


| | | | | | | |
|--|------------------------|---|--|--|---------------------|-------------|
|  Berwick COLLEGE | TITLE | | | CHILD SAFETY RESPONDING & REPORTING OBLIGATIONS | | |
| | VERSION/YEAR | | | 4/2018 | | |
| | PUBLISHED LOCATIONS | | | COMPASS, WEBSITE, STAFF HANDBOOK, INDUCTION | | |
| | ISSUE DATE | | | DECEMBER 2018 | | |
| | REVIEW DATE | | | DECEMBER 2021 | | |
| | BERWICK COLLEGE POLICY | | | REVIEWED BY | ASSISTANT PRINCIPAL | RATIFIED BY |
| PURPOSE: | | <ul style="list-style-type: none"> To define the roles and responsibilities of Berwick College staff in complying with reporting obligations under child protection law and criminal law To ensure that Berwick College policies and procedures accurately reflect the College operations, directions, educational philosophy and goals and meet all legislative, compliance and duty of care requirements. Berwick College seeks to establish and maintain a high level of professional standards in relation to all activities within the College. This policy is in accord with the College's 'Mission Statement', 'Values' and 'Service Standards'. To ensure that all staff and members of our College community understand the various legal and other reporting obligations related to child safety that apply to Berwick College. | | | | |
| BACKGROUND: | | <ul style="list-style-type: none"> Berwick College is committed to child safety and wellbeing and has a zero tolerance for child abuse. | | | | |
| RELATED DOCUMENTS: | | <ul style="list-style-type: none"> DET Child Protection – Reporting Obligations Human Services – Child Protection DET Ministerial Order No 870 – Child Safe Standards Crimes Act 1958 Berwick College Child Safe Policy Berwick College Statement of Commitment to Child Safety Berwick College Staff Code of Conduct (Child Safe Standards) DET elearn Module: Protecting children – Mandatory Reporting and other Obligations | | | | |

SCOPE

This policy applies to all school staff, volunteers and school community members. It also applies to all staff and students engaged in any school and school council-run events, activities and services such as Breakfast club etc.

RATIONALE

All children and young people have the right to protection in their best interests. Berwick College understands the important role our school plays in protecting children from abuse including:

- Physical abuse
- Sexual abuse (including sexual exploitation)
- Family violence
- Emotional abuse
- Neglect (including medical neglect)
- Grooming

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

At Berwick College we also recognise the diversity of the children and young people at our school and take account of their individual needs and backgrounds when considering child safety.

MANDATORY REPORTING

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

All mandatory reporters must make a report to the Department of Health and Human Services (DHHS) Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/ or sexual abuse, and
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Berwick College to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the principal does not share their belief that a report is necessary.

At our College, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually. We also encourage all other staff to undertake this module, even where they are not mandatory reporters. For more information about Mandatory Reporting see the Department's *School Policy and Advisory Guide: Child Protection – Reporting Obligations*.

CHILD IN NEED OF PROTECTION

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

The policy of the Department of Education and Training (DET) requires **all staff** who form a reasonable belief that a child is in need of protection to report their concerns to DHHS or Victoria Police, and discuss their concerns with the school leadership team.

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

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

REPORTABLE CONDUCT

Our College must notify the Department's Employee Conduct Branch (9637 2594) if we become aware of an allegation of 'reportable conduct'. There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been:

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

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

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

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

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

FAILURE TO DISCLOSE OFFENCE

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 by another person aged 18 years or over.

Failure to disclose information to Victoria Police (by calling 000 or local police station) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"Reasonable belief" is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.
- "Reasonable excuse" is defined by law and includes:
 - fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
 - where the information has already been disclosed, for example, through a mandatory report to DHHS Child Protection.

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

FAILURE TO PROTECT OFFENCE

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (ie persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

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

GROOMING

Grooming is a criminal offence under the *Crimes Act 1958* (Vic). This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in sexual activity at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer.

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

EVALUATION:

- This policy will be reviewed as part of the College's three-year review cycle.

FOR STUDENTS

- All students should feel safe to speak to any staff member to raise any concerns about their safety or any other concerns that they have.
- If a student does not know who to approach at Berwick College they should start with their homegroup teacher or a member of the wellbeing team as the first point of contact for a student in doubt.

MANAGING DISCLOSURES MADE BY STUDENTS

When managing a disclosure you should:

- listen to the student and allow them to speak
- stay calm and use a neutral tone with no urgency and where possible use the child's language and vocabulary (you do not want to frighten the child or interrupt the child)
- be gentle, patient and non-judgmental throughout
- highlight to the student it was important for them to tell you about what has happened
- assure them that they are not to blame for what has occurred
- do not ask leading questions, for example gently ask, "What happened next?" rather than "Why?"
- be patient and allow the child to talk at their own pace and in their own words
- do not pressure the child into telling you more than they want to, they will be asked a lot of questions by other professionals and it is important not to force them to retell what has occurred multiple times
- reassure the child that you believe them and that disclosing the matter was important for them to do
- use verbal facilitators such as, "I see", restate the child's previous statement, and use non-suggestive words of encouragement, designed to keep the child talking in an open-ended way ("what happened next?")
- tell the child in age appropriate language you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate (for a young child this may be as simple as saying "I will need to talk to people to work out what to do next to help you").

When managing a disclosure you should AVOID:

- displaying expressions of panic or shock
- asking questions that are investigative and potentially invasive (this may make the child feel uncomfortable and may cause the child to withdraw)
- going over the information repeatedly (you are only gathering information to help you form a belief on reasonable grounds that you need to make a report to the relevant authority)
- making any comments that would lead the student to believe that what has happened is their fault
- making promises to the child about what will occur next or that things will be different given the process can be unpredictable and different for each child depending on their circumstances (instead reassure them that you and others will do your best to help).

GENERAL PROCEDURES

Our College follows the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* (Four Critical Actions) when responding to incidents, disclosures and suspicions of child abuse.

All staff at our College who believe that a child is in need of protection, even if it doesn't meet the threshold required for mandatory reporting or the staff member is not a mandatory reporter, should in the first instance, speak to with a principal class officer or a member of the Wellbeing Team or should make the required reports to DHHS Child Protection and/or Victoria Police as necessary.

At our College the Principal will be responsible for monitoring overall school compliance with this procedure. Nothing in this procedure prevents a staff member or any other person from reporting to the relevant authorities if they form a reasonable belief that a child is at risk of abuse.

REPORTING SUSPICIONS, DISCLOSURES OR INCIDENTS OF CHILD ABUSE

Responsibilities of all school staff

If a school staff member reasonably suspects or witnesses an incident of child abuse or receives a disclosure of child abuse, they must:

- If a child is at immediate risk of harm, separate alleged victims and others involved, administer first aid and call 000.
- Speak to a principal class officer or a member of the Wellbeing Team as soon as possible, who will follow the Four Critical Actions.
- Make detailed notes of the incident or disclosure on a Compass Chronicle note with Level 3 accessibility
- If the staff member reasonably believes that a student has suffered physical and/or sexual abuse from which the child's parents have not protected the child, they must make a report to DHHS Child Protection.
- If the staff member has formed a 'reasonable belief' that a sexual offence has been against a child, they must make a report to Victoria Police.

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

In circumstances where a member of the leadership team disagrees that a report needs to be made, but the staff member has formed a 'reasonable belief' that the child is in need of protection and/or has been the victim of sexual abuse, the staff member must still contact DHHS Child Protection and/or Victoria Police to make the report.

RESPONSIBILITIES OF PRINCIPAL, PRINCIPAL CLASS OFFICERS, WELLBEING TEAM OR NOMINEE MANAGE AND/OR REPORT INCIDENTS, SUSPICIONS OR DISCLOSURES TO CHILD PROTECTION OR VICTORIA POLICE.

The Principal, Principal Class Officers, Wellbeing Team or nominee are responsible for promptly managing the school's response to an incident, suspicion or disclosure of child abuse, and ensuring that the incident, suspicion or disclosure is taken seriously. The Principal, Principal Class Officers, Wellbeing Team or nominee are also responsible for responding appropriately to a child who makes or is affected by an allegation of child abuse.

If the Principal, Principal Class Officers, Wellbeing Team or nominee receives a report from a school staff member or member of the school community of a suspicion, disclosure or incident of child abuse, they must:

- Follow the Four Critical Actions as soon as possible, including:
 - Responding to an emergency
 - Reporting to authorities/referring to services
 - Contacting parents/carers and
 - Providing ongoing support.
- Make detailed notes of the incident or disclosure, including actions taken on a Compass Chronicle note with Level 3 accessibility
- They are also responsible for ensuring that any staff member who reported the incident, disclosure or suspicion to them also makes and keeps notes of the incident
- At Berwick College, Principal, Principal Class Officers, Wellbeing Team or nominee will be responsible for ensuring that there is a prompt response to the disclosure and that the child is appropriately supported.

If the Principal/other nominated staff member responsible above is unavailable, a Leading Teacher will take on the role and responsibilities described in this section.

DUTY OF CARE AND ONGOING SUPPORT FOR STUDENTS

Fulfilling the requirements in this procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of abuse.

All staff have a duty of care to take reasonable steps to prevent reasonably foreseeable harm to students. All staff must ensure that Principal Class Officers or other appropriate staff member are aware of any incidents, suspicions or disclosures of child abuse as soon as possible after they occur. This will allow appropriate supports to be put in place for the student affected.

FOR SCHOOL VISITORS, VOLUNTEERS AND SCHOOL COMMUNITY MEMBERS

All community members aged 18 years or over should be aware of their legal obligations – see *Failure to disclose offence* above, in this Policy.

Any person can make a report to DHHS Child Protection if they believe on reasonable grounds that a child is in need of protection. For contact details see the Four Critical Actions –

https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf

There is no requirement for community members to inform the school if they are making a disclosure to DHHS Child Protection or the Victoria Police. However, where a community member is concerned about the safety of a child or children at the school, and where disclosure of that concern will not compromise any potential police investigation, the community member should report this concern to the Principal so that appropriate steps to support the student can be taken.

BERWICK COLLEGE CONFIDENTIALITY:

Berwick College staff members must respect confidentiality when dealing with a case of suspected child abuse and neglect, and may discuss case details and the identity of the child or the young person and their family only with those involved with managing the situation.

When a child or young person has moved to another school, professional judgment 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.

INTERVIEWS AT VICTORIAN SCHOOLS:

Child Protection may conduct interviews of children and young people at Berwick College 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 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:

Students should be advised of their right to have a supportive adult present during interviews. If a student is too young to understand the significance of the interview, a staff member should make arrangements for a supportive adult to attend.

A staff member may be identified as a support person for the student during the interview. In these circumstances the staff member should take notes, listen carefully and provide support for the student. Prior to the commencement of the interview, the Child Protection practitioner should always authorise the Berwick College staff member to receive information regarding Child Protection's investigation. This may occur verbally or in writing using the relevant Child Protection proforma. Independent persons must refrain from providing their opinions or accounts of events during interviews. A Principal or their delegate may act as an independent person when the student is interviewed, unless they believe that in doing so that will create a conflict of interest.

ADVISING PARENTS, CARERS OR GUARDIANS:

Berwick College staff members 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 and 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 either before, or by the time the child arrives home.

ENSURING THAT THE CHILD PROTECTION INTERVIEW TAKES PLACE:

Berwick College upholds Court Orders but does not have the power to prevent parents, carers or guardians from removing the child 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 the planned interview has taken place, the Principal and/or their nominee should contact the Child Protection or Victoria Police immediately.

BERWICK COLLEGE STAFF TRAINING:

Berwick College staff members will be informed of child safety reporting obligations as part of their initial induction to the school. A Child Safety Reporting presentation will take place annually as part of the staff meeting schedule and all staff will complete the online mandatory reporting training module. As part of compliance with the Victorian Child Safe Standards, all staff sign a Child Safe – Statement of Commitment to Child Safety

BERWICK COLLEGE STAFF RECRUITMENT:

Berwick College employment processes clearly demonstrate our commitment to child safety. All people engaged in work on site are required to hold a Working with Children Check or police record check as part of the VIT process.

PROTECTING THE IDENTITY OF THE REPORTER:

Confidentiality is provided for reporters under the Children, Youth and Families Act 2005 (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 tell the child, young person or family of the report.
- The reporter consents in writing to their identity being disclosed.
- 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.
- 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 information may be required to provide evidence to the court.

If Child Protection decides that the report is about a significant concern about the wellbeing of a child, 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 REPORTER:

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 responsible 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.

Support phone lines:

Child FIRST: 9705 3939

Provides advice and information to parents and can link families into local supports to meet their particular needs

YODAA: 1800 458 686

Provides information, advice and links to supports for concerns relating to drug and alcohol use. Young people, or anyone concerned about a young person can access this service.

Parentline: 13 22 89

Confidential phone counselling for parents and carers on a range of parenting issues

Kids Helpline: 1800 551 800

Free 24/7 phone counselling for young people aged 5 to 25 years.

1800 Respect: 1800 737 732

Confidential information, counselling and support for people impacted by sexual assault, domestic or family violence and abuse.

Local youth support services:

Headspace Narre Warren: 1800 367 968: <https://headspace.org.au/headspace-centres/narre-warren/>

Youth mental health service offering counselling, programs, health services and general advice

eheadspace: <https://www.eheadspace.org.au> : Free and confidential online chat, email or phone counselling with youth mental health professionals

Casey Youth Services: 9792 7300 <http://www.casey.vic.gov.au/community-services/youth-services/youth-about>

The local council youth services team offer programs, leadership development, counselling and support as well as holiday programs for young people in the City of Casey.

Directory of community services:

Positive Pathways: <http://youthpositivepathways.com.au>

Information and links for services for young people in Dandenong, Casey and Cardinia Council areas.

Sayft Net: <http://sayft.net>

Useful Websites

Below are a list of useful websites to offer students and parents some helpful and relevant information.

<http://www.beyondblue.org.au/>

www.centrelink.gov.au

http://www.humanservices.gov.au/customer/information/centrelink-website?utm_id=7

www.windermerecfs.com.au

<http://www.druginfo.adf.org.au/index.php>

<http://www.betterhealth.vic.gov.au/>

<http://www.education.vic.gov.au/about/contact/Pages/parentline.aspx?&Redirect=1>

<http://www.casey.vic.gov.au/>

<http://connections.org.au/>