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## Procedures for Responding to and Reporting Allegations of Child Abuse

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

The College will take appropriate, prompt action in response to **all** allegations or disclosures of abuse, neglect, inappropriate behaviour or concerns about child safety by reporting all matters to the Victorian Child Protection Service or the Police, depending on the allegation or disclosure made.

Salesian College has established simple and accessible procedures for anyone to report a child abuse concern internally to one of the College's **Child Protection Officers**.

Salesian College has developed and implemented procedures for Board members, staff and Direct Contact Volunteers for responding to allegations and disclosures of child abuse, or suspected child abuse, including procedures for support following a disclosure by a student..

Reporting procedures for Third Party Contractors, External Education Providers, Indirect Contact Volunteers, parents/carers and other community members are also included in our **Child Protection and Safety Policy** which is available on our public website.

Age appropriate reporting procedures for students are developed through our **pastoral care program**.

This section describes our work systems, practices, policies and procedures for responding to and reporting allegations of child abuse both internally and externally. This includes:

### **Managing Your Initial Response to a Child Protection Incident**

#### **Responding to an Emergency**

#### **Reporting a Child Abuse Concern Internally**

#### **General Legal Obligation to "Act to Protect" and to Report Child Sexual Abuse**

#### **Mandatory Reporting**

#### **Responding to Other Concerns About the Wellbeing of a Child**

#### **Conduct that is Reportable to the Victorian Institute of Teachers (VIT)**

#### **Communication with Parents/Carers**

#### **Support for Students Interviewed at the College**

#### **Making Additional Reports**

## **Child Protection Complaints Management**

### **Confidentiality & Privacy**

### **Child Protection Record Keeping**

The College's policies and procedures for responding to and reporting allegations of suspected child abuse are made available to staff, students, parents/carers and the wider College community through our staff intranet and by request.

All of the College's procedures for reporting and responding to allegations of child abuse are designed and implemented taking into account the diverse characteristics of the College community.

A summary of these procedures is made publicly available on the College's website through our **Child Protection and Safety Policy** and is accessible to all children, College staff and the wider community.

The College will respond to all allegations of child abuse in an appropriate manner including:

- informing the appropriate authorities and fully cooperating with any resulting investigation;
- protecting any child connected to the allegation until it is resolved and providing ongoing support to those affected;
- taking particular measures in response to an allegation that concerns a culturally diverse child or a child with a disability; and
- securing and retaining records of the allegation and the College's response to it.

### **Documenting Your Observations and Actions**

It is critical that all teaching staff, non-teaching staff, Board members, Volunteers, Third Party Contractors and External Education Providers keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse. This information may be sought at a later date if the matter is the subject of court proceedings. Your notes may also assist you later if you're required to provide evidence to support your decisions regarding the handling of child protection incidents.

For more information about how to record observations, disclosures or allegations refer to the **Child Protection Record Keeping** section of this Program.

### **Preserving Evidence**

When an incident of suspected child abuse occurs at the College, consider all of the following:

- environment: do not clean up the area and preserve the sites where the alleged incident occurred;
- clothing: take steps to ensure that the person who has allegedly committed the abuse and the child who has allegedly been abused remain in their clothing. If this is not possible, ensure the clothes are not washed, handled as little as possible and stored in a sealed bag;
- other physical items: ensure that items such as weapons, bedding and condoms are untouched; and
- potential witnesses: reasonable precautions must be taken to prevent discussion of the incident between those involved in the alleged incident.

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## Managing Your Initial Response to a Child Protection Incident

### Responding to an Emergency

All teaching staff, non-teaching staff, Board members, Volunteers, Third Party Contractors and External Education Providers **must act** as soon as they **witness a child protection incident** or form a reasonable belief that a child has been or is at risk of being abused.

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 assistance or Police assistance to address immediate health and safety concerns; and
- briefing the Senior Child Protection Officer to be the future liaison with the Police on the matter.

The following sections outline the **six ways** that you may become aware that a child may be experiencing abuse and strategies for managing each situation, and supporting and assisting children involved in the disclosure or report.

### **Witnessing a Child Protection Incident**

#### **Observation of Risk Indicators**

#### **Private Disclosure by a Child**

#### **Public Disclosure by a Child**

#### **Third Party Disclosure**

#### **Disclosure by a Former Student**

#### **Support Following Disclosure**

Document current as at 26 April 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

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## **Witnessing a Child Protection Incident**

If you witness an incident where you believe a child has been subject to abuse you must take immediate action to protect the safety of the child or children involved.

Where there is an immediate risk to the health and/or safety of a child, follow the steps outlined in the **Responding to an Emergency** section of this Program.

The College's **Procedures for Responding to and Reporting Allegations of Child Abuse** should be followed after the health and safety of the child involved is ensured.

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## Observation of Risk Indicators

The different types of child abuse and their key risk indicators are set out in detail in the earlier section of this program **Child Abuse – Definition and Key Risk Indicators**.

The process of identifying child abuse purely through observation of risk indicators can be complex and may occur over time. The complexity is magnified by the fact that many of the key risk indicators described may also occur as a result of other factors, not related to child abuse.

If you form a concern that a child may be being abused, you should make written notes of your observations recording both dates and times. You should also **report the matter internally** to a College **Child Protection Officer**.

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## Private Disclosure by a Child

If a student discloses a situation of abuse or neglect to you privately, you should stay calm and not display expressions of panic or shock.

You should reassure and support the child. You can do this by:

- stating clearly that the abuse is not the child's fault;
- reassuring the child that you believe them; and
- telling the child that disclosing the matter is the right thing to do.

You should be patient, and allow the child to talk at their own pace. When responding you should use the child's language and vocabulary.

Sometimes a student may try to elicit a promise from you that you will not tell anyone about the allegation. You **must not** make this promise, as you are responsible for reporting the matter.

Finally, remember that your role is not to investigate the allegation. You should not interrogate the child and pressure them to tell you more than they want to.

Once a disclosure is made you must report the matter internally to a College **Child Protection Officer** as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.

Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the College's **Support Following Disclosure** policy.

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## Public Disclosure by a Child

Public disclosure occurs where you observe a child disclosing abuse to another child, or group of children.

In this circumstance you should use a strategy of “protective interrupting”.

The aim of “protective interrupting” is to prevent a child from disclosing details of abuse in front of other children, whilst at the same time providing the child with the opportunity to disclose later, in a safe and confidential manner.

You can do this by:

- asking the child if you can talk privately; and
- moving the child away from the other students to a quiet space,

and then following the guidelines with respect to **managing a private disclosure**.

Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the College's **Support Following Disclosure** policy.

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## Third Party Disclosure

A third party such as a friend of the child, a relative or another parent may provide you with information relating to child abuse.

In this situation you should:

- listen to the person's concerns seeking clarification where required;
- thank the person for raising their concern;
- advise the person that we have procedures for dealing with situations like this; and
- advise the person that you will discuss their concerns with the relevant authorities.

As with **Private Disclosure**, you should reassure and support the person providing the information.

Sometimes a person may try to elicit a promise from you that you will not tell anyone about the allegation. You **must not** make this promise, as you are responsible for reporting the matter.

Finally, remember that your role is not to investigate the allegation. You should not interrogate the third party and pressure them to tell you more than they want to.

Once a third party disclosure is made you must report the matter internally to a College **Child Protection Officer** as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.



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## Disclosure by a Former Student

A former student of the College may come forward to a current staff member, or volunteer, and disclose past abuse from their time at the College. If you receive a disclosure from a former student about historical abuse, you must act.

If the former student is still of schooling age in Victoria and currently attending a Victorian school, you must follow the Procedures for **Procedures for Responding to and Reporting Allegations of Child Abuse** in this Program, specifically the obligations you may have under the following policies:

- the **Obligation to Act to Protect**;
- the **Obligation to Report Child Sexual Abuse**;
- **Mandatory Reporting**; and
- **Conduct That is Reportable to the Victorian Institute of Teaching**.

If the former student is no longer of schooling age or attending a school in Victoria, you must still act. For example, if the disclosure includes an allegation against a current staff member or teacher at the College this may trigger obligations under the **Obligation to Act to Protect** policy to remove the risk of abuse to other students.

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## Support Following Disclosure

You should take the following steps to support and assist a child after a disclosure of child abuse or neglect is made.

The range of measures employed will depend on:

- the degree of severity of the situation;
- the risk of harm to the child; and
- the capability and willingness of the parent to protect the child from harm.

### After a disclosure is made:

- do not promise the child that you will not tell anyone about the allegation;
- reassure the child that it was the right thing to do to tell an adult;
- tell the child what you plan to do next;
- do not confront the person believed to be the perpetrator;
- report the matter to one of the College's **Child Protection Officers** who will be able to assist you in developing additional support strategies; and
- whenever there are concerns that a child is in immediate danger the Police should be called on 000.

### Support for Staff and Volunteers

Witnessing a child protection incident or receiving a disclosure or allegation of abuse can be a stressful experience for staff and Volunteers involved. The College provides support to impacted staff and Volunteers to access necessary support.

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## Reporting a Child Abuse Concern Internally

Child abuse situations can be very complex, not only from the perspective of ascertaining whether abuse has occurred but also in understanding what steps to take to protect a child.

It is important to remember at all times that the safety and welfare of the child are paramount.

Therefore, if you have a concern that a child may be experiencing abuse, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with one of the College's **Child Protection Officers**. The College's Child Protection Officers will be able to assist you in clarifying your concerns and managing the next steps.

Contact details for our Child Protection Officers, including for our Senior Child Protection Officer, are set out [here](#).

**Please note that reporting the matter internally does not release you from other legal and regulatory reporting obligations you may have, namely:**

- **The Obligation to Report a Sexual Offence**
- **The Obligation to Act to Protect;** and
- **The Obligation to Make a Mandatory Report.**

**In addition, these reporting obligations apply even if the Principal, a Board member or a Child Protection Officers advises you not to proceed with reporting suspected abuse.**

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## **General Legal Obligations to Report Child Sexual Abuse and “Act to Protect”**

In Victoria there are specific criminal offences which impose general obligations on persons:

- aged 18 years or over to report any belief that a sexual offence has been committed, against a child under the age of 16 years, by a person over the age of 18 years (Crimes Act 1958 (Vic) s327); and
- in authority within a school to act to remove or reduce a substantial risk that a sexual offence will be committed against a child (Crimes Act 1958 (Vic) s49C).

Details of these obligations are set out in detail in the following sections:

**The Obligation to Report a Sexual Offence**

**The Obligation to Act to Protect**

## The Obligation to Report a Sexual Offence

### Source of Obligation

Under the Crimes Act 1958 (Vic) (s 327), anyone aged 18 years or over must make a report to the Police if they form a reasonable belief that a sexual offence has been committed against a child under the age of 16 years, by a person aged 18 years or over. Failure to make a report without reasonable excuse is an offence and carries a prison term.

If a report is made to the Department of Health and Human Services (DHHS) in accordance with **mandatory reporting requirements**, an additional report to the Police will not usually be required unless further information is obtained.

This obligation applies to anyone aged 18 years or over, including all non-teaching staff, Volunteers, and students aged 18 and over. The legislation also applies to teaching staff if not already covered by the mandatory reporting obligation.

### What Must Be Reported?

Any person aged 18 or over who forms a reasonable belief that a sexual offence has been committed by an adult (a person aged 18 years or over) against a child under 16 has an obligation to report that information to the Police.

### What is a Sexual Offence?

The Crimes Act sets out what constitutes a "sexual offence". This includes:

- rape;
- indecent assault;
- incest;
- sexual penetration; and
- grooming a child for sexual conduct.

A "sexual offence" includes an attempted sexual offence.

### What is a Reasonable Belief?

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 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 the child states that the child has been sexually abused; or
- signs of sexual abuse leads to a belief that the child has been sexually abused.

## **Exceptions - Failure to Disclose**

If you fail to disclose a sexual offence against a child to the Police, you will not be held liable where your reason for not reporting is that:

- you fear on reasonable grounds for the safety of any person (other than the offender), and a failure to report is reasonable;
- the victim told you about the sexual offence (directly or indirectly), the victim was over 16 years old when he or she told you about the sexual offence, and the victim requested that the information not be disclosed (unless the victim has an intellectual disability and does not have the capacity to make an informed decision about this); or
- you believe on reasonable grounds that the information has already been disclosed to the Police by another person (such as to the DHHS as part of mandatory reporting) and you have no further information.

Unacceptable reasons for not reporting include if you are concerned with the interests (including the reputation, legal liability or financial status) of:

- the person involved in the sexual offence; or
- any organisation (such as the College).

A report made under the Children, Youth and Families Act 2005 (Vic) **mandatory reporting** obligations may constitute a 'reasonable excuse' if you believe that you have no further information to provide to the Police.

## **International Students**

The College must notify the VRQA if the alleged sexual offence relates to an international student and the College has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter in relation to that student thereby assuming responsibility for approving the student's accommodation, support and general welfare.

## **Record Keeping Obligations**

For the College's record keeping obligations relating to child protection incidents, refer to **Child Protection Record Keeping**.

## The Obligation to Act to Protect

### Source of Obligation

Where a person in a position of authority at the College becomes aware that a staff member, Volunteer, Third Party Contractor, or other person associated with the College poses a substantial risk of committing a sexual offence against a student or students, the person has a duty to take immediate action to ensure that the student or students are protected from that risk.

The College has a duty of care which entails protecting all students from foreseeable risks while at school or engaging in College activities.

In addition, under section 49C of the Crimes Act 1958 (Vic) (Crimes Act) a person who:

a) by reason of the position they occupy at the College, has the power or responsibility **to reduce or remove a substantial risk** that a relevant child (under the age of 16) will become the victim of a sexual offence committed by a person of or over the age of 18 years who is **associated with the College**; and

b) **knows that there is a substantial risk** that the person will commit a sexual offence against a relevant child,

**must not negligently fail to reduce or remove that risk.**

### Who is Responsible for Acting to Protect the Student/s?

The person responsible for taking steps to remove or reduce the risk to the student will depend upon the source of the risk. In a normal school context usually a member of the school leadership team would have the necessary degree of supervision, power and authority to remove or reduce the risk. On tours, excursions, or camps a teacher or a volunteer coach could have the requisite power and responsibility.

Examples of people in a position of authority include:

- College Advisory Board members;
- the Principal;
- members of the College leadership team;
- teachers; and
- Volunteers where they are in a position of supervision.

### **When Should Action Be Taken?**

A person in a position of authority at Salesian College is required to act if they know that there is a substantial risk that a student or students may become the victim of a sexual offence, and the risk is caused by a person associated with the College.

*Knowledge* is more than holding a tentative belief or mere suspicion.

If a person in authority has a suspicion or belief that students are at risk of harm they must take steps to follow up on that suspicion or belief by investigating further and should raise the issue with a College Child Protection Officer.

The duty to act extends to situations where the students at risk or the person in authority is outside of Victoria.

### **What is a Substantial Risk?**

A risk will be a substantial risk if a reasonable person would have judged the risk of a sexual offence being committed against the student as being substantial.

It is not necessary to prove that a sexual offence was committed in order for the substantial risk to exist i.e. a person in a position of authority should not wait for a student to be harmed before acting.

A number of factors will contribute to determining if a risk is a substantial risk, including:

- the likelihood or probability that a 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; and
- any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.

### **What is a Sexual Offence?**

Action must be taken where there is a substantial risk of sexual offences occurring, including:

- rape;
- indecent assault;
- incest;
- sexual penetration;
- grooming a child for sexual conduct; and
- an attempted sexual offence or an assault with intent to commit a sexual offence.



**Who is “a Person Associated with the School”?**

A person associated with the College is an adult and can be a:

- College Advisory Board member;
- Principal;
- teacher;
- boarding house supervisor;
- employee;
- Volunteer (including parents); and
- Third Party Contractor.

A person will not be considered to be associated with the College purely because they receive services from the College.

**Procedure to Reduce or Remove a Substantial Risk**

Where any staff member, Volunteer, or other person in a position of authority at the time, becomes aware of a risk of a sexual offence against a student or students under their care, they should immediately:

- take reasonable steps which would remove or reduce the risk to the student or students, which may include immediately removing the person from contact with the student or students;
- report the matter to a College **Child Protection Officer**, and the Principal, as soon as practicable;
- conduct an investigation unless this relates to a Mandatory Reporting situation; and
- make the appropriate report.

Appropriate action to be taken may include, for example:

- a current employee who is known to pose a risk to a student or students should be immediately removed from contact with students and reported to authorities and investigated; or
- a parent who is known to pose a risk of sexual abuse to children in a school should not be allowed to attend overnight school camps as a parent helper.

**Whenever there are concerns that a child is in immediate danger call the Police on 000.**

**Record Keeping Obligations**

For the College’s record keeping obligations relating to child protection incidents, refer to **Child Protection Record Keeping**.

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## Mandatory Reporting

### Source of Obligation

The Children, Youth and Families Act 2005 (Vic) (CYFA) requires that mandatory reporters must make a report to the Department of Health and Human Services (DHHS) Child Protection when they believe that a child (aged under 17) is in need of protection from significant harm from physical injury or sexual abuse.

If a report is made by mandatory reporters in accordance with CYFA mandatory reporting obligations, an additional report to the Police under s 327 Crimes Act 1958 (Vic) may not be required unless you have further information.

This policy must be read in conjunction with the **Child Abuse Key Risk Indicators** and **The Obligation to Report a Sexual Offence**.

### Who Must Make a Mandatory Report?

Mandatory reporters are defined by the CYFA and include:

- teachers;
- the Principal;
- medical practitioners; and
- nurses.

It is the responsibility of other staff, Volunteers or members of the College community to check whether they are Mandatory Reporters under child protection legislation.

### Reporting by Non-Mandated Staff

If you are not a Mandatory Reporter, you still have the option of making a report to DHHS under the CYFA if you believe on reasonable grounds that a child is in need of protection.

The CYFA states that any person who believes on reasonable grounds that a child is at risk of harm should report their concerns to DHHS Child Protection.

All College staff who have concerns that a student may be in need of protection or may have been the victim of a sexual offence, should notify a College Child Protection Officer as soon as possible to discuss their concerns. Also refer to **The Obligation to Report a Sexual Offence**.

**A Mandatory Reporter must make a report even if the Child Protection Officer does not share their belief that a report must be made.**

## What Gives Rise to a Mandatory Report?

A mandatory report must be made when you form a belief on **reasonable grounds** that a child is in need of protection where the child has suffered, or is likely to suffer, **significant** harm as a result of:

- **physical injury**; or
- **sexual abuse**;

and the child's **parents have not protected, or are unlikely to protect**, the child from harm of that type.

### **Reasonable Grounds**

The concept of 'reasonable grounds' requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well founded and based on information from a reliable source. There may be reasonable grounds for forming such a belief if:

- a child states they have been physically or sexually abused;
- a child states that they know someone who has been physically or sexually abused;
- someone who knows the child states that the child has been physically or sexually abused;
- a child shows signs of being physically or sexually abused;
- the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a child's safety, stability or development;
- the staff member observes signs of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision; or
- a child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child.

Grounds for belief include matters of which a person has become aware and any opinions based on those matters.

### **Significant**

'Significant' means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is 'significant' is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare or wellbeing.

Significant harm can result from a single act or omission or an accumulation of these.

### **Physical Injury or Sexual Abuse**

To assist in identifying physical injury or sexual abuse, refer to the College's information relating to **Child Abuse - Definitions and Key Risk Indicators**.

***Parents Have Not Protected, or Are Unlikely to Protect, the Child from Harm of That Type.***

The meaning of this phrase is not defined by legislation, but some examples may assist.

A parent who 'has not protected, or is unlikely to protect that child from harm of that type' includes a parent who wants to protect his or her child from harm, but lacks the means to.

It also includes a parent who has the means to protect his or her child from harm, but does not want to.

A parent may be rendered 'unlikely to protect' that child for many reasons. For example:

- that parent does not, or refuses to recognise that harm is occurring;
- that parent or child may be subject to domestic violence; or
- that parent's partner may be abusive or harmful to the child.

**'Parent'** includes:

- the child's father;
- the child's mother;
- the spouse of the mother or father of the child;
- the domestic partner of the father or mother of the child;
- a person who has custody of the child;
- a person who is named as the father on the child's birth certificate;
- a person who acknowledges that he is the father of the child by an instrument under the Status of Children Act 1974 (Vic); and
- a person in respect of whom a court has made a declaration or a finding or order that the person is the father of the child.

**What to Report and When**

A report becomes mandatory as soon as is practicable after forming the belief.

A report must include details of the belief, and the reasonable grounds of that belief.

Additional reports must be made on each occasion where you become aware of any further reasonable grounds for the belief.

Refer to the Victorian Department of Education's Guide to **Making a Report to Child Protection or Child FIRST** (Child and Family Information, Referral and Support Team) for guidance on making a decision on whether to report.

## How is a Report/Referral Made?

Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

A report to DHHS Child Protection should be considered if the staff member forms the view the child is in need of protection because:

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

To report concerns about the immediate safety of a child within their family unit, call the 24 hour Child Protection Crisis Line 13 12 78.

Concerns that require immediate attention should be made to the local or regional Human Services Child Protection office, or the After Hours Child Protection Emergency Services on 13 12 78.

## What If I Don't Have a Reasonable Belief?

If you don't have a reasonable belief about a child, but still have concerns, you can refer the matter to a College **Child Protection Officer**.

There is also the option to refer the matter to Child FIRST.

A referral to Child FIRST should be considered if a staff member forms the view that the concerns have a low-to-moderate impact on the child and the immediate safety of the child is not compromised.

A referral can be made when the following factors may affect a child:

- significant parenting problems;
- family conflict;
- a family member's physical or mental illness, substance abuse, disability or bereavement;
- isolated or unsupported families; and
- significant social or economic disadvantage.

For more information, refer to **Responding to Other Concerns About the Wellbeing of a Child**.

### **What Happens After a Report/Referral is Made?**

After receiving a report, DHHS Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required. In most cases, DHHS Child Protection will inform the reporter of the outcome of the report.

After receiving a referral, Child FIRST may consult an experienced community-based Child Protection practitioner in their assessment. The assessment may lead to the involvement of a local family services organisation.

In most cases, Child FIRST will inform the referrer of the outcome of the referral.

Child FIRST must report the matter to DHHS Child Protection if they form the view the child is in need of protection.

Reports made to the Police will be dealt with in accordance with Police practice.

### **International Students**

The College must notify the VRQA if the alleged abuse relates to an international student and the College has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter in relation to that student thereby assuming responsibility for approving the student's accommodation, support and general welfare.

### **Record Keeping Obligations**

For the College's record keeping obligations relating to child protection incidents, refer to **Child Protection Record Keeping**.

[< Mandatory Reporting](#)

[Conduct that is Reportable to the Victorian Institute of Teaching >](#)

## Responding to Other Concerns About the Wellbeing of a Child

If you have any concern about the wellbeing of a child or young person, regardless of whether or not it has been caused by abuse or neglect, your concern should be taken seriously and acted upon.

The College and its teaching staff, non-teaching staff, Board members, Principal, Volunteers, Third Party Contractors and External Education Providers (**together, known as "staff" for the purposes of this policy only**) owe a duty of care to all students at the College to ensure that they feel safe and are supported at College.

Concerns about the wellbeing of a child, that do not appear to be the result of abuse or neglect, may be reported to:

- Child FIRST; and
- The Victorian Police.

DHHS Child Protection should also be contacted if you believe a child is in need of protection.

### Child FIRST

Child FIRST is a community-based referral point to Family Services in Victoria. In addition to reporting suspected abuse to the appropriate authorities in accordance with the College's **Procedures for Responding to and Reporting Allegations of Child Abuse**, all staff should make a referral to Child FIRST if:

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

Examples of concerns that staff should refer to Child FIRST include instances where a child's care or development is significantly impacted by:

- parenting problems;
- family conflict or breakdown;
- pressure due to a family member's physical/mental illness; or
- significant social or economic disadvantage.

### Victoria Police

In addition to reporting suspected abuse to the appropriate authorities in accordance with the College's **Procedures for Responding to and Reporting Allegations of Child Abuse**, all staff **must contact Victoria Police on 000 if:**

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

### **DHHS Child Protection**

In addition to reporting suspected abuse to Child FIRST or the Police, in accordance with the College's **Procedures for Responding to and Reporting Allegations of Child Abuse**, all staff should contact DHHS Child Protection if you believe a child is in need of protection.

Common grounds for protection include instances where:

- a child's parents have abandoned the child and after reasonable inquiries, the parents cannot be found and no other suitable person can be found who is willing and able to care for the child;
- a child's parents are dead or incapacitated and there is no other suitable person willing and able to care for the child;
- a child is displaying extreme risk-taking behaviour, which has potentially severe or life-threatening consequences. For example: severe alcohol or drug use, unsafe sexual activity including prostitution, or violent or dangerous peer group activity. Staff should also report extreme risk-taking behaviour that is illegal to the Police; or
- there is a threat of harm to an unborn child, including circumstances where a parent has previously demonstrated an inability to safely parent.

### **Record Keeping Obligations**

For the College's record keeping obligations relating to child protection incidents or child wellbeing concerns, refer to **Child Protection Record Keeping**.



## Conduct that is Reportable to the Victorian Institute of Teaching

**Reportable Conduct** The College has a duty of care to investigate and act on allegations of employee misconduct or conviction which relate to their ability to perform their functions.

Under the Education and Training Reform Act 2006 (Vic), the College must notify the Victorian Institute of Teaching (VIT) once the College has taken action against a registered teacher. The VIT then has powers to investigate and take further action.

**Reportable Conduct & Mandatory Reporting** The Reportable Conduct obligation covered in this policy is separate and distinct from the Mandatory Reporting obligation under the Children, Youth and Families Act 2005 (Vic) (refer to **Mandatory Reporting**).

**Internal Reporting of Allegations of Staff Misconduct** Any allegation of staff misconduct must be immediately reported to the Principal, or the Chair of the College Advisory Board should the allegation involve the Principal.

**Internal Investigation of Allegations of Misconduct** Once an allegation of misconduct has been made (which does not require reporting to Department of Health and Human Services (DHHS) Child Protection under the **Mandatory Reporting obligations**) an internal investigation, led by the Principal, or the Chair of the Board if the allegation relates to the Principal, will be conducted in such a manner as the particular circumstances demand.

It is important to note that an internal investigation must not be conducted in relation to an allegation that is the subject of Mandatory Reporting until clearance is given by the relevant authorities (Police or DHHS Child Protection).

**Reporting Obligation to the VIT** The College must notify the VIT if the College has taken action against a registered teacher in response to:

- allegations of serious misconduct;
- serious incompetence;
- fitness to teach (which relates to character, reputation and conduct, and whether the teacher is physically and mentally able to teach); or
- a registered teacher's ability to practice as a teacher is seriously detrimentally affected or likely to be seriously affected because of an impairment.

The College must also notify the VIT if the College becomes aware that a teacher:

- has been charged with or committed for trial for a sexual offence, (including grooming and child pornography offences);
- has been convicted or found guilty of an indictable offence (offences detailed in the Crimes Act 1958 (Vic) and the Wrongs Act 1958 (Vic), including offences which carry prison sentences of 5 years or more or penalties over a threshold level).

The College should also notify the VIT if a teacher takes action against them in another forum such as the Fair Work Commission.

<b>What "Action" Must Be Reported</b>	<p>"Actions" which will be reported by the College to the VIT include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• disciplinary action taken by the College; or</li> <li>• where a teacher resigns after being advised by the College that it is inquiring into allegations.</li> </ul>
<b>When to Notify the VIT</b>	<p>The VIT should be notified of the action taken against a teacher once the process initiated by the College has been initiated.</p>
<b>VIT Response</b>	<p>On receiving the notification, the VIT has the power to:</p> <ul style="list-style-type: none"> <li>• ensure that it has obtained all relevant information from the College, and may request further information;</li> <li>• decide whether the matter does not reach the threshold required for it to proceed;</li> <li>• conduct an investigation, an informal hearing, or a formal hearing; or</li> <li>• summarily suspend the teacher on an interim basis pending an investigation, if the VIT forms a reasonable belief that the teacher poses an unacceptable risk of harm to children and believes that suspension is necessary to protect children.</li> </ul> <p>A formal hearing may result in findings which can result in cautions, reprimands, conditions imposed including counselling and further education, suspension, cancellation of registration and/or a period of disqualification.</p>
<b>Impact on Working with Children Check</b>	<p>Where an employee, volunteer, or contractor has been charged with or found guilty of a serious sexual, violent or drug-related offence (including grooming and child pornography offences) (Category 1 or Category 2 offence in the Working with Children Act 2005 (Vic) their Working with Children card will be revoked and they will not be able to work, or volunteer to work with children.</p>
<b>International Students</b>	<p>The College must notify the VRQA if an alleged child protection incident, suspicion or disclosure relates to an international student and the College has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter in relation to that student thereby assuming responsibility for approving the student's accommodation, support and general welfare.</p>
<b>Record Keeping Obligations</b>	<p>For the College's record keeping obligations relating to child protection incidents, refer to <b>Child Protection Record Keeping</b>.</p>

[< Support for Students Interviewed at the School](#)

[Child Protection Complaints Management >](#)

## **Making Additional Reports**

There are some circumstances in which you will be required to make an additional report to an appropriate external authority.

### **Reporting Further Grounds for Belief or Suspicion**

If you hold a reasonable belief that a child has been, or is at risk of being abused, you must still make a report to the relevant external authority about a child even if:

- DHHS Child Protection or the Police have previously been involved or are currently involved with the child and/or their family; or
- you are aware that another party, such as another staff member, Volunteer, or family member, has raised concerns with the relevant authorities.

Every report is critical to protecting a child by building evidence and enabling external authorities to gain a clear understanding of the risks posed to the child.

### **Another Person Has Made a Report**

There may be times when two or more staff members at the College (for example the Principal and a Child Protection Officer) has formed a belief about the same child on the same occasion and based on the same information.

In this situation, it is sufficient that only one of the staff members make a report to the relevant external authority, as the belief is based on the same information. However, the other staff member, who does not make the report, is obliged to ensure that the report has been made and that all grounds for their own belief were included in the report made to the authority.

If staff members do not agree on what should be reported, for example a staff member does not agree with the Principal's decision to make a report to an external authority, the staff member is legally obliged to make a report anyway.

### **Other Concerns About the Wellbeing of a Child**

If you believe that a child has not been subjected to abuse or neglect but still hold significant concerns about the child's wellbeing, you still may be required to report your concerns to DHHS Child Protection, the Police or Child FIRST. For more information about reporting wellbeing concerns refer to the **Responding to Other Concerns About the Wellbeing of a Child** section of this Program.