

Responsibility: Principal  
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# Emmanuel College

## Child Protection

### Reporting Obligations Policy

#### RATIONALE

The care, safety and wellbeing of students is central to the Emmanuel College Vision in providing a dynamic learning community that brings to life the Gospel values of Faith, Hope, and Love, and in continuing the Catholic traditions of our founders. The College provides an environment where students receive appropriate assistance and response regarding their personal safety. Emmanuel College monitors student wellbeing and implements processes that are consistent with the [Child Safe Standards](#) as set out in [Ministerial Order 870](#). The College ensures that all forms of suspected child abuse or neglect are reported appropriately and timely when a reasonable belief has been formed that child abuse has or could occur.

#### SCOPE

This policy relates to all personnel at Emmanuel College, including the Board of Management, staff, volunteers, and contractors. All personnel are required to adhere to this policy and related procedures and must acknowledge this as part of the induction process.

#### POLICY

[Ministerial Order No 870: Child Safe Standards – Managing the Risk of Child Abuse in Schools](#) was made under the [Education and Training Reform Act 2006](#) and sets out the specific actions that all Victorian schools must take to meet the requirements in the [Child Safe Standards](#) for registration.

This policy is designed to enable compliance with Standard 5 of the [Child Safe Standards: Processes for responding to and reporting suspected child abuse](#), as well as the school specific requirements for procedures for responding to allegations of suspected abuse in Ministerial Order 870. All procedures for reporting and responding to an incident of child abuse are designed and implemented by taking into account the diverse characteristics of school communities.

Actions required under the relevant legislation and regulatory guidance when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed are set out in this policy. It also provides guidance and procedures on how to make a report.

This policy assists all school staff to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a ‘suspicion’ or ‘reasonable belief’ is formed
- where possible, refer to the principles of the [Victorian Charter of Human Rights and Responsibilities](#) as best practice in respecting and protecting the basic rights, freedoms and responsibilities of members of the school community
- make a report about a child or young person who may be in need of protection
- comply with obligations under the [Victorian Reportable Conduct Scheme](#)
- comply with mandatory reporting obligations under child protection law
- comply with legal obligations relating to criminal child abuse and grooming under criminal law.

## LEGISLATIVE AND REGULATORY REQUIREMENTS

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), the Child Wellbeing and Safety Act 2005 (Vic), the Education and Training Reform Act 2006 (Vic) and the Family Violence Protection Act 2008 (Vic).

The Child Wellbeing and Safety Act 2005 introduced the seven [Child Safe Standards](#), which aim to create a culture where protecting children from abuse is part of everyday thinking and practice. The Child Safe Standards were introduced in response to recommendations made by the [Betrayal of Trust](#) report.

Child protection reporting obligations for Catholic schools fall under five separate pieces of legislation with differing reporting requirements:

- [Children, Youth and Families Act 2005 \(Vic\)](#)
- [Education and Training Reform Act 2006 \(Vic\)](#)
- [Crimes Act 1958 \(Vic\)](#)
- [Family Violence Protection Act 2008 \(Vic\)](#)
- [Wrongs Act 1958 \(Vic\)](#)

## DEFINITIONS

### Types of abuse and indicators of harm

Child abuse can take many forms. The perpetrator may be a parent/guardian, school staff member, volunteer, another adult or even another child. The nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect. Therefore, the legal obligations for reporting allegations of child abuse can vary depending on the circumstances of the incident.

Child abuse is defined in the Child Wellbeing and Safety Act 2005 to include:

- sexual offences
- grooming offences under section 49M of the Crimes Act 1958
- physical violence
- serious emotional or psychological harm
- serious neglect

Sexual offences	A sexual offence occurs when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child's age and development. Sexual offences are governed by the Crimes Act 1958. Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.
Grooming	Grooming refers to predatory conduct undertaken by an adult (18 years or over) to prepare a child for sexual activity at a later time. It is a sexual offence under section 49M of the Crimes Act 1958 carrying a maximum ten year term of imprisonment. Under section 49M, the adult's words or conduct must be intended to facilitate the child engaging or being involved in the commission of, or attempt to commit, a sexual offence by the adult or another adult.
Physical violence	Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or using weapons (such as belts and paddles). Physical harm may also be caused during student fights.

Serious emotional or psychological harm	Serious emotional or psychological abuse may occur when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological harm could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.
Serious neglect	Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. Significant neglect causes harm to a child that is more than trivial or temporary. Serious neglect is when the child is exposed to an extremely dangerous or life-threatening situation and there is a continued failure to provide a child with the basic necessities of life.
Family violence	Family violence is defined under the Family Violence Protection Act 2008 to include behaviour that causes a child to hear, witness or be exposed to the effects of family violence such as abusive, threatening, controlling or coercive behaviour. While family violence does not form part of the official definition of 'child abuse' in the Child Wellbeing and Safety Act 2005, the impact of family violence on a child can be a form of child abuse, for example, where it causes serious emotional or psychological harm to a child. A child can also be a direct victim of family violence.

Child abuse can have a significant effect on a child's physical, social, psychological or emotional health, development and wellbeing. The younger the child, the more vulnerable they are to abuse and the more serious the consequences are likely to be.

There can be physical or behavioural indicators of child abuse and neglect, or a combination of both. While the presence of a single indicator, or even several indicators, does not necessarily prove that abuse or neglect has occurred, the repeated occurrence of either a physical or behavioural indicator, or the occurrence of several indicators together, should alert school staff to the possibility of child abuse or neglect.

Child sexual abuse is more commonly perpetrated by someone who is known to and trusted by the child, and is also often someone highly trusted within their families, communities, schools and/or other institutions, such as the Church.

For further definitions of all types of child abuse, a comprehensive list of the indicators of harm and advice on identifying perpetrators of child sexual abuse, refer to the protocol [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

## SOURCES OF CHILD PROTECTION REPORTING OBLIGATIONS

### 1. Children, Youth and Families Act 2005

#### Mandatory reporting

Mandatory reporting is a legal requirement under the Children, Youth and Families Act 2005 to protect children from harm relating to physical injury and sexual abuse.

A child, for the purpose of the relevant parts of this Act, is any person 17 years of age or younger. The principal, teachers, medical practitioners and nurses are mandatory reporters under this Act.

If, in the course of carrying out their duties, a mandatory reporter forms a reasonable belief that a child is in need of protection from physical injury or sexual abuse, and that the child's parents/guardians are unwilling or unable to protect the child, they must report that belief to the

Department of Health and Human Services (DHHS) [Child Protection](#) and/or the Police, including the information prescribed in [PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#), as soon as possible after forming the belief.

A subsequent report must be made on each occasion on which the mandatory reporter becomes aware of further reasonable grounds for the belief and even if the reporter knows that another report has been made concerning the same child and suspected abuse.

The threshold for reporting child protection incidents, disclosures, concerns or suspicions has been set deliberately low by the protocol [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#). This protocol focuses on [Four Critical Actions](#) (Appendix 1) that all school staff must take if they form a suspicion or reasonable belief that child abuse has occurred, or that a child is at risk of suffering abuse.

### **Reasonable belief**

Where school staff are concerned about the safety and wellbeing of a child, they must assess that concern to determine if a report should be made to the relevant agency. If a staff member has witnessed potentially abusive behaviour, has a suspicion or has received a disclosure of child abuse, they must determine whether these observations or receipt of such information have caused the staff member to form a 'reasonable belief'.

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than 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.**

A reasonable belief might be formed if:

- a child states they have been physically or sexually abused
- any person advises they believe someone has been abused; this may include a child who is talking about themselves
- observation of physical or behavioural indicators of abuse, as described in [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#)
- a child exhibits sexually abusive or age-inappropriate behaviour(s)
- professional observations of the child's behaviour or development cause one to form a belief the child has been physically or sexually abused or is likely to be abused.

While any indicators of possible child abuse or neglect are concerning, it is important to understand the presence of a number of indicators that suggest either physical or sexual abuse of a child may be sufficient to form a reasonable belief in a mandatory reporter's mind which must be reported.

## **2. Children, Youth and Families Act 2005**

### **Reportable conduct**

The [Reportable Conduct Scheme](#) was created under the Child Wellbeing and Safety Act 2005 and requires schools to notify the [Commission for Children and Young People \(CCYP\)](#) if an allegation of reportable conduct (a reportable allegation) is made against one of their employees.

**Employees** can include a principal, teacher, non-teaching staff, board or school council member, contractor, volunteer, school medical practitioner, or religious leader.

**Reportable conduct** is defined under the Child Wellbeing and Safety Act 2005 to mean a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child, behaviour causing significant emotional or psychological harm to a child, or significant neglect of a child.

A **reportable allegation** means any information that leads a person to form a reasonable belief that an employee has committed reportable conduct or misconduct that may involve reportable conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.

The Reportable Conduct Scheme imposes obligations on the head of entity (governing authority). For Emmanuel College, the head of entity (Principal) is required to:

- have in place systems to prevent reportable conduct and, if reportable conduct is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
- ensure the CCYP is notified and given updates on the organisation's response to a reportable allegation
- report to the Police as soon as they become aware that a reportable allegation may involve suspected child abuse or criminal conduct.

Reportable conduct may also include historical reportable allegations. Further guidance on this can be found at [Reportable Conduct Scheme – Historical Allegations](#).

All school staff are required to notify the Principal, or if the Principal is involved in the allegation, the Board Chair, if they have a reportable allegation.

The Reportable Conduct Scheme does not change mandatory reporting or other reporting obligations, including internal reporting and reporting criminal behaviour to the Police. Reportable conduct reporting should be done in addition to these other reporting obligations.

### 3. Crimes Act 1958

In response to the [Betrayal of Trust](#) report, three new criminal offences have been introduced under the Crimes Act 1958:

- [failure to disclose offence](#), which requires adults to report to the Police a reasonable belief that a sexual offence has been committed against a child
- [failure to protect offence](#), which applies to people in positions of authority within organisations, who knew of a risk of child sexual abuse by someone in the organisation and failed to reduce or remove the risk
- [grooming offence](#), which targets communication with a child or their parents/guardians with the intent of committing child sexual abuse.

#### Failure to disclose

Any school staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to the Police.

Failure to disclose the information to the Police is a criminal offence under section 327 of the Crimes Act 1958 and applies to all adults (18 years and over) in Victoria, not just professionals who work with children. The obligation is to disclose that information to the Police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DHHS [Child Protection](#).

For further information about the failure to disclose offence, see the Department of Justice and Community Safety's [Failure to disclose offence](#) web page and [Betrayal of Trust: Factsheet](#).

#### Failure to protect

Any school staff member in a position of authority who has the power or responsibility to remove risk, and becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer, sports coach or visitor) poses a risk of sexual abuse to a child under 16 who is in the care or supervision of the organisation, must take all reasonable steps to reduce or remove that risk.

In a school context, this will include the Principal, Deputy Principal, Assistant Principals, Business Manager, School Counsellors, Heads of Schools, and Year Level Coordinators.

Failure to take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation is a criminal offence under section 490 of the Crimes Act 1958.

For further information about the failure to protect offence, see the Department of Justice and Community Safety's [Failure to protect offence](#) web page and [Betrayal of Trust: Factsheet](#).

## **Grooming**

The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in section 49M of the Crimes Act 1958. The offence applies to communication with children under 16 years.

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 further information about the grooming offence, see the Department of Justice and Community Safety's [Grooming offence](#) webpage and [Betrayal of Trust: Factsheet](#).

For more information about managing and responding to the risk of abuse, see the Department of Education and Training's [Responding to Student Sexual Offending](#) and [Risk Management](#) web pages.

## **4. Education and Training Reform Act 2006 – Child Safety Obligations**

From a child safety perspective, the key functions of the Education and Training Reform Act 2006 are to:

- require schools to notify the [Victorian Institute of Teaching \(VIT\)](#) when a school has taken action against a teacher
- ensure compliance with the [Child Safe Standards](#) as a requirement of registration for all Victorian schools.

A registered school must ensure the care, safety and welfare of all students attending the school are in accordance with all applicable Victorian and Commonwealth laws, and that all staff employed at the school are advised of their obligations to child safety.

## **5. Wrongs Act 1958 and Duty of Care**

### **Organisational duty of care**

The Wrongs Act 1958 creates an organisational liability for child abuse for organisations that exercise care, supervision or authority over children. This is colloquially referred to as an 'organisational duty of care'.

Schools owe a duty to take reasonable precautions to prevent the abuse (sexual or physical) of a child (under 18) by an individual associated with the school while the child is under the care, supervision or authority of the school.

Individuals associated with the school can include employees, volunteers and contractors, office holders, and religious leaders.

Reasonable precautions that a school could take are not defined in the Wrongs Act 1958 but, as examples, the following measures are what courts have previously considered to be reasonable precautions in the context of organisational child abuse:

- conducting employment screening and reference checking
- providing supervision and training
- implementing systems to provide early warning of possible offences
- performing random and unannounced inspections to deter misconduct
- encouraging children and adults to notify authorities or parents/guardians about any signs of aberrant or unusual behaviour.

### **School staff duty of care**

School staff have a duty to take reasonable steps to protect children under their care and supervision from harm that is reasonably foreseeable (this duty applies to all school staff). The question of what constitutes reasonable steps will depend on the individual circumstances of each case.

A staff member may breach their duty of care towards a student if they fail to act in the way a reasonable or diligent professional would have acted in the same situation.

For more information on the scope of staff duty of care obligations and examples of reasonable steps they can take in relation to suspected child abuse, refer to the protocol [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

## RESPONDING TO AND REPORTING CHILD PROTECTION CONCERNS

### Becoming aware of a child protection incident

There are four main ways in which staff may become aware that a child is experiencing, or is at risk of experiencing, abuse. In each circumstance, staff must act and follow the [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

- 1. Witnessing an incident:** if staff witnesses an incident where they believe a child has been subjected to abuse, they must first take immediate action to protect the safety of the child or children involved.
- 2. Forming a suspicion:** all suspicions that a child has been, is being, or is at risk of being abused must be taken seriously, including suspicions that the abuse is taking or may take place outside the College grounds or areas. If suspicion develops into a reasonable belief staff must act.
- 3. Receiving a disclosure about or from a current student:** all disclosures must be treated seriously.
- 4. Receiving a disclosure about or from a former student:** if the former student is currently of school age and attending a Victorian school, staff must act. If the former student is no longer of school age or attending a Victorian school, staff must still report the disclosure to DHHS [Child Protection](#).

### Notes and records

Staff are required to keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse using the [PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#).

### Disclosures

It is the role of staff to reassure and support a child who makes a disclosure of abuse. However, staff should never compromise or keep any disclosures confidential as all disclosures of abuse must be reported.

The role of staff remains the same if disclosures are made from a parent/guardian or a sibling, or if disclosures involve family violence.

For strategies on how to manage a disclosure, refer to [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

### The Four Critical Actions

There are [Four Critical Actions](#) which must be taken when responding to and reporting a child protection incident, disclosure or suspicion:

1. Responding to an Emergency
2. Reporting to Authorities
3. Contacting Parents/Guardians
4. Providing Ongoing Support

### CRITICAL ACTION 1: RESPONDING TO AN EMERGENCY

This first step is only applicable if a child has just been abused or is at immediate risk of harm. If this is not the case, go straight to *Critical Action 2: Reporting to Authorities*.

If the child has just been abused or is at immediate risk of harm, staff must take reasonable steps to protect the child, including:

- separating the alleged victim and others involved, ensuring that if the parties involved are all present at the College, they are supervised separately by a staff member
- arranging and providing urgent medical assistance where necessary, including administering first aid or calling 000 for an ambulance

- calling 000 for urgent Police assistance if the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person.

If the child protection incident has occurred at the College, staff will try to ensure that reasonable steps are taken to preserve the environment, the clothing and other items, and prevent any potential witnesses from discussing the incident until the Police or relevant authorities arrive on the premises.

## CRITICAL ACTION 2: REPORTING TO AUTHORITIES

All forms and instances of suspected or alleged child abuse must be reported to the appropriate authority.

Once immediate health and safety concerns have been addressed, the staff member must take steps to report the incident, suspicion or disclosure of child abuse as soon as practicable. Failure to report physical or sexual child abuse may amount to a criminal offence (refer to [Failure to disclose](#)).

There are different reporting procedures depending on the type of abuse, and whether the source of the suspected or alleged abuse comes from within the College or within the family or community of the child.

In all cases, staff must report internally to the Principal, or if the Principal is involved in the allegation, the Board Chair.

The Department of Health and Human Services (DHHS) [Child Protection](#) is the Victorian government agency that protects children at risk of significant harm. All incidents, suspicions and disclosures of child abuse must be reported to DHHS Child Protection except where the incident involves sexual abuse or grooming, in which case it **must be reported to the Police**.

The [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) requires all school staff to report all incidents, suspicions and disclosures of abuse as soon as possible to the relevant authorities.

### Making a mandatory report

The table below describes the steps and information to include when making a mandatory report about child abuse or child protection concerns. If a child is at immediate risk of harm, contact the Police immediately.

1. Keep notes	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> <li>• a description of the concerns (eg physical injuries, student behaviour)</li> <li>• the source of those concerns (eg observation, report from child or another person)</li> <li>• the actions taken as a result of the concerns (eg consultation with the Principal, report to DHHS Child Protection, etc).</li> </ul> <p>Staff can use the template <a href="#">PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a>.</p>
2. Discuss concerns	<p>Due to the complexity of child abuse incidents, disclosures and suspicions, it is recommended that concerns and observations regarding suspected physical or sexual abuse of a child are discussed with the Principal or a member of the College Leadership or Wellbeing Team.</p> <p>This is not a legal requirement, however will help to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.</p>
3. Gather and document information	<p>Gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> <li>• full name, date of birth, and residential address of the child or young person</li> </ul>

	<ul style="list-style-type: none"> <li>• details of the concerns and the reasons for those concerns</li> <li>• your involvement with the child</li> <li>• details of any other agencies which may be involved with the child.</li> </ul> <p>This information should be collected and documented using the <a href="#">PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a></p> <p>The template is to be used to record as much information as possible to provide a report to either the Police or DHHS Child Protection.</p> <p>It is critical that completing the template does not impact on reporting times – if a child is in immediate danger staff need to report the matter immediately to the Police.</p>
4. Make the report	<p><b>To report concerns which are life-threatening phone 000 or the local police station.</b></p> <p>Where the source of the abuse comes from within the College; that is, the suspected or alleged abuse involves a staff member, volunteer or contractor at the school:</p> <ul style="list-style-type: none"> <li>• contact the Police, who will contact DHHS Child Protection when appropriate</li> <li>• report internally to the Principal, or a member of the Leadership Team. If the Principal is involved in the allegation report to the Board Chair.</li> </ul> <p>Where the source of the suspected or alleged abuse comes from within the child’s family or community, you must:</p> <ul style="list-style-type: none"> <li>• report sexual abuse and grooming to the Police</li> <li>• report the matter to <a href="#">DHHS Child Protection</a> if you consider the child to be in need of protection due to child abuse, or has been, is being or is at risk of being harmed due to any form of abuse. If after hours call the Child Protection Crisis Line on 131 278</li> <li>• report internally to the Principal, or a member of the Leadership Team if the Principal is unavailable.</li> </ul>
5. Document written records of report	<p>Make a written record of the report including the following information:</p> <ul style="list-style-type: none"> <li>• date and time of the report and a summary of what was reported</li> <li>• name and position of the person who made the report and the person who received the report.</li> </ul> <p>The information initially recorded in the <a href="#">PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a> and any additional information provided to either the Police or DHHS Child Protection is to be stored securely and maintained <b>indefinitely</b> by the College to ensure that records are accessible upon request by external authorities investigating the matter.</p>

### Reporting allegations of reportable conduct

The table below describes the information to include when making an allegation of reportable conduct about an employee (persons engaged by the entity and including volunteers, contractors, board members or religious leaders) at the College. The [Reportable Conduct Scheme](#) is in addition to school staff mandatory reporting or criminal reporting obligations.

Any allegations of criminal conduct, including physical violence, significant emotional or psychological abuse, sexual offences and significant neglect must be reported to the Police as the priority. However, staff may find they also need to make an allegation of reportable conduct for the same incident.

1. Keep notes	Keep comprehensive notes that are dated and include the following information: <ul style="list-style-type: none"> <li>• a description of the concerns (eg physical injuries, student behaviour)</li> <li>• the source of those concerns (eg observation, report from child or another person)</li> </ul>
2. Make the report	As soon as a reasonable belief is formed that an employee at the College has engaged in reportable conduct or misconduct that may involve reportable conduct, the allegation must be reported to the Principal or a member of the Leadership Team.

Below are the steps the Principal should take if there is a potential reportable allegation. These steps are in general order of priority, but the guidance may change depending on the circumstances.

What if a child informs you of a reportable allegation?	What if a staff member or another adult informs you of a reportable allegation?
1. The first step should always be to ensure the child is safe. If you believe a child faces immediate danger or risk of harm, contact the Police on 000.	
2. When speaking with a child, it is important to remember that if they have decided to speak to you, then there is a good chance they trust you. <ul style="list-style-type: none"> <li>• Give the child your full attention</li> <li>• Listen calmly and empathically</li> <li>• Reassure the child that it is right to tell</li> <li>• Accept the child will disclose only what they are comfortable disclosing and recognise their bravery/strength for talking about something that is difficult</li> <li>• Let the child take their time</li> <li>• Let the child use their own words</li> <li>• Do not make promises that cannot be kept</li> </ul>	2. Thank the individual for bringing the allegation to your attention. Offer them support and assistance as necessary. If they are a staff member, refer them to the <a href="#">Employee Assistance Program (EAP)</a> , where available.
3. Tell the child what you plan to do next.	3. Explain to the person making the report that the College will manage the concern confidentially and, to protect all parties, they should not discuss the matter.
4. Take a moment to make a record of the allegations. If appropriate, use the <a href="#">PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a> . You may also make a note in your diary. If a staff member, parent or other adult was present, ask them to make a record as well.	
5. Consider whether the matter needs to be referred to the Police or DHHS Child Protection. If necessary, report the matter in accordance with the actions documented in <a href="#">PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools</a> and <a href="#">Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse</a> , using the <a href="#">PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a> .	
6. If relevant, notify the child's parents following the advice in <a href="#">PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools</a> and <a href="#">Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse</a> .	

7. As soon as practicable, contact the Diocesan Professional Standards Coordinator at the Catholic Education Office Ballarat for advice (including guidance as to whether the alleged conduct is reportable), support and assistance to discuss the circumstances.
8. If the matter does involve a reportable allegation, the Principal will notify the CCYP.
9. Conduct a risk assessment to determine any measures that should be put in place to manage the person against whom allegations have been made, and to protect the child(ren) against whom reportable conduct may have occurred.

If it the allegation is perceived as reportable, it is important to:

- not say or do anything to suggest to the child that they are doubted or make them feel ashamed to have revealed the allegation
- not start investigating the allegation, including unnecessarily questioning the child or speaking with the person who is the subject of the allegation, without conducting a risk assessment; otherwise this could put the child, staff member, school, or the investigation at risk.

### **ChildFIRST/The Orange Door**

If a staff member believes a child is not subject to abuse, including family violence, but still holds significant concerns for the child’s wellbeing (eg risk-taking behaviour, parenting difficulties, isolation from family or lack of support), there must still be action. This could include making a referral to or seeking advice from [Child FIRST/The Orange Door](#).

Child FIRST/The Orange Door is a family information, referral and support team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to relevant services.

Staff should make a report to Child FIRST/The Orange Door if:

- they have a significant concern for a child’s wellbeing
- their concerns are about circumstances that have a low to moderate impact on the child
- the child’s immediate safety is not compromised
- they and the College have discussed the referral to Child FIRST/The Orange Door with the child’s parents/guardians, and all parties are supportive of this decision.

Where staff believe the child’s parents/guardians will not be supportive of the referral, or the child is partaking in any risk-taking activity that is illegal and extreme in nature or poses a high risk to the child or others, staff may refer the matter to DHHS Child Protection.

If staff are unsure of what action to take in response to your concerns about a child, they should speak to the Principal or a member of the Leadership Team, or contact DHHS Child Protection or Child FIRST/The Orange Door for further advice.

For more information refer to [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

### **Making additional reports**

Where a staff member has made a report, and continues to suspect that a child is at risk and in need of protection, or if they have made further observations, they should continue to record and report 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 this relates to a sexual offence involving a person over 18 and a child under 16, it must be reported to the Police. For more information, refer to the [Failure to disclose](#) section of this policy.

Where a staff member is aware that another staff member has formed a reasonable belief about the same child on the same occasion, or based on the same indicators of abuse, and has made a report to the appropriate authority, the first staff member need not make a further report.

However, if the first staff member has formed a reasonable belief of abuse or a significant risk of abuse to the child based on different observations, further indicators or additional information, a further report must be made to the appropriate authority detailing this additional information.

### **CRITICAL ACTION 3: CONTACTING PARENTS/GUARDIANS**

Where it is suspected that a child at the College has been, or is at risk of being abused, it is critical that parents/guardians of the child are notified as soon as practicable after a report is made to the authorities.

The school must always seek advice from the Police or DHHS Child Protection, to ensure that it is appropriate to contact the parents/guardians.

In circumstances of family violence, the school should:

- take care not to inadvertently alert the alleged perpetrator by notifying parents/guardians as it could increase risk of harm to the child, other family members or staff
- seek advice from DHHS Child Protection or Child FIRST/The Orange Door before alerting parents/guardians about safe strategies for communicating with a parent/guardian who is experiencing family violence and on recommending family violence support services.

Advice from the Police or DHHS Child Protection will depend on a number of factors, including:

- whether the parents/guardian of the child are alleged to have engaged in the abuse
- whether a disclosure to the parents/guardian may result in further abuse to the child
- where the child is a mature minor (at least 17 years of age and assessed to be sufficiently mature and intelligent to make decisions for themselves) and has requested their parents/guardians not be notified, the College should insist that another responsible adult is notified in lieu of the parents/guardians
- whether notifying parents/guardians would adversely affect an investigation of the matter by external authorities.

Where the suspicion of abuse or risk of abuse has not yet warranted a reasonable belief, parents/guardians should also be notified promptly after the College has carefully considered the factors listed above.

In some circumstances, a child may have returned to the care of their parent/guardian before advice has been received from Police or DHHS Child Protection. In these circumstances, a school should not share any information with the parent/guardian which may place the child or any other person at risk, or where the child is a mature minor.

For detailed guidance on how to have this conversation with a parent or guardian, refer to [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

### **CRITICAL ACTION 4: PROVIDING ONGOING SUPPORT**

Staff who witness a child protection incident, receive a disclosure or develop a suspicion of child abuse (including exposure to family violence) have a critical role to play in supporting children impacted by the child protection matter to ensure they feel supported and safe at the school.

Schools also play a critical role in building a child's resilience and protective factors, which can reduce the long term impacts of child abuse by providing them with the opportunity to be supported and heard by staff they trust.

Support provided to children at the College includes:

- regular communication with students and parents/guardians where appropriate
- convening a student support group of College Wellbeing staff and teachers to plan, support and monitor affected children
- the development of student support plans for children impacted by the incident to ensure appropriate levels of care and support are provided depending on their involvement.

The College has a duty to ensure that staff are supported following the witnessing of an incident or disclosure, or who have made a report to external authorities about a reasonable belief of child abuse. It is important to remember that some staff may have experienced child abuse (including family violence) or be experiencing family violence and abuse in their own lives. Staff requiring wellbeing support can contact the College’s Employee Assistance Program (EAP) provider.

Information to support Victorian Catholic schools in understanding their obligation to employees and to provide suggestions of how to assist employees experiencing family and domestic violence may be found in Catholic Education Commission of Victoria (CECV) guide, [Family and Domestic Violence: A guide to Supporting Staff](#).

The College should conduct a review of the reporting process four to six weeks after a report has been made to identify if any follow-up support actions are needed. Refer to [PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#) for more information.

### Potential consequences of making a report

This table describes the potential consequences of making a report.

Confidentiality	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> <li>• the reporter chooses to inform the child or parent/guardian of the report</li> <li>• the reporter consents in writing to their identity being disclosed</li> <li>• a court or tribunal decides it is necessary for the identity of the reporter to be disclosed, to ensure the safety and wellbeing of the child</li> <li>• a court or tribunal decides that, in the interests of justice, the reporter is required to provide evidence.</li> </ul>
Professional protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> <li>• it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter</li> <li>• the reporter cannot be held legally liable in respect of the report.</li> </ul>
Interviews	<p>DHHS Child Protection and/or the Police may conduct interviews of children and young people at the school without their parent’s knowledge or consent.</p> <ul style="list-style-type: none"> <li>• Interviewing children at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.</li> <li>• DHHS Child Protection and/or the Police will notify the Principal or a member of the Leadership Team of their intention to interview a child on the school premises.</li> <li>• When DHHS Child Protection practitioners/police officers come to the school premises, the Principal or a member of the Leadership Team will request to see identification before permitting them to have access to the child.</li> <li>• When a child is being interviewed by DHHS Child Protection and/or the Police, the College will arrange to have a supportive adult present with the child.</li> </ul> <p>The Catholic Education Office’s <a href="#">Guidelines for Police and DHHS Interview Protocols</a> is recommended as a resource for more information on these requests and responsibilities.</p>

Support for the child	<p>The roles and responsibilities of the Principal and other staff in supporting children who are involved with DHHS Child Protection may include the following:</p> <ul style="list-style-type: none"> <li>• acting as a support person for the child</li> <li>• attending DHHS Child Protection case planning meetings</li> <li>• observing and monitoring the child’s behaviour</li> <li>• liaising with professionals.</li> </ul>
Requests for information	<p>DHHS Child Protection and/or Child FIRST/The Orange Door and/or the Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child.</p> <p>In certain circumstances, DHHS Child Protection can also direct College staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection. Refer to <a href="#">PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a></p>
Witness Summons	<p>If DHHS Child Protection makes a protection application in the Children’s Court of Victoria, any party to the application may issue a witness summons to produce documents and/or to give evidence in the proceedings.</p> <p>The Catholic Education Office’s <a href="#">Guidelines for Police and DHHS Interview Protocols</a> is recommended as a resource for more information on these requests and responsibilities.</p>

## RESPONDING TO COMPLAINTS OR CONCERNS

The College may receive complaints or concerns about staff management of a child protection incident. These complaints or concerns may be voiced by parents/guardians or others within the school community.

The College should follow its internal complaints handling process to ensure all concerns, complaints or feedback on school policies or processes are effectively captured and appropriately managed.

It is important that, as a first step, the College ensures the complaint does not raise concerns that child abuse or a risk of child abuse has gone unreported.

If this is the case, the College should follow [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) to ensure that any new information received through a complaint or concern from a member of the school community is reported to authorities where required.

## RAISING AWARENESS

**Staff:** the following strategies will be employed to raise awareness of staff responsibilities in regards to child protection. All staff will be reminded at the start of each year and through regular staff meetings:

- that each student has the right to a safe and protective environment at all times
- of their responsibilities with regard to reporting allegations or beliefs of sexual offences against children.

In addition to this, all mandated staff will be reminded at the start of each year of their obligations:

- with regard to mandatory reporting as outlined in this policy
- expectations of behaviour, with regard to duty of care, as outlined in the [Victorian Institute of Teaching \(VIT\) Code of Conduct and Ethics](#), Emmanuel College Safeguarding Children and Young People Code of Conduct and the Emmanuel College Staff Handbook.

**Students:** at the start of each year, each student will be reminded they have the right to a safe and protective environment at all times, and that they can seek assistance from their Homeroom Teacher, Year Level Coordinator or member of the Wellbeing team if a situation arises where their safety feels threatened.

**Community:** the school community, including parents/guardians and volunteers and contractors, will be informed of their responsibilities with regard to reporting allegations or beliefs of a sexual offence against a child via the school website, newsletters, information sessions, and induction processes. A copy of the College's child safety policies and procedures will be available of the College website.

## **POLICY REVIEW**

This policy is reviewed every two years or as required, and a copy will be accessible on the College website.

## **RELATED POLICIES AND PROCEDURES**

Appendix 1 – Four Critical Actions for Schools, Responding to Incidents and Suspicions of Child Abuse  
Child Safety Policy

Safeguarding Children and Young People Code of Conduct

Overview of Reportable Conduct Scheme

Complaints and Grievances Policy

Privacy Policy

[Ministerial Order 807 – Child Safe Standards, Managing the Risk of Child Abuse in Schools](#)

[Child Safe Standards](#)

[Department of Education and Training – Child Protection and Child Safe Standards \(PROTECT\)](#)

[PROTECT: Identifying and Responding to all forms of Abuse in Victorian Schools](#)

[PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#)

[CECV Commitment Statement to Child Safety](#)

[CECV Child Safety guidelines](#)

[Guidelines for Police and DHHS Interview Protocols](#)

[Family and Domestic Violence: A guide to Supporting Staff](#)

[Betrayal of Trust](#) report

### **Counselling and support resources:**

[Daniel Morcombe Child Safety Curriculum](#)

[Respectful Relationships](#)

[The Lookout](#)

[Safe Steps](#)

[1800RESPECT](#)

[Centres Against Sexual Assault](#)

[Gatehouse Centre, Royal Children's Hospital](#)

[Kids First](#)

[Australian Childhood Foundation](#)

[Djirra](#)

[Child Wise](#)

[Headspace](#)

# FOUR CRITICAL ACTIONS FOR SCHOOLS

## Responding to Incidents, Disclosures and Suspicions of Child Abuse

### 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.

### 2 REPORTING TO AUTHORITIES / REFERRING TO SERVICES

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.

Q: Where does the source of suspected abuse come from?

#### WITHIN THE SCHOOL

##### VICTORIA POLICE

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

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

##### GOVERNMENT SCHOOLS

- School principal and/or leadership team
- Employee Conduct Branch
- DET Incident Support and Operations Centre.

##### CATHOLIC SCHOOLS

- School principal and/or leadership team
- Diocesan education office.

##### INDEPENDENT SCHOOLS

- School principal and/or school chairperson
- Commission for Children and Young People on **1300 782 978**.

All allegations of 'reportable conduct' **must** be reported as soon as possible to:

##### GOVERNMENT SCHOOLS

- Employee Conduct Branch

##### CATHOLIC SCHOOLS

- Diocesan education office

##### INDEPENDENT SCHOOLS

- Commission for Children and Young People on **1300 782 978**.

#### 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:

##### GOVERNMENT SCHOOLS

- School principal and/or leadership team
- DET Incident Support and Operations Centre.

##### CATHOLIC SCHOOLS

- School principal and/or leadership team
- Diocesan education office.

##### INDEPENDENT SCHOOLS

- School principal and/or chairperson.

### 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 Four 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).
- It is strongly recommended that you use the **Responding to Suspected Child Abuse template** to keep clear and comprehensive notes, even if you make a decision not to report.

\*A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take 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/carer (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 parent/carer 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)
- **how to communicate** with all relevant parties with consideration for their safety.

#### OTHER CONCERNS

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/The Orange Door (in circumstances where the family are open to receiving support)
- DHHS Child Protection
- Victoria Police.

#### CONTACT

##### DHHS CHILD PROTECTION

###### AREA

North Division **1300 664 977**  
 South Division **1300 655 795**  
 East Division **1300 360 391**  
 West Division (Rural) **1800 075 599**  
 West Division (Metro) **1300 664 977**

###### AFTER HOURS

After hours, weekends, public holidays **13 12 78**.

###### CHILD FIRST

<https://services.dhhs.vic.gov.au/referral-and-support-teams>

###### ORANGE DOOR

<https://www.vic.gov.au/familyviolence/the-orange-door.html>

##### VICTORIA POLICE

**000** or your local police station

##### DET INCIDENT SUPPORT AND OPERATIONS CENTRE

**1800 126 126**

##### INCIDENT MANAGEMENT AND SUPPORT UNIT

**1800 126 126**

##### EMPLOYEE CONDUCT BRANCH

**(03) 9637 2595**

##### DIOCESAN OFFICE

Melbourne **(03) 9267 0228**  
 Ballarat **(03) 5337 7135**  
 Sale **(03) 5622 6600**  
 Sandhurst **(03) 5443 2377**

##### INDEPENDENT SCHOOLS VICTORIA

**(03) 9825 7200**

##### THE LOOKOUT

The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence: <http://www.lookout.org.au>.

Family violence victims/survivors can be referred to **1800 Respect** for counselling, information and a referral service: **1800 737 732**.

