adult present during interviews. If a child is too young to understand the significance of the interview, the Child Safe Officer and or Principal Class officer should make arrangements for a supportive adult to attend with the child.

A staff member may be identified as a support person for the child or young person during the interview. Prior to the commencement of the interview, the Child Protection practitioner should always authorise the staff member to receive information regarding Child Protection's investigation. This may occur verbally or in writing using the relevant Child Protection proforma.

A support person or independent person must refrain from providing their opinions or accounts of events during interviews. A principal or their nominee may act as an independent person when the child or young person is to be interviewed, unless they believe that doing so will create a conflict of interest.

Staff Training

Staff will be informed of Mandatory Reporting requirements as part of their initial induction to the school and will be provided with supporting documentation, policies and other relevant school documentation. Updates will take place annually, (DET Module Training) or as required, as part of the Performance and Development/Staff Development process. It is with all school staff's professional responsibilities to ensure they are up to date with professional learning in this area.

Mandatory Reporting Procedures

If a child discloses an incident of abuse to you:

- Assess the immediate risk of harm and if needed secure the interim safety of the child, this may require a call to 000 depending on the circumstances.
- Try and separate the child from other children or people 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, such as with their parent/carer, specific people in the school, or the police.
- Do not make promises to the child or young person, such as keeping the incident secret, except that you will do your best to keep them safe.
- Do not leave the child or young person 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 depending on the most appropriate course of action.
- As soon as possible after the disclosure, use the DET (PROTECT) Mandatory Reporting template to record the information using the child or young person's words and report the disclosure to the BVPS Principal/ Assistant Principal, police and/or child protection. The DET PROTECT template contains 4 important actions to be taken when making a report.
- Ensure the disclosure is recorded accurately, and that the record is provided to the Principal who is responsible for securely storing any records.

If a parent/carer discloses their child has been abused on school premises or raises a concern:

- Explain that BVPS has processes to ensure all abuse allegations are taken very seriously.
- Ask about the safety and 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 BVPS Principal/Assistant Principal, 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.
- Inform the Principal/Assistant Principal and initiate a Student services referral.

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. Demonstrate sensitivity 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. Further professional learning around aboriginal cultural awareness can be found on the Department of Education and Training website. 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 can be found on the Department of Health and Human Services website. The BVPS Child Safety Officer can provide additional guidance when

circumstances require greater sensitivity.

Reporting a Concern

Once clear information detailing the concerns has been documented (refer Attachment 2-Making a Report), a phone call should be made to DHHS Child Protection to notify them of the concern. Contact numbers for the Victorian Child Protection intake teams are listed below. The BVPS Principal will support staff in making this call, but it must come directly from the staff member who has established the concern to ensure the account is based on firsthand observation and judgement by that person. A Critical Information Chart is attached to this policy Refer Attachment 1).

Phone 131 278 for emergency child protection concerns after normal office hours.

Phone 000 if you believe a child is at immediate risk of abuse or to report concerns which are life threatening

For After Hours Child Protection Emergency Services, call 13 12 78.

Non-mandated staff members who believe, on reasonable grounds, that a child is in need of protection are able to report their concerns to Child Protection.

Failure to Protect

From 1 July 2015, a criminal offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently failed to do so.

While failure to disclose only covers child sexual abuse, all adults should report other forms of child abuse to authorities. Failure to disclose does not change mandatory reporting responsibilities.

Mandatory Reporting- Incident Report Template (PROTECT)

As a school staff member, you play a critical role in protecting children in your care.

- You **must** act, by following the 4 critical actions, as soon as you witness an incident, receive a disclosure or form a *reasonable belief that a child has, or is at risk of being abused.
- You **must** act if you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child abuse (e.g., if the victim or another person tells you about the abuse).
- You **must** use the Responding to Suspected Child Abuse template (*Refer Attachment 3*) and keep clear and comprehensive notes (*Refer Attachment 2*).

Note: A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action. Teaching and school staff must use this template/Incident Report to record disclosures of abuse or safety concerns. This resource can be provided to a child or their family if they disclose an allegation of abuse or safety concern in our school. This Template is included as an attachment to this policy.

FURTHER INFORMATION AND RESOURCES

- Victorian Registration and Qualification Authority (2016) Information Sheet. CHILD SAFE STANDARD 2: A child safety policy or a statement of commitment to child safety
- Commission for Children and Young People (2015) A Guide for Creating A Child Safe Organisation, V. 2.0.

[A step-by-step guide to making a report to Child Protection or Child FIRST](#)

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

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

“Protect” - Identifying and Responding to All Forms of Abuse in Victorian Schools” Failure to Disclose-Department of Justice: website

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

More information about mandatory reporting is available in the *Child protection manual* www.cpmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting.

Department of Health and Human Services website: How to make a report to Child Protection <https://providers.dhhs.vic.gov.au/sites/dhhsproviders/files/2017-06/stpe-by-step-guide-making-report-child-protection-child-first.pdf>

Further information about failure to protect can be found on the Department of Justice and Regulation website http://assets.justice.vic.gov.au/justice/resources/0f547d32-a4c4-4e05-9fbf-7415a4b4e3f6/failure_to_protect_betrayal_of_trust_factsheet_2017.pdf
https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf

Ministerial Order 870 – Managing the risk of Child abuse in Schools, 2016

<http://www.gazette.vic.gov.au/gazette/Gazettes2016/GG2016S002.pdf>

<https://services.dhhs.vic.gov.au/child-protection>

<https://services.dhhs.vic.gov.au/reporting-child-abuse>

<https://providers.dhhs.vic.gov.au/information>

COMMUNICATION

This policy will be communicated to our school community in the following ways:

- Available publicly on our school’s website
- Included in staff induction processes and staff training
- Discussed at annual staff briefings/meetings
- Hard copy available from school administration upon request

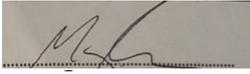
EVALUATION AND RATIFICATION

The BVPS Child Safe Standard 5: Responding to and Reporting Suspected Child Abuse will be reviewed as part of the school’s three-year review cycle or *before in line with DET requirements or mandates.

Amendments to this policy will be made in consultation with staff, students and the school community.

Broadmeadows Valley Primary School will monitor and review the effectiveness of this policy and revise the policy at least once every three years.

POLICY	CHILD SAFE STANDARD 5: RESPONDING TO AND REPORTING SUSPECTED CHILD ABUSE
---------------	---

BVPS Council President	Signed: 
BVPS Principal	Signed: <u>C. Ziano</u>
Reviewed	August 2021
Ratified	/ /2021

*Schools should be aware of the following message posted on the **Commission for Children and Young People** website. *“New Child Safe Standards are being developed to better protect children and young people from abuse. The Victorian Government has announced that the new Standards will commence on **1 July 2022**, giving organisations time to plan, prepare and comply. The eleven new Standards will replace Victoria’s current seven standards and principles.”* Please note that at the time of developing the BVPS Child Safe Policies, the revised standards were not as yet available



RESPONDING TO OTHER CONCERNS ABOUT THE WELLBEING OF CHILD CRITICAL INFORMATION OVERVIEW CHART (attachment 1)

Regardless of the suspected cause, all concerns about the wellbeing of a child should be taken seriously and acted upon. This includes concerns about the wellbeing of a child, which do not appear to be the result of abuse.

You should make a referral to **Child FIRST** if:

- you have a significant concern for a child's wellbeing
- your concerns have a low-to-moderate impact on the child
- the child's immediate safety is not compromised
- you/your school has discussed the referral with the family and they are supportive of it.

You must contact **Victoria Police** if:

- there is any concern for a child's immediate safety and/or
- a child is partaking in any risk-taking activity that is illegal and extreme in nature or poses a high risk to the child.

You should contact **DHHS Child Protection** if:

- after consideration of all of available information you form a view that the child is in need of protection
- you believe that the child's parent/carers will not be open to support from family services to address their child's wellbeing.

If you are unsure whether to take action, or what action to take, you should discuss this with the Principal/Assistant Principal and make contact with authorities for further advice.

Regardless of the suspected cause, all concerns about the wellbeing of a child should be taken seriously and acted upon. This includes concerns about the wellbeing of a child, which do not appear to be the result of abuse.

When to Report Wellbeing Concerns to Child FIRST

Child FIRST (Family Information, Referral and Support Team) is a community-based referral point into Family Services. In addition to reporting suspected abuse to appropriate authorities, you should make a referral to Child FIRST if:

- you have a significant concern for a child's wellbeing
- your concerns have a low-to-moderate impact on the child
- the child's immediate safety is not compromised
- you/your school has discussed the referral with the family and they are supportive of it.

Examples of concerns that school staff should reported to Child FIRST include instances when a child's care or development is significantly impacted on by:

- parenting problems
- family conflict or family breakdown
- pressure due to a family member's physical/mental illness, substance abuse, or disability
- vulnerability due to youth, isolation or lack of support
- significant social or economic disadvantage

When to Report Wellbeing Concerns to Victoria Police

In addition to reporting suspected abuse to appropriate authorities, you **must** contact **Victoria Police on 000** if the:

- child's immediate safety is compromised
- child is partaking in any risk-taking activity that is illegal and extreme in nature or poses a high risk to the child.

When to Report Wellbeing Concerns to DHHS Child Protection

In addition to reporting suspected abuse to appropriate authorities, you should contact **DHHS Child Protection** if you believe a child is in need of protection.

This includes all concerns that:

- have a serious impact on a child's safety, stability or development, including abandonment, death or incapacity, extreme risk-taking behaviour, or harm to an unborn child.
- are persistent and entrenched and likely to have a serious impact on a child's safety, stability or development and
- relate to a parent/s who cannot or will not protect the child from significant harm
- include a belief that the family is likely to be uncooperative in seeking assistance.

Common grounds for Protection Include:

- **Abandonment**

The child's parents have abandoned the child and after reasonable inquiries, the parents cannot be found, and no other suitable person can be found who is willing and able to care for the child.

- **Death or incapacity of parent/carer**

The child's parents are dead or incapacitated and there is no other suitable person willing and able to care for the child.

- **Extreme risk-taking behaviour**

The child is displaying extreme risk-taking behaviour, which has potentially severe or life-threatening consequences. Examples include severe alcohol or drug use, unsafe sexual activity including prostitution, solvent abuse and chroming, and violent or dangerous peer group activity.

In addition to contacting DHHS Child Protection it may also be necessary to contact Victoria Police where the risk-taking activity is illegal and extreme in nature or poses a high risk to the child.

▪ **SOURCES**

- Health, Wellbeing and Safety
- PROTECT
- Responding to other concerns about the wellbeing of a child

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/responding.aspx>



Attachment 2: Making a Report - (Child Safe Standard 5)
REPORTING SUSPECTED CHILD ABUSE

The child safe standards require schools to have processes for responding to and reporting suspected child abuse.¹ This resource can be provided to a child or their family if they disclose an allegation of abuse or

Attachment 3:

Responding to and Reporting Suspected Child Abuse – Child Safe Standard 5

FOUR CRITICAL ACTIONS FOR SCHOOLS RESPONDING TO INCIDENTS AND SUSPICIONS OF CHILD ABUSE

YOU MUST TAKE ACTION

As a school staff member, you play a critical role in protecting children in your care.

- You **must** act, by following the 4 critical actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.
- You **must** act if you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child abuse (e.g., if the victim or another person tells you about the abuse).
- You **must** use the Responding to Suspected Child Abuse template to keep clear and comprehensive notes.

* A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action

ACTION 1: RESPONDING TO AN EMERGENCY

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 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 all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE SCHOOL:

VICTORIA POLICE

You must report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police.

You **must also** report **internally** to:

- School Principal and/or leadership team
- Employee Conduct Branch
- DET Security Services Unit

IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE FAMILY OR COMMUNITY

DHHS CHILD PROTECTION

You **must** report to DHHS Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development

VICTORIA POLICE

You **must also** report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You **must also** report **internally** to:

- School Principal and/or leadership team
- DET Security Services Unit

ACTION 3: CONTACTING PARENTS/CARERS

Your Principal **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- **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)
- **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 children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professionals. This is an essential part of your duty of care requirements.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals etc.

You **must** follow the Four Critical Actions every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities

If you believe that a child is not subject to abuse, but you still hold **significant concerns** for their wellbeing you must still act.

This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DHHS Child Protection or Victoria Police.

safety concern in our school. Teaching and school staff can also use this resource to record disclosures. All incident reports must be provided to the BVPS Principal and stored securely.

Date of incident	
Time of incident	
Location of incident	
Name/s of child/children involved	

CONTACTS

DHHS CHILD PROTECTION

AREA

North Division 1300 664 9777

South Division 1300 655 795

East Division 1300 360 391

West Division (Rural) 1800 075 599

West Division (Metro) 1300 664 9777

AFTER HOURS

After hours, weekends, public holidays 13 12 78

CHILD FIRST

www.dhs.vic.gov.au

VICTORIA POLICE

000 or contact your local police station

DET SECURITY SERVICES UNIT

(03) 9589 6266

STUDENT INCIDENT AND RECOVERY UNIT

(03) 9637 2934

EMPLOYEE CONDUCT BRANCH

(03) 9637 2595

Name/s of staff/volunteer writing this report	
--	--

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

Does the child identify as Aboriginal or Torres Strait Islander? (Mark with an 'X' as applicable)

No	<input type="checkbox"/>	Yes, Aboriginal	<input type="checkbox"/>	Yes, Torres Strait Islander	<input type="checkbox"/>
-----------	--------------------------	------------------------	--------------------------	------------------------------------	--------------------------

Please categorise the incident

Physical violence	<input type="checkbox"/>
Sexual offence	<input type="checkbox"/>
Serious emotional or psychological abuse	<input type="checkbox"/>
Serious neglect	<input type="checkbox"/>

Please describe the incident

When did the incident take place?	
Who was involved?	
What did you see?	
Other information	

Parent/carer/child use

Date of incident	
Time of incident	
Location of incident	
Name(s) of child/children involved	
Name(s) of staff/volunteer involved	

Office use:

Date incident report received	
--------------------------------------	--

Staff member managing incident	
Follow-up date	
Incident ref. number	

Has the incident been reported?

Child protection	
Police	
Another third party (please specify):	

Does the incident reporter wish to remain anonymous?

(Mark with an 'X' as applicable)

Yes No

The child safe standards aim to protect children from abuse in organisations, including physical violence, sexual offences, serious emotional or psychological abuse and serious neglect. For further explanation of the different types of child abuse, please see [An Overview of the Victorian child safe standards](http://www.dhs.vic.gov.au/__data/assets/word_doc/0005/955598/Child-safe-standards_overview.doc): <www.dhs.vic.gov.au/__data/assets/word_doc/0005/955598/Child-safe-standards_overview.doc>.

Further Information

Further information on [child safe standards](#) can be found on the Department of Health and Human Services' website

<www.dhs.vic.gov.au/about-the-department/plans,-programs-and-projects/projects-and-initiatives/children,-youth-and-family-services/creating-child-safe-organisations>.

Additional resources for organisations in the child safe standards toolkit can be found on the [Department of Health and Human Services website](#):

<www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards>. In particular, [An Overview to the Victorian child safe standards](#), has information to help organisations understand the requirements of each of the child safe standards, including examples of measures organisations can put in place, a self-audit tool and a glossary of key terms: <www.dhs.vic.gov.au/__data/assets/word_doc/0005/955598/Child-safe-standards_overview.doc>

Registered schools can contact the Department of Education and Training: child.safe.schools@edumail.vic.gov.au

The child safe standards require schools to have processes for responding to and reporting suspected child abuse.² This resource can be provided to a child or their family if they disclose an allegation of abuse or

safety concern in our school. Teaching and school staff can also use this resource to record disclosures. All incident reports must be stored securely.
