

Protecting Children Policy

To comply with the school's child safety reporting obligations and to comply with Ministerial Order 1359.

To enable school staff to protect the safety and wellbeing of students by:

Purpose:

- Identifying indicators that a child or young person may be in need of protection.
- Outlining how to make a report about a child or young person who may be in need of protection.
- Ensuring they understand their mandatory reporting obligations, failure to disclose and failure to protect offences

Ensuring the Principal understands their obligations to report an allegation of child abuse against any adults who are employees or who are in some way connected with the school.

Scope:

Board Members, school staff, parents/carers/guardians of enrolled students, volunteers, contractors

Implemented by:

School Co-ordinator (Child Safety Officer)

Approved by:

Parent Group, Board

Communicated via:

Website, Staff Induction, Staff Meetings, Whole School Training Plan, Policies and Procedures Manual, Enrolment Agreement

Reviewed:

Every two years, after an incident, as regulatory changes arise or improvements are identified through internal review.

Overview

Learning Co-operative (Co-op) is committed to preventing harm to children through the proactive safeguarding, early identification of risk and compliance with all child safety reporting obligations set out in Ministerial Order 1359 and applicable legislation.

Child safety is a shared responsibility. The school, its Board, those who work in it, and the wider school community each play a role in creating and maintaining a safe environment for children and young people.



Co-op recognises that safeguarding children requires vigilance, professional judgment and collective action. The school will create a culture in which children, staff, volunteers and families feel confident and supported to raise concerns, disclosures or allegations relating to abuse, grooming or child safety risks.

Co-op will act on any allegations or disclosures of child abuse made by, or in relation to a child, school staff, visitor, or any other person connected to the school environment in accordance with this policy and relevant legislation. The safety and wellbeing of children will be the primary consideration in all decisions.

Definitions

Terms used in this policy have the same meaning as set out in the Child Safety & Wellbeing Policy, specifically Schedule A (Definitions).

Responsibilities

School staff and members of the school community have different levels of responsibility when it comes to their reporting and legal obligations to protect children and young people from abuse.

- **Mandatory Reporting** – Those classified as Mandatory Reporters are: School Principals, registered teachers and early childhood teachers, registered medical practitioners, nurses, midwives, school counsellors, police officers, out of home care workers (excluding voluntary foster and kinship carers), early childhood workers, youth justice workers, registered psychologists, people in religious ministry.
- **Failure to Disclose** – all adults
- **Failure to Protect** – Staff in leadership positions and Board Members
- **Reportable Conduct** – Principals

Volunteers and contractors must report child safety concerns to the supervising staff member or the School Co-ordinator.

All members of the school community must not assume that others are already aware of a concern or that action has been taken.

This policy does not replace the law or any legal obligations that apply to individuals or the school.

Individuals must comply with all legal requirements to protect children, including cooperating with law enforcement and reporting concerns to relevant authorities where required.

PROTECT: Four Critical Actions

School staff must follow the Four Critical Actions outlined in the **PROTECT Responding to Suspected Child Abuse: A Template for all Victorian Schools** documentation where there is an incident, disclosure or suspicion of child abuse

Hard copies of this template are located in the Policy & Procedures Manual, and can be accessed online here: <https://content.sdp.education.vic.gov.au/media/four-critical-actions-childabuse-973>



The Four Critical Steps must be followed every time there is an incident or further risk of abuse or harm. This includes reporting new information to authorities.

When dealing with an incident, disclosure or suspicion of child abuse, staff should ensure that the principal and school leadership team is made aware of the concern and are involved in providing ongoing appropriate support.

Mandatory Reporting

As per the Children, Youth and Families Act 2005 a mandatory reporter must report to DFFH Child Protection as soon as practicable if in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child has suffered or is likely to suffer significant harm from physical injury or sexual abuse, and that the child's parents have not protected or are unlikely to protect the child from that harm.

Where the suspected abuse involves criminal conduct requiring immediate police intervention, a report must also be made to Victoria Police.

Other circumstances may result in a staff member making a report, however the above conditions are those that apply to Mandatory Reporting situations.

A mandated reporter must make a report on each occasion that they form a belief and must make a report even if the Co-ordinator (or Board Member, if the belief relates to the Co-ordinator) or others within the organisation do not share their belief.

Mandatory reporters must ensure that a report has indeed been made in any instance that another mandated reporter has undertaken to make the report.



A mandated reporter who fails to comply with these reporting obligations may be committing a criminal offence.

If a disclosure is received from a former student, provided they are still of school age, the standard reporting obligations and processes apply. If the individual is no longer of school age, you must still act, and an appropriate first step may be to seek advice from Victoria Police.

Information Sharing

The Child Information Sharing Scheme may be utilised where concerns do not meet mandatory reporting or other thresholds but information sharing may assist to promote a child's wellbeing or safety. Use of the Child Information Sharing Scheme does not replace or delay any mandatory reporting or police reporting obligations where those thresholds are met.

Failure to disclose

Under the Crimes Act 1958 (Vic), any adult (18 years or over) who forms a reasonable belief that a sexual offence has been committed in Victoria against a child under 16 years of age by an adult (18 years or over) must report that belief to Victoria Police as soon as practicable.

A failure to report in these circumstances is a criminal offence unless a reasonable excuse applies. A reasonable excuse may include a genuine and reasonable fear for the safety of another person or a reasonable belief that the information has already been reported to police.

Concern for the interests, reputation or perceived wellbeing of the alleged offender or any organisation does not constitute a reasonable excuse.

Failure to protect

The Co-ordinator, board members or school leadership staff who know of or become aware of a substantial risk that a child under the care of the school may be subject to a sexual offence by an adult (aged 18 years or over) associated with the school (such as an employee, contractor or volunteer) must take all reasonable steps to remove or reduce that risk.

This may include removing the adult from child-connected or child-related work, adjusting supervision arrangements, or implementing other risk mitigation measures pending investigation.

Failure to take action may be a criminal offence for staff members and those in a position of authority.

There are a number of factors that may assist in determining whether a risk is a substantial risk. These include:

- the likelihood or probability that the child will become the victim of a sexual offence
- the nature of the relationship between a child and the adult who may pose a risk to the child
- the background of the adult who may pose a risk to the child, including any past or alleged misconduct
- any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence



- any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.

While the criminal offence of Failure to Protect applies only in specific statutory circumstances, the school's safeguarding obligations extend beyond those legal thresholds. The school will take reasonable steps to reduce or remove risks of harm to any student.

Reportable Conduct Scheme

The Reportable Conduct Scheme is overseen by the Social Services Regulator (SSR). The School Co-ordinator is required to report allegations of child abuse of any kind against any current employees (or adults who are in some way connected with the school such as contractors, volunteers, Board Members, service providers) to the SSR. This applies regardless of whether the alleged victim is or was a student at the school.

If a child discloses abuse allegedly perpetrated by an adult outside of the school, and that adult is covered by the Reportable Conduct Scheme in their current employment or position, in addition to following the PROTECT documentation for the disclosure, the Co-ordinator should seek advice from SSR regarding the potential for a report under the scheme.

The Reportable Conduct Scheme does not replace Mandatory Reporting requirements nor the need to report allegations of child abuse, criminal conduct and family violence to Victoria Police.

Reporting Obligations of Principals to Victorian Institute of Teaching (VIT)

Learning Co-operative must notify VIT if it

- takes employment or administrative action, including precautionary action pending investigation, in response to an allegation, complaint, disclosure or other information that raises concerns of serious misconduct (including but not limited to child safety misconduct, criminal conduct, dishonesty or fraud), serious incompetence, or where a registered teacher may be unfit to be registered
- takes action because a registered teacher's ability to practise is seriously detrimentally affected, or likely to be seriously detrimentally affected, by an impairment
- becomes aware that a registered teacher has been charged with, convicted or found guilty of a relevant (Category A or B) offence
- becomes aware that a registered teacher has received a Working with Children Check exclusion or negative notice
- takes any other action that is reasonably likely to be relevant to the registered teacher's fitness to teach or ongoing suitability to hold registration.



Duty of Care

The school has a non-delegable duty of care and must ensure it has adequate policies, procedures and processes in place and takes reasonable steps to prevent harm and abuse of a student while the student is under the care, supervision or authority of the school.

Staff, volunteers and contractors engaged by the school must act in a manner consistent with this duty of care and take reasonable steps, within the scope of their role, to protect children from harm and to raise child safety concerns in accordance with this policy

To adequately discharge its duty of care the school:

- maintains policies, procedures and governance arrangements to protect students from harm
- provides child safety induction and training appropriate to the roles of staff, volunteers and contractors
- establishes clear processes for identifying, reporting and escalating child safety concerns
- responds to concerns, allegations and disclosures in accordance with PROTECT and applicable legislation
- complies with relevant reporting and information sharing obligations
- maintains appropriate records relating to child safety matters
- provides appropriate support to students affected by child safety concerns
- conducts pre-employment screening and reference checks
- has clear supervision guidelines
- gives adequate training on signs and indicators of abuse and neglect
- has clear codes of conduct for staff and volunteers
- has policies outlining the requirement to act on all concerns and suspicions of abuse along with clear processes to follow
- utilises the Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS), along with seeking appropriate advice from or consulting with other professionals or agencies
- has a clear process for reports of suspected child abuse, neglect or concerns to appropriate authorities such as Victoria Police and Child Protection (refer to Four Critical Actions)
- provides ongoing support to the child
- shares information with other school staff who will also be responsible for providing ongoing support to the child.

Reporting to Victoria Police

Where there is an immediate and/or unmanaged risk to a child's safety or the safety of others, and the risk cannot be reasonably managed through school-based actions, or where criminal behaviour poses a risk to the child or others, the school will contact Victoria Police.



Indicators of abuse and forming a 'reasonable belief'

There are many possible indicators of child abuse and neglect. All adults within the school community — including staff, volunteers, contractors and families — may form a reasonable belief based on information disclosed to them or circumstances they become aware of.

School staff, due to their professional roles and regular contact with students, are often particularly well placed to observe patterns of behaviour, physical indicators or changes in presentation that may indicate abuse or risk of harm.

A 'reasonable belief' is formed when a person believes on reasonable grounds that:

- A child has suffered abuse;
- A child is being abused;
- A child is likely to suffer significant harm; or
- A child is at risk of abuse or is in danger of harm, even if no harm has yet occurred.

Proof is not required. A belief may be formed where a reasonable person would form the same belief based on the available information.

Records should be made on the student file in the Student Management System of relevant observations, even if a reasonable belief has not been formed, so that patterns and ongoing observations can be tracked and compiled. This allows for the possibility of a future reasonable belief to be formed based on signs of behaviours over time.

Staff must take action as soon as they form a reasonable belief.

A 'reasonable belief' might be formed if:

- a child discloses that they have been abused
- a child discloses information that suggests they, or another child, may have been abused
- a parent, carer, or family member, community member or other person provides information indicating abuse or risk
- physical indicators are present (e.g. non-accidental or unexplained injuries)
- behavioural or emotional indicators are present (e.g. significant and concerning changes in behaviour, age-inappropriate sexualised behaviour, fearfulness, withdrawal)
- there are signs of neglect or cumulative harm including persistent failure to provide adequate care, supervision, medical attention or basic needs
- the child is exposed to family violence or other circumstances impacting their health, safety or development
- professional observations or objective facts lead to concerns about abuse or risk of abuse
- there is a record of concerns that, taken together, indicate abuse or harm or the risk of harm and abuse



A reasonable belief can relate to past conduct, current or likely future harm or abuse.

If there is doubt about whether the threshold is met, staff must err on the side of the child's safety and seek advice from the Co-ordinator or make a report.

Types of child abuse include:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Grooming
- Family Violence
- Neglect
- Student sexual offending
- Sexual Behaviour in Children Under 10 Years

When to make a referral

If you have concerns for the wellbeing of a child, and where the immediate safety of the child will not be compromised, a referral to The Orange Door may be appropriate.

Referring to The Orange Door would be appropriate where families:

- Are experiencing significant parenting problems that may be affecting the child's development
- Are experiencing family conflict, including family breakdown
- Are under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- Are young, isolated or unsupported
- Are experiencing significant social or economic disadvantage that may adversely impact on a child's care or development
- Show signs that they will act on the referral and be supportive of it

Are experiencing significant social or economic disadvantages that may adversely impact on a child's care or development.

When to report wellbeing concerns to DFFH Child Protection

A child may also be in need of protection if they have experienced or are at risk of significant harm, and their parents have not protected, or are unlikely to protect them from that harm.

Significant harm may relate to:

- emotional or intellectual development
- physical development or health
- abandonment or parent incapacity.



Mandatory reporters are required to report in relation to significant harm as a result of physical injury or sexual abuse. They may choose, as can anyone, to report in relation to other types of significant harm.

Student Sexual Offending and Problem Sexual Behaviours

Child safety concerns may include sexual behaviours involving students. These may involve **student sexual offending**, which refers to sexual behaviour by a student that is abusive, harmful or exploitative, or **problem sexual behaviours**, which refers to developmentally inappropriate or harmful sexual behaviours that may occur between children and young people.

While these behaviours differ in nature and intent, both raise child safety concerns and require an appropriate response by the school.

All incidents, disclosures or suspicions relating to student sexual offending or problem sexual behaviours must be responded to in accordance with PROTECT and applicable legislation. The School Co-ordinator has primary responsibility for managing the school's response, including risk management, reporting, and support for affected students.

Responding to Student Sexual Offending

Student sexual offending refers to sexual behaviour that is led by a student 10 years and over which may amount to a sexual offence, such as sexual assault, rape or indecent acts.

Staff members' legal obligations to identify, respond and report child abuse also includes any incidents, allegations and suspicions that a student is victim to student sexual offending or a student has committed sexual offending.

In the event of an incident of student sexual offending, receiving a disclosure or forming a suspicion that a student is a victim of a student sexual offending staff must act immediately by following the PROTECT Four Critical actions and referencing the guide 'Responding to Suspected Student Sexual Offending: Template for all Victorian Schools'.

Principals have primary responsibility for managing the school response to incidents, disclosures or suspicions of student sexual offending.

Consent under Victorian Law

Under Victorian Law children between 12-15 can only consent to sexual activity with a peer no more than two years their senior. Therefore, sexual contact led by a student with a child outside of these age parameters may amount to student sexual offending.

In order for a person to consent to sexual activity they have to have the capacity to understand the context and possible consequences of the act. Therefore, sexual contact led by a student involving a person with a cognitive impairment or affected by alcohol and other drugs may also amount to student sexual offending.



Problem sexual behaviour in children under 10

Victorian Law holds that students under 10 years of age cannot commit a sexual offence, and therefore problem sexual behaviour by children under 10 years of age does not fall under Mandatory Reporting.

Most children and young people are likely to engage in some level of age-appropriate sexual behaviour as part of their development and sexual behaviours can present along a broad continuum.

It is important to consider the context of any alleged sexual behaviour of students, taking into consideration their developmental age and cognitive functioning, so that informed decisions about appropriate action can be made.

It is important to understand that some level of sexual behaviour does not necessarily indicate a problem. Age-appropriate sexual behaviour can become disrupted in children and adolescents by a number of factors, including exposure to sexually explicit material or exposure to sexual activity including abuse.

If you suspect that a student under 10 years of age has engaged in concerning sexual behaviour, the Principal should advise the parents/ carers of the student who is engaging in the behaviour (unless there are reasonable grounds for believing that this would not be in the best interests of the child). In many instances, the parents/carers can assist school staff to ensure that the child is aware that their behaviour and conduct is not appropriate in a school environment and to encourage them to seek outside support and professional advice. In these circumstances, it is also necessary and appropriate to notify the parents/carers of the students who have been impacted by the behaviour and to offer them direct support and/or a referral to external support services.

For all students who are under 10 years of age and who engage in problem sexual behaviour, the school will consider a range of actions such as:

- consulting with wellbeing professionals, DFFH Child Protection or Victoria Police
- advising the parents/carers of the student who is engaging in the behaviour and the parents/carers of students who have been impacted by the behaviour and offer them support and a referral to external support services
- developing strategies to maintain the safety of other school community members

Concerning sexual behaviour in children is not a clear indicator that a child has been sexually abused, however if staff form a reasonable belief they must report this to DFFH Child Protection or Victoria Police.

Diversity and Inclusion

In responding to child safety concerns, the school will have regard to the individual circumstances and diversity of young people and their families. This includes consideration of factors such as cultural identity, Aboriginal and Torres Strait Islander status, disability, gender identity, sexual orientation, language, and any other relevant vulnerabilities. The school will take reasonable steps to ensure that responses to child safety concerns are inclusive, respectful and accessible, and do not create additional barriers to a child's safety or wellbeing.



Requests for Information

Through both the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme the school may be the recipient of a 'request to share' from an Information Sharing Entity or may make a 'request to share' of another Information Sharing Entity.

In addition, DFFH Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.

In certain circumstances, DFFH Child Protection can also direct school 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 DFFH Child Protection.

Concerns or complaints

During or after child safety matters there may be concerns or complaints about the school and/or staff's management of an incident. It can be a very stressful time and concerns that an incident has not been dealt with fairly may quickly escalate.

The Concerns & Complaints Policy and process should be followed by those wishing to raise a concern or complaint regarding the handling of an incident, allegation or disclosure.

Upon receipt of any Concern or Complaint in relation to the handling of an incident, allegation or disclosure school staff must review the information to determine whether it identifies unreported abuse and/or risk of abuse. Staff must follow the Four Critical Actions if any new information comes to light which leads to a belief that a child may be subject to, or at risk of any unreported abuse.

If a school staff member continues to have concerns about a child after Child Protection has closed the case, the school can escalate the matter by using the Child Protection's complaints management process <https://www.dffh.vic.gov.au/making-complaint>

Records Management

We acknowledge that good record management practices are a critical element of child safety and wellbeing and will manage our child safety related records in accordance with the Creating, Managing and Retaining Records for Current or Future Child Sexual Abuse Allegations document prepared by the Public Record Office Victoria (PROV).

Confidentiality

Planning and care should be taken before providing any information about child abuse to the school community. The school should be aware that even confirming the existence of an allegation can lead to the identification of a victim and may also have negative influence on any investigation. The Co-ordinator must



determine who within the school receives information about the report, and should be provided to only those whose duty of care requires it.

Staff Training

Training shall ensure that all staff understand mandatory reporting obligations, failure to disclose and failure to protect offences, along with information to support them in identifying and responding to abuse and scenarios that may warrant a referral or action. The Co-ordinator shall implement the Whole School Training Plan and individual training requirements will be based on individual roles and duties and relevant risk assessments conducted.

The Co-ordinator is responsible for ensuring that:

- staff understand child safety and reporting obligations
- staff receive ongoing child safety training
- training is appropriate to roles
- training is part of induction and ongoing professional learning

All staff and Board members will complete the on-line Mandatory Reporting Professional Learning Module provided by DEECD (<https://elearn.childlink.com.au>). The module provides detailed information for identifying and responding to child abuse and includes case studies and practical scenarios to assist staff to fulfil their reporting obligations. All staff must undertake this training once per calendar year.

Making a report using PROTECT

Staff should use the ***PROTECT: Recording your actions: Responding to Suspected Child Abuse A Template*** to record all the relevant information required to make a report.

This table describes steps involved to make a mandatory report.

<u>Step</u>	<u>Description</u>
1	<p>In case of emergency or where there is an immediate and unmanaged risk contact Triple Zero (000).</p> <p>If an incident has occurred please commence First Aid and take steps to secure the scene or relevant evidence, including separating the victim/s from others involved, if required</p>
2	<p>Begin completing the <i>PROTECT: Recording your actions: Responding to Suspected Child Abuse A Template</i></p>
3	<p>Where practicable, staff should notify the School Co-ordinator (or Chairperson) prior to making the report to discuss the concerns about the safety and wellbeing of the student, so the school can assist the staff member through the reporting process and ensure the child's welfare is maintained. This internal notification must not delay or prevent a report being made to external authorities.</p>
4	<p>To make the report:</p> <ul style="list-style-type: none"> • If the source of the suspected abuse comes from within the school call Victoria Police (local police station Hurstbridge Police Station or Mernda SOCIT Unit) • if the suspected source of abuse comes from within the family or community call DFFH Child Protection / North Division: 1300 598 521 After hours Child Protection Emergency Service - 13 12 78 (5.00pm to 9.00am Monday - Friday, 24 hours on weekends and public holidays) <p>Where the suspected abuse involves criminal conduct or an immediate safety risk, Victoria Police must be contacted regardless of whether the suspected source of abuse is within the school, family, or community.</p> <p>At this point, you must also report internally to the Co-ordinator or Chairperson if it has not already occurred, and all allegations against members from within the school must be reported to the SSR by the Co-ordinator within 3 business days.</p>
5	<p>Provide the Co-ordinator (or Chairperson) with a copy of the completed report after the report has been made. The report will be securely stored in the administration area.</p>
6	<p>The Co-ordinator (or Chairperson) will advise the Board that a Child Safety Report has been lodged without disclosing identifying details beyond what is necessary for governance oversight. The Board will be provided updates to ensure they are satisfied the school response is handled in accordance with this policy and other legal obligations.</p>



After making a report

Making a report to an external authority does not discharge the school's ongoing duty of care to students. Following a report, the school will cooperate with relevant authorities, take appropriate steps to support affected students, manage any ongoing risks, and maintain appropriate records in accordance with this policy and applicable legislation.

Support for staff who make a report

Making a report is likely to be a stressful event for the staff members involved. The school will ensure that all staff members are supported throughout the process.

Professional Protection

If a report is made in good faith it will not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter and the reporter cannot be held legally liable in respect of the report.

Supporting students and families

Students and families will have a range of responses to a report and the school will support families in the following ways:

- work in partnership with the family to support the child
- provide feedback about any changes in their child's behaviour while at school.
- respect the family's privacy and decision whether to discuss the situation with the school
- recommend support from appropriately qualified counsellors when needed
- implement support strategies requested by the family or appropriately qualified counsellor.

Witness Summons

A subpoena/witness summons is a court order that compels the school or an individual to produce documents, or attend court and give evidence, or to do both of these things.

If any school staff member directly receives a subpoena/witness summons in the context of their employment they should discuss this with the Principal to ascertain if legal advice should be sought.



Related Documentation

- PROTECT Responding to Suspected Child Abuse: A Template for all Victorian Schools
- PROTECT: Four Critical Actions For Schools
- Children, Youth and Families Act 2005 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Crimes Act 1958 (Vic)
- Education and Training Reform Act 2006 (Vic)
- Education and Training Reform Regulations 2017 (Vic)
- Ministerial Order 1359 – Implementing the Child Safe Standards
- Mandatory Reporting Professional Learning Module
- Victorian Registration and Qualifications Authority (VRQA) Minimum Standards for School Registration.
- Staff Code of Conduct
- https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_WarningSignsSchoolStaff.pdf
- Identifying Child Abuse - <https://www.schools.vic.gov.au/identify-child-abuse>
- Reportable Conduct Scheme - <https://ccyp.vic.gov.au/resources/reportable-conduct-scheme/reportable-conduct-scheme-information-sheets>
- Reportable Conduct Scheme Flowchart (ISV)
- Child Safety Record Keeping Obligations
- Creating, Managing and Retaining Records for Current or Future Child Sexual Abuse Allegations (Public Record Office Victoria)

Related Policies

- Child Safety & Wellbeing Policy
- Critical Incident Policy
- Concerns & Complaints Policy
- Working with Children Policy
- Privacy Policy
- Duty of Care Policy