



THE  
**HAMILTON**  
AND ALEXANDRA COLLEGE

CONFIDENT FUTURES

## Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedures

The Hamilton and Alexandra College (**the College**) is committed to providing a caring, supportive and safe environment where every student has a place, a voice and their story is known. The College is committed to providing safe and supportive environments where all children and young people entrusted to our care are affirmed in their dignity and worth as a person.

If you are a non-English speaker who needs help to understand this policy, please contact the Deputy Principal Wellbeing, Ms Kristen Waldron, on 03 5572 1355.

This policy and procedures address complaints and concerns of child abuse made by or in relation to a child or student, school staff, volunteers, contractors, service providers, visitors or any other person while connected to the College.

All complaints and concerns of child abuse are treated seriously, whether made by an adult or child, and will be responded to promptly and thoroughly.

**If there is concern for the immediate safety of a child, please call 000 (Triple Zero).**

The College fosters a culture that encourages staff, contractors, volunteers, students, parents and our School community to raise concerns and complaints related to child abuse. We are committed to the protection of all children from all forms of child abuse. We have a comprehensive child safety program curriculum with age-appropriate education and awareness programs. This curriculum further supported by our actions and processes which empower our students to have a voice and pro-actively raise any complaints or concerns. This makes it more difficult for breaches of the Child Safety Code of Conduct, misconduct or child abuse to occur and remain hidden.

The objective of this policy is to ensure that processes for child abuse complaints and concerns are child focused and that if there is an incident, disclosure or suspicion of child abuse, all school staff and volunteers follow our child safety responding and reporting obligations and procedures.

This policy is publicly available at [\[insert link once completed\]](#). This policy should be read together with the College's Child Safety Code of Conduct and all other child safety and wellbeing policies and procedures. For complaints or concerns about the College or the behaviour of any person within the School not relating to child safety abuse, please refer to our Complaints Policy, which is publicly available at [\[insert link once completed\]](#).

As part of this policy and procedures, the College adopts and applies the policy and procedures set out in the **PROTECT - Identifying and responding to all forms of abuse in Victorian Schools** (and other policies and procedures as applicable, including, but not limited to, those referred to below). This guide is **attached** to this policy and available at:

Whilst this guide is primarily directed to school staff, contractors, volunteers and service providers, who the College requires compliance as part of its child safety program, all members of our school community are encouraged to read this publicly available resource. It contains easy to understand information about identifying signs of child abuse, understanding obligations to protect children from abuse, how schools respond to child abuse concerns and incidents and other concerns about child safety and wellbeing, information sharing and contact details for support within and external to school communities.

## 1. PURPOSE

The purpose of the policy and procedures are to have clear child-focused, culturally safe and easily understood processes and procedures for responding to complaints or concerns relating to child abuse that:

- cover all forms of child abuse
- are sensitive to the diversity and characteristics of our School community and pay particular attention to the needs of:
  - Aboriginal and Torres Strait Islander students
  - students with disability
  - students from culturally and linguistically diverse backgrounds
  - students who are unable to live at home
  - international students
  - lesbian, gay, bisexual, trans and gender diverse, intersex and queer (LGBTQIA+) students
- are publicly available
- are accessible to children, students, school staff, volunteers and the School community
- apply to complaints and concerns relating to child abuse made by or in relation to a child or student, school staff, volunteers, contractors, service providers, visitors or any other persons while connected to the School environment
- identify the roles and responsibilities of school staff and leadership to act and report on complaints and concerns relating to child abuse, including:
  1. ensuring that the complaint or concern is taken seriously
  2. promptly and thoroughly managing the College's response
  3. responding appropriately to a child or student who raises or is affected by the complaint or concern
  4. monitoring the College's overall compliance with the procedures
  5. managing an alternative procedure where a person allocated responsibility cannot perform their role
- do not displace or discharge any other obligations that arise if a person, in fulfilling the roles and responsibilities in the procedures, reasonably believes that a child is at risk of child abuse
- clearly describe the actions the College will take to respond to a complaint or concern relating to child abuse, including actions to:
  1. report allegations, suspicions or disclosures to relevant authorities, regardless of whether there is a legal obligation to report, and to co-operate with law enforcement
  2. protect any child or student connected to the complaint or concern relating to child abuse until the complaint or concern is resolved
  3. make, secure and retain records of the complaint or concern and the College's response
- ensure all record keeping, reporting, private and employment law obligations are met when responding to child abuse complaints and concerns
- ensure that all school staff understand:
  1. mandatory reporting under the *Children and Young Persons Act 2005* (Vic)
  2. the failure to disclose offence under the *Crimes Act 1958* (Vic)
  3. the failure to protect offence under the *Crimes Act*
  4. the grooming offence under the *Crimes Act 1958*
- ensure that all school staff and volunteers engaged in child-connected work understand and training is provided to school staff annually and to volunteers as is appropriate to the nature and responsibilities of their role:

1. the procedures for responding to complaints and concerns relating to child abuse
  2. recognising indicators of child harm, including harm caused by other children, students, or adults (including family violence)
  3. responding effectively to issues of child safety and wellbeing and supporting colleagues who disclose harm
- ensure that all newly appointed school staff, Board members and volunteers engaged in child-connected work receive information appropriate to their roles that includes the procedures for managing child abuse complaints and concerns an induction
  - ensure students have access to age-appropriate sexual abuse prevention programs and relevant related information
  - ensure that the College is compliant with all laws, regulations and standards relevant to child safety and protection in Victoria, including Ministerial Order 1359, which sets out how the Victorian Child Safe Standards apply in school environments.<sup>1</sup>

## 2. SCOPE

This policy applies to all:

- complaints and concerns relating to child abuse made by or in relation to a child or student, school staff, volunteers, contractors, service providers, visitors or other persons while connected to the school environment
- physical and online school environments used by students during or outside of school hours, including other locations provided for a student's use (for example, sport activities and programs, excursions, camps, interstate and overseas travel.) and those provided through third-party providers
- persons who are bound by this policy and required to report concerns about, or incidents of, child abuse or neglect.

**NOTE:** Fulfilling the roles and responsibilities contained in the policy and procedures does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

## 3. DEFINITIONS

The following terms in this policy and procedures have specific definitions (and are consistent with Victorian law where indicated):

<p>Authorities (or relevant authorities)</p>	<p>Authorities or '<i>relevant authorities</i>' refers to the Victorian government organisations responsible for receiving reports about children when there are concerns the child is in need of protection from child abuse or neglect:</p> <ul style="list-style-type: none"> <li>• Victoria Police for concerns of child abuse and all instances of sexual abuse concerns, including grooming, of a child under 16.</li> <li>• Department for Families, Fairness and Housing Child Protection service (<b>DFFH Child Protection</b>) for mandatory reporting by mandatory reporters of concerns of child physical and sexual abuse of a child under 17 (and, in specified circumstances where a protection order applies, up to 18 years).</li> <li>• Commission for Children and Young People (<b>Commission</b>) for concerns of child abuse and neglect of a child under 18 by a person employed or engaged by a defined organisations (including a school) under the <i>Child Safety and Wellbeing Act 2005</i> (Vic)'s Reportable Conduct Scheme.</li> </ul>
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<sup>1</sup> *Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises*, Ministerial Order No. 1359 made pursuant to the *Education and Training Reform Act 2006* (Vic) operative from 1 July 2022. The *Child Safe Standards* are as gazetted by the Minister for Child Protection pursuant to the *Child Wellbeing and Safety Act 2005* (Vic).

	<p>Source: <i>Mandatory Reporting – Frequently Asked Questions – February 2020</i> (<a href="https://providers.dffh.vic.gov.au/mandatory-reporting-child-protection-victoria-frequently-asked-questions">https://providers.dffh.vic.gov.au/mandatory-reporting-child-protection-victoria-frequently-asked-questions</a>)</p>
Child	<p>Child means a child or young person who is under the age of 18 years.</p> <p>Source: <i>Child Wellbeing and Safety Act 2005 (Vic)</i></p>
Child abuse	<p>Child abuse includes:</p> <p>a) any act committed against a child involving:</p> <ol style="list-style-type: none"> <li>1. a sexual offence</li> <li>2. grooming offences under section 49M(1) of the Crimes Act 1958</li> </ol> <p>b) the infliction, on a child, of:</p> <ol style="list-style-type: none"> <li>1. physical violence</li> <li>2. serious emotional or psychological harm</li> </ol> <p>c) the serious neglect of a child including exposure to family violence and its effects.</p> <p>Source: <i>Child Wellbeing and Safety Act 2005 (Vic)</i></p>
Child-connected work	<p>Child-connected work means:</p> <p>a) work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present; or</p> <p>b) for the purposes of a school boarding premises, work authorised by the provider of school boarding premises in a school boarding premises environment while children are present or reasonably expected to be present.</p> <p>Source: <i>Ministerial Order 1359</i></p>
Child-related work	<p>Child-related work means:</p> <p>a) work at or for a service, body or place, or that involves a specified activity; and</p> <p>b) that usually involves direct contact with a child.</p> <p>Educational institutions are specified for the purpose of a).</p> <p>Source: <i>Worker Screening Act 2020 (Vic)</i></p>
Child FIRST	<p>Child FIRST is an easily accessible, community-based point of entry for children, young people and families needing support.</p> <p>Some families need family services support when they are experiencing difficulties that impact on their parenting and family life.</p> <p>Child FIRST (Child and family information, referral and support teams) are the entry point into family services. Child FIRST teams are located in sites across Victoria and is delivered in <a href="#">your local area</a> by community service organisations.</p> <p>Child FIRST, as the access point for family services, is progressively transitioning to The Orange Door. The Orange Door is the new access point for women, children and young people who are experiencing family violence or families who need assistance with the care and wellbeing of children to access the services they need to be safe and supported (see below definition).</p> <p>Source: <a href="https://services.dffh.vic.gov.au/child-first-and-family-services">https://services.dffh.vic.gov.au/child-first-and-family-services</a></p>
Child safety	<p>Child safety includes matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to suspicions, incidents, disclosures or allegations of child abuse.</p> <p>Source: <i>Ministerial Order 1359</i></p>
Department for Families, Fairness and Housing Child	<p>The Department for Families, Fairness and Housing Child Protection service (<b>DFFH Child Protection</b>) is the lead government agency responsible for the care and protection of Victorian</p>

Protection service (DFFH Child Protection)	<p>children and young people under the age of 17 years, or where a protection order is in place, for children under the age of 18.</p> <p>The main functions of DFFH Child Protection are to:</p> <ul style="list-style-type: none"> <li>investigate matters where it is alleged that a child is at risk of significant harm</li> <li>refer children and families to services that assist in providing the ongoing safety and wellbeing of children</li> <li>make applications to the Children's Court if the child's safety cannot be ensured within the family</li> <li>administer protection orders granted by the Children's Court.</li> </ul> <p>Source: <a href="https://services.dffh.vic.gov.au/child-protection">https://services.dffh.vic.gov.au/child-protection</a></p>
Direct contact	<p>Direct contact in relation to child-related work, means any contact between a person and a child that involves-</p> <ul style="list-style-type: none"> <li>physical contact; or</li> <li>face to face contact; or</li> <li>contact by post or other written communication; or</li> <li>contact by telephone or other oral communication; or</li> <li>contact by email or other electronic communication.</li> </ul> <p>Source: <i>Worker Screening Act 2020 (Vic)</i></p>
Duty of care	<p>Duty of care refers to the obligation of all staff working with students to take reasonable steps to protect them from reasonably foreseeable harm.</p> <p>Source: Child Safe Standards Definitions (<a href="https://www.vic.gov.au/child-safe-standards-definitions">https://www.vic.gov.au/child-safe-standards-definitions</a>)</p>
Grooming	<p>Grooming is when a person engages in predatory conduct to prepare a child or young person for sexual activity at a later time.</p> <p>Grooming can include communicating or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer.</p> <p>Source: Child Safe Standards Definitions (<a href="https://www.vic.gov.au/child-safe-standards-definitions">https://www.vic.gov.au/child-safe-standards-definitions</a>)</p>
Information sharing	<p>Information sharing refers to the collection, use and disclosure of personal information either within an organisation or between organisations. Information sharing can occur in many ways including:</p> <ul style="list-style-type: none"> <li>one organisation disclosing information (the disclosing organisation) to another (the receiving organisation)</li> <li>multiple organisations combining information in a database and making it available to each other</li> <li>the reciprocal exchange of information between organisations.</li> </ul> <p>Source: Child Safe Standards Definitions (<a href="https://www.vic.gov.au/child-safe-standards-definitions">https://www.vic.gov.au/child-safe-standards-definitions</a>)</p>
Mandatory reporters	<p>Mandatory reporters are certain classes of professionals who are legally required to report a reasonable belief of child physical or sexual abuse to child protection authorities. In Victorian schools, this includes registered teachers, school principals, early childhood workers, nurses, registered psychologists, school counsellors and all people in religious ministry. Source: Child Safe Standards Definitions (<a href="https://www.vic.gov.au/child-safe-standards-definitions">https://www.vic.gov.au/child-safe-standards-definitions</a>)</p>
Mandatory reporting	<p>Mandatory reporting is the legal requirement for certain professional groups to report a reasonable belief of child physical or sexual abuse to child protection authorities.</p> <p>In Victoria, under the <i>Children, Youth and Families Act 2005</i>, mandatory reporters must make a report to DFFH child protection, if:</p> <ul style="list-style-type: none"> <li>in the course of practising their profession or carrying out duties of their office, position or employment</li> <li>they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.</li> </ul> <p>Source: Child Safe Standards Definitions (<a href="https://www.vic.gov.au/child-safe-standards-definitions">https://www.vic.gov.au/child-safe-standards-definitions</a>)</p>

School environment	<p>School environment means any of the following physical, online or virtual places, used during or outside school hours:</p> <ol style="list-style-type: none"> <li>a) A campus of the school</li> <li>b) Online or virtual school environments made available or authorised by the school governing authority for use by a child or student (including email, intranet systems, software applications, collaboration tools, and online services)</li> <li>c) Other locations provided by the school or through a third-party provider for a child or student to use including, but not limited to, locations used for: <ol style="list-style-type: none"> <li>1. camps</li> <li>2. approved homestay accommodation;</li> <li>3. delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers or another school; or</li> <li>4. sporting events, excursions, competitions or other events.</li> </ol> </li> </ol> <p>Source: Ministerial Order 1359</p>
School governing authority	<p>School governing authority means:</p> <ol style="list-style-type: none"> <li>a) the proprietor of a school, including a person authorised to act for or on behalf of the proprietor;</li> <li>b) the governing body for a school (however described), as authorised by the proprietor of a school or the <i>Education Training and Reform Act 2006</i> (Vic); or</li> <li>c) the principal, as authorised by the proprietor of a school, the school governing body, or the <i>Education Training and Reform Act 2006</i> (Vic).</li> </ol> <p>Source: Ministerial Order 1359</p>
School staff	<p>School staff in a non-Government school means:</p> <ol style="list-style-type: none"> <li>a) an individual working in a school environment who is: <ol style="list-style-type: none"> <li>1. directly engaged or employed by a school governing authority</li> <li>2. a contracted service provider (whether or not a body corporate or any other person is an intermediary) engaged by the school governing authority to perform child-related work</li> <li>3. a minister of religion, a religious leader or an employee or officer of a religious body associated with the school.</li> </ol> </li> </ol> <p>Source: Ministerial Order 1359</p>
Student	<p>Student means a person who is enrolled at or attends the school or a student at the school boarding premises.</p> <p>Source: Ministerial Order 1359</p>
The Orange Door	<p>The Orange Door is a free service for adults, children and young people who are experiencing or have experienced family violence and families who need extra support with the care of children.</p> <p>You should contact The Orange Door if:</p> <ul style="list-style-type: none"> <li>• someone close to you is hurting you, controlling you or making you feel afraid – such as your partner, family member, carer or parent(s)</li> <li>• you are a child or young person who doesn't have what you need to be OK</li> <li>• you are worried about the safety of a friend or family member</li> <li>• you need more support with the care of children, e.g. due to money issues, illness, addiction, grief, isolation or conflict</li> <li>• you are worried about the safety of a child or young person</li> <li>• you need help to change your behaviour and stop using violence in your relationships.</li> </ul> <p>Source: <a href="https://www.orangedoor.vic.gov.au/">https://www.orangedoor.vic.gov.au/</a></p>
Victorian Institute of Teaching	<p>The Victorian Institute of Teaching is an independent statutory authority for the teaching profession, whose primary function is to regulate members of the teaching profession.</p> <p>Source: <a href="https://www.vit.vic.edu.au/about">https://www.vit.vic.edu.au/about</a></p>

Volunteer	Volunteer means a person who performs work without remuneration or reward for the school or school boarding premises in the school environment or school boarding premises environment. Source: Ministerial Order 1359
Vulnerable students	Vulnerable students may include but are not limited to those who: a) are deemed vulnerable by a government agency, funded family service or family violence service, or assessed as requiring education and care outside the family home b) are identified as vulnerable as a result of a referral from a government agency, funded family service or family violence service, homeless or youth justice service; or mental health or other health service c) self-identify or are identified by school staff or school boarding premises staff as a member of a vulnerable cohort. Source: Ministerial Order 1359
Working with Children Check	The Working with Children Check is a screening process for assessing and re-assessing people who work with or care for children in Victoria. It includes consideration of the person's criminal history and relevant professional conduct findings. It is administered by Working with Children Check Victoria and governed by the <i>Worker Screening Act 2020</i> (Vic). Source: <a href="https://www.workingwithchildren.vic.gov.au/">https://www.workingwithchildren.vic.gov.au/</a>

## 4. POLICY

### 4.1 What is child abuse?

Child abuse can take many forms. The perpetrator may be a parent, carer, school staff member, volunteer, another adult or even another child. The nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect.

Under the *Child Wellbeing and Safety Act 2005* (Vic), child abuse includes:

1. any act committed against a child involving a sexual offence
2. grooming
3. the infliction on a child of physical violence
4. the infliction on a child of serious emotional or psychological harm
5. serious neglect, including exposure to family violence and its effects.

#### 1. Sexual offences

The *Children Wellbeing and Safety Act 2005* uses the definition of 'sexual offences' contained in other legislation.<sup>2</sup>

These include sexual behaviours that are committed against, with or in the presence of a child. Victoria Police explains that:

Sexual offences can refer to a broad range of sexual behaviours that make a person feel:

- uncomfortable
- frightened
- threatened.

Sexual offences can include rape, sexual assault and child sexual abuse.

<sup>2</sup> Clause 1 (Sexual Offences) of Schedule 1 (Serious Offender Offences) of the *Sentencing Act 1991* (Vic) referred to paragraph (a) of the definition of child abuse in section 3(1) of the *Children Wellbeing and Safety Act 2005*.

Sexual offences are often perpetrated by someone known to, and trusted by, the victim and those close to them. Sexual offending can occur anywhere. This could be within the family home, the community and institutional settings (such as a school, church, club, aged care facility or disability service). A sexual offence may be experienced as a one off or repeatedly over a longer period.<sup>3</sup>

## 2. Grooming

Grooming by an adult for sexual conduct with a child under the age of 16 is a crime under section 49M of the *Crimes Act 1958* (Vic) and included in the definition of child abuse under the *Children Wellbeing and Safety Act 2005*.

Grooming refers to behaviours that manipulate and control a child with the intent of gaining access to the child, obtaining the child's compliance, maintain the child's silence and avoiding discovery of the sexual abuse.

Grooming is an offence under section 49M of the *Crimes Act 1958*. The Department of Justice and Community Services explains that:

- The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.
- The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.
- Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.
- The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as upskirting and indecent behaviour in public.
- The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.
- The offence applies to communication with children under 16 years, but not communication with 16 and 17 year old children. This distinction between children aged below 16 and those aged 16 or 17 reflects the general age of consent (16 years) recognised by the criminal law in relation to sexual offences.
- The maximum penalty is 10 years imprisonment.<sup>4</sup>

## 3. Physical Violence

The *Children Wellbeing and Safety Act 2005* does not further describe what child abuse from the infliction on a child of physical violence means. The standard definition used by the Department of Education for 'child abuse (physical)' is:

*Physical child abuse is any non-accidental infliction of physical violence on a child by any person. It can be inflicted in many ways, including beating, shaking or burning and assault with implements and female genital mutilation.*<sup>5</sup>

## 4. Serious emotional or psychological harm

The *Children Wellbeing and Safety Act 2005* does not further describe what child abuse from the infliction on a child of serious emotional or psychological harm means. The standard definition used by the Department of Education for 'child abuse (emotional)' is:

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<sup>3</sup> <https://www.police.vic.gov.au/reporting-sexual-offences-child-abuse>.

<sup>4</sup> See: [https://files.justice.vic.gov.au/2021-06/grooming\\_betrayal\\_of\\_trust\\_factsheet\\_2017.pdf](https://files.justice.vic.gov.au/2021-06/grooming_betrayal_of_trust_factsheet_2017.pdf).

<sup>5</sup> <https://www.vic.gov.au/child-safe-standards-definitions>.



*Emotional child abuse occurs when a child is repeatedly rejected, isolated, or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health.*

## 5. Serious neglect, including exposure to family violence and its effects

The *Children Wellbeing and Safety Act 2005* does not further describe what child abuse from serious neglect means. It uses the same definition of family violence as contained in section 5 of the *Family Violence Protection Act 2008* (Vic).

The Department of Education's standard definitions for 'neglect' and 'family violence' are:

*Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. The law differentiates between three different levels of neglect:*

- *'Minor' neglect is low-level neglect that is trivial or temporary.*
- *'Significant' neglect is medium-level neglect that causes harm to a child that is more than trivial or temporary.*
- *'Serious' neglect is the highest level of neglect. It involves the continued failure to provide a child with the basic necessities of life and can also occur if an adult fails to adequately ensure the safety of a child exposed to extremely dangerous or life-threatening situations.*

*The Family Violence Protection Act 2008 (Vic) defines family violence as:*

*a) behaviour by a person towards a family member of that person if that behaviour:*

- 1. is physically or sexually abusive; or*
- 2. is emotionally or psychologically abusive; or*
- 3. is economically abusive; or*
- 4. is threatening; or*
- 5. is coercive; or*
- 6. in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or*

*b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to above.*

The *Family Violence Protection Act* provides examples of behaviours that may mean a child has heard, witnessed or otherwise been exposed to the effects of the behaviours listed in paragraph a):

- overheard threats of physical abuse by one family member towards another family member;
- seeing or hearing an assault of a family member by another family member;
- comforting or providing assistance to a family member who has been physically abused by another family member;
- cleaning up a site after a family member has intentionally damaged another family member's property;
- being present when police officers attend an incident involving physical abuse of a family member by another family member.<sup>6</sup>

Behaviour may be considered family violence even if it is not a criminal offence.<sup>7</sup>

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<sup>6</sup> Section 5(1) Example 2 of the *Family Violence Protection Act 2005* (Vic).

<sup>7</sup> Section 5(3) of the *Family Violence Protection Act 2005* (Vic).

Without limiting the types of behaviour that may be considered family violence, paragraph specifically includes these behaviours:

- assaulting or causing personal injury to a family member or threatening to do so
- sexually assaulting a family member or engaging in another form of sexually coercive behaviour or threatening to engage in such behaviour
- intentionally damaging a family member's property, or threatening to do so
- unlawfully depriving a family member of the family member's liberty, or threatening to do so
- causing or threatening to cause the death of, or injury to, an animal, whether or not the animal belongs to the family member to whom the behaviour is directed so as to control, dominate or coerce the family member.<sup>8</sup>

For more information see **PROTECT – Identifying and Responding to All Forms of Abuse in Victorian Schools**.

### Recognising child harm and possible child abuse

Understanding and recognising indicators of child harm, including harm caused by other children, students or adults (including family violence), is important to reduce child safety and wellbeing risks in our school environment and protect children from child abuse.

Guidance on indicators of child harm is included as part of the training and information provided to school staff (annually) and to volunteers engaged in child-connected work (as is appropriate to the nature and responsibilities of their role).

Examples of indicators of child harm and possible child abuse include, but are not limited to:

#### Physical abuse

Physical indicators can include bruises, burns, fractures (broken bones), cuts and grazes to the face and multiple injuries including internal injuries. Behavioural indicators can include disclosure of an injury inflicted by someone else, wearing unusual clothes to hide injuries, wariness or fear of a parent, reluctance to go home, habitual absences from school without explanation, regressive behaviour, and alcohol or drug misuse.

#### Sexual abuse

Physical indicators can include injury to the genital area, discomfort in toileting, the presence of sexually transmitted diseases, pregnancy, bruising to breasts, buttocks and thighs, and anxiety related illnesses (anorexia/bulimia). Behavioural indicators can include disclosure of sexual abuse, age inappropriate sexual activity or behaviour, drawings that are sexually explicit, writing stories that are sexually explicit, regressive behaviour, truancy, depression, delinquent or aggressive behaviour, and sudden decline in academic performance.

#### Emotional abuse

Physical indicators can include speech disorders, delays in physical development and failure to thrive. Behavioural indicators can include being overly compliant, passive and undemanding behaviour, attention-seeking behaviour, poor self-image, and age inappropriate behaviour, fear of failure, setting overly high standards, excessive neatness, and depression.

#### Neglect

Physical indicators can include consistently being unwashed, inappropriate dressing for weather conditions, consistent hunger and tiredness, and unattended health problems. Behavioural indicators can include begging

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<sup>8</sup> Section 5(2) of the *Family Violence Protection Act 2005* (Vic).

or stealing food, gorging food, alienation from peers, withdrawal, aggressive behaviour, appearing miserable and irritable, and poor attendance at school.

For more information see **PROTECT – Identifying and Responding to All Forms of Abuse in Victorian Schools**.

## 5. PROCEDURES

### 5.1 How to raise a child abuse related concern or make a complaint

Child safety and wellbeing is everyone's responsibility.

Whilst raising a concern or making a complaint about child abuse can be challenging, the protection of children and young people within our School community is paramount. We strongly encourage anyone who is concerned that a child may be experiencing any form of abuse to immediately raise these concerns with a Child Safety Officer, the Deputy Principal Wellbeing, Head of Campus, Principal or the Chair of the Board. A concern that might seem unimportant could, once raised, reveal a bigger issue or could prevent a situation from happening.

To maintain our focus on our students and their safety needs, the College provides a supportive environment that strongly encourages concerns relating to child abuse to be raised and for everyone in our School community to feel comfortable doing so, no matter their nature.

For this reason, we encourage our students to raise concerns about anything that makes them feel uncomfortable or unsafe, whether occurring at our outside School or by an adult or another child with any school staff member or volunteer.

School staff members and volunteers are trained to recognise indicators of child harm, including child abuse, the different ways students express concerns or distress, to respond effectively by being accessible and helping students feel confident and supported to raise issues at any time. We also have Child Safety Officers who have completed additional specialised training and operate across all College campuses.

Specific roles and responsibilities at the College for concerns and complaints relating to child abuse include:

### 5.2 Child Safety Officers

College Child Safety Officers are appointed based on a number of considerations, including their:

- role within the College
- attitudes, experiences and beliefs, for example, being non-judgmental, calm, resilient and demonstrating a high degree of integrity and respect for confidentiality
- experience working with complex student and family issues at the College
- capacity to be readily accessible and available to all members of school community.

College Child Safety Officers undertake specialised annual training on child safety and wellbeing and child abuse related issues, including mandatory reporting, reporting to relevant authorities and compliance with other legal obligations. They are often the first point of contact for students, school staff, volunteers, parents and carers for any child safety and wellbeing or child abuse concerns or complaints. Their name and contact details are provided regularly in our communications and below.

The College's Child Safety Officers are also our Child Safety Champions, working with our school staff and volunteers to embed a child safety culture, and collaborating with the Deputy Principal Wellbeing to ensure all concerns of child safety and wellbeing and child abuse are escalated, responded to and reported as appropriate.

We strongly encourage and support all children and adults within our school community to contact a Child Safety Officer to raise any concerns or complaint related to child safety and wellbeing or child abuse at any time:

Child Safety Officer	Telephone	Email
Kristen Waldron	03 5572 1355	<a href="mailto:kwaldron@hamiltoncollege.vic.edu.au">kwaldron@hamiltoncollege.vic.edu.au</a>
Stephen Nelson	03 5571 1066	<a href="mailto:snelson@hamiltoncollege.vic.edu.au">snelson@hamiltoncollege.vic.edu.au</a>
Andrew Monk	0407 052 214	<a href="mailto:amonk@hamiltoncollege.vic.edu.au">amonk@hamiltoncollege.vic.edu.au</a>
Frances O'Brien	03 5572 1847	<a href="mailto:fobrien@hamiltoncollege.vic.edu.au">fobrien@hamiltoncollege.vic.edu.au</a>

### Deputy Principal Wellbeing

The Deputy Principal Wellbeing at the College is another first point of contact for child safety and wellbeing and child abuse related concerns or complaints. The Deputy Principal Wellbeing is responsible for:

- ensuring that this policy and procedures, the Child Safety Code of Conduct and all other child safety and wellbeing policies and procedures are effectively implemented and communicated within the School community
- the appointment of Child Safety Officers
- ensuring that all Child Safety Officers undergo specialised training annually and understand and comply with the responsibilities of the role
- referring a child abuse concern or complaint to another Child Safety Officer in the case of absence or a conflict of interest
- making mandatory reports
- co-ordinating the College's response to the Department for Families, Fairness and Housing Child Protection service (**DFFH Child Protection**) where a mandatory report has been made in consultation with the Principal and the Heads of Campus.

### Heads of Campus

Our Heads of Campus provide another first point of contact for child safety and wellbeing and child abuse related concerns or complaints and are mandatory reporters. Contact details are available on the College's website.

### Principal

The Principal is responsible for the College's compliance with this policy and procedures.

As well as being another first point of contact and a mandatory reporter, the Principal receives concerns, complaints and reports of child abuse and assists the Chair of the Board to make reports under the *Reportable Conduct Scheme* (see below).

### Board

The Board, as the governing authority at the College, is responsible for approving and reviewing this policy and the College's compliance. The Chair of the Board receives concerns, complaints and reports of child abuse and has specified reporting obligations, as head of the organisation, under the *Reportable Conduct Scheme* as set out below.

Anyone concerned that a child may be experiencing any form of abuse, whether or not they have a legal obligation to make a report, should immediately raise these concerns with a Child Safety Officer, Deputy Principal Wellbeing, Head of Campus, Principal or the Chair of the Board.

### 5.3 How the College responds to incidents, concerns or complaints related to child abuse

Whenever an incident, concern or complaint related to child abuse is raised, all school staff and volunteers **must** follow the **PROTECT - Four Critical Actions for Schools** and use the **PROTECT Responding to Suspected Child Abuse template** which form part of this policy and procedures, with modifications as necessary to reflect the College's status as an independent school (for example, where information specifically applies to government schools only or to Catholic schools).

A copy of the **PROTECT - Four Critical Actions for Schools** is **attached** and available at:

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_ChildAbuse.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf)

A copy of the **PROTECT - Responding to Suspected Child Abuse template** is **attached** and available at:

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT\\_Responding\\_TemplateSchools.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf)

Applying the **Four Critical Actions**, means that College staff and volunteers are required to:

- report allegations, suspicions or disclosures to relevant authorities, regardless of whether there is a legal obligation to report (legal obligations are separately listed below), and to co-operate with law enforcement
- protect any child or student connected to the complaint or concern relating to child abuse until the complaint or concern is resolved
- make, secure and retain records of the complaint or concern and the College's response.

NOTE: These PROTECT policies and procedures identify and respond to all forms of child abuse, including student sexual offending. Information and guidance on sexual offending by students, which policies and procedures are adopted as part the College's student curriculum delivers age-appropriate training to students on the PROTECT processes.  
is available at:

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/stusexual.aspx>

The **Four Critical Actions** are:

#### Action 1: Respond to an emergency

This information applies to responding to all forms of child abuse and the actions required to be taken if a child has just been abused or is at immediate risk of harm. If this does not apply, go to Action 2.

Immediate safety must be ensured by:

- separating the alleged victims and others involved and ensuring all parties are supervised by a school staff member
- arranging and providing urgent medical assistance where necessary by administering first aid or calling 000 for an ambulance and following instructions
- calling 000 for urgent police assistance if the person alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person and identifying a contact person at the school for future liaison with police.

School staff may also need to maintain the integrity of the potential crime scene and preserve evidence. This might include, but is not limited to, preserving the environment (not cleaning up, cordoning off areas, etc.), clothing, other physical items, and taking precautions to prevent discussions about the child sexual abuse between potential witnesses.

More information on Action 1, including the actions that must be taken if a child has just been abused or is at immediate risk of harm and the action required to be taken to preserve evidence is available at:

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/actionone.aspx>

## Action 2: Report to authorities

This information applies to external and internal reporting of all forms of child abuse.

As soon as immediate health and safety concerns are addressed all school staff and volunteers must report all incidents, suspicions and disclosures of child abuse as soon as practicable to one or more of the authorities. Failure to do so may be a criminal offence. Which authority to report to will depend on the source of the suspected child abuse.

For suspected child abuse within the school:

- All instances of suspected child abuse involving a school staff member, contractor, volunteer, allied health practitioner, visitor, officer or office holder must be reported to Victoria Police and reported internally, to the Chair of the Board and/or Principal.

For suspected child abuse within the family or community:

- All instances of suspected sexual abuse (including grooming) must be reported to Victoria Police and reported internally to the Chair of the Board and/or Principal.
- Where a child is considered to be:
  - in need of protection due to child abuse
  - at risk of being harmed, or has been harmed, and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development - and if the child's parents or carers have not protect, or unlikely to protect, the child from harm, this must be reported to DFFH Child Protection and internally to the Chair of the Board and/or Principal.

For Victoria Police contact, it is important that the first point of contact is the local police station (unless a child is in immediate risk of harm when 000 should be called). Where appropriate, Victoria Police will refer the reporter to the local Sexual Offence and Child Abuse Investigation Team.

It is important to note that reporting internally does not mean that reporting obligations have been met. Where a reasonable belief that a child has been, or is at risk of being abused or a child is at immediate risk of harm has been formed, a report must still be made to DFFH Child Protection or Victoria Police if the child is at immediate risk of harm. This is the case even if the person to whom the internal report is made advises not to proceed. Failing to report may mean your duty of care has not been discharged or be a criminal offence. (See below under **Legal obligations to report child abuse and College reporting responsibilities**).

Further reports must be made on becoming aware of any further reasonable grounds for the belief even if DFFH Child Protection were previously involved or already involved with the child or their family or another part, such as a family member, has already raised concerns with the relevant authorities. There may be times when two or more staff members (e.g. a teacher and a principal) form a reasonable belief about the same child on the same occasion and on the same information where it may be sufficient that only one person makes the report. The other staff member should still ensure the report has been made and that all their reasonable belief grounds are included. Where different views are held about whether to make a report, a report should be made by the staff member who continues to hold a reasonable belief that the child is in need of protection.

It is strongly recommended that any decision not to report is documented using the **PROTECT - Responding to Suspected Child Abuse template**.

If there is a belief that a child is not subject to child abuse, but significant concerns for their wellbeing are still held, action must still be taken. These concerns could include risk taking behaviour, parental difficulties, and isolation of a family or lack of support. This may include making a referral or seeking advice from Child FIRST/The Orange Door (in circumstances where the family are open to receiving support), DFFH Child Protection or Victoria Police.

In some circumstances, DFFH Child Protection or Victoria Police may still need to be contacted, for example, extreme risk behaviour or harm to an unborn baby.

Student sexual offending must be reported to Victoria Police on 000 in all instances, DFFH Child Protection in specific circumstances and internally to the Chair of the Board or Principal.

Additional reporting obligations most likely apply if the abuse relates to international students. The Victorian Registration and Qualifications Authority must be contacted if the School issues a confirmation of appropriate accommodation and welfare letter.

More information on Action 2, including the actions that must be taken to report all incidents, suspicions and disclosure of child abuse including making additional reports, taking action if significantly concerned about a child's wellbeing, reporting student sexual offending and international students is available at:

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/actiontwo.aspx>

Reporting authority and other organisation contact details are provided in the **Four Critical Actions for Schools** and in the above link.

### Action 3: Contact parents or carers

This information applies to reporting all forms of child abuse including student sexual offending about when parents and carers should be notified if their child is a suspected child abuse victim and which relevant authorities need to be notified.

In many cases of suspected child abuse, it is extremely important that the child's parents or carers are notified as soon as possible, but not always. There are some circumstances where this might place a child at greater risk.

This means that **after** any person has formed a suspicion or reasonable belief that a child is subject to abuse and **before** contacting the parents or carers, advice must be sought by the Principal (or their delegate) from Victoria Police or DFFH Child Protection (depending on which authority the report has been made to). The relevant authority will advise whether or not parents or carers can be contacted at this stage. This might include, for example, advice:

- not to contact a parent or carer (for example, in circumstances where a parent or carer is alleged to have engaged in the abuse and disclosure might alert the perpetrator and place the child or others at greater risk or the child is a mature minor and does not wish for their parent or carer to be contacted)
- to contact the parents or carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- on how to communicate with all relevant parties with consideration for their safety.

More information on Action 3, including the actions that must be taken by the Principal (or delegate); how to communicate with parents or carers in a sensitive and professional manner (when advice is received to do so; and what to do if a student has returned home before the advice from Victoria Police or DFFH Child Protection is received; and information available at:

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/actionthree.aspx>

Additional advice on what information can be shared as part of the reporting process and with the school community is also referred to in Action 3 and applies as part of this policy and procedures. See **Privacy and Information Sharing** and, in particular, **Information sharing with the school community** at:

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/infosharing.aspx>

#### Action 4: Provide ongoing support

This information provides to all forms of child abuse and the actions that schools must take, where deemed appropriate, to support students who are impacted by child abuse, including student sexual offending.

In addition to reporting requirements, schools have a duty of care to ensure that students feel safe and supported at school. Careful planning and working in partnership with wellbeing professionals, parents and carers and educators provides a holistic approach to address the trauma and significant mental health and wellbeing impacts of child abuse.

### 5.4 Working together and planning support for students

Working together and planning support means, where deemed appropriate:

- Establishing regular communication between staff and the child's parent or carer to discuss the child's progress, wellbeing and the effectiveness of planned strategies, for example, developing a student Support Plan or convening a Student Representative Council.
- Engaging with allied health and wellbeing professionals, for example, school wellbeing staff members, school counsellors, [Respectful Relationships Liaison Officers in instances of family violence] and those engaged by the student and families. Allied health and wellbeing professionals can provide intensive support to children and their families, critical input into student support plans and advise to school staff members on how to appropriately support the student.
- Referral to non-school based specialist services such as family violence, sexual assault and tailored mental health support. Further information on these organisation is available in PROTECT – Identifying and Responding to All Forms of Abuse in Victorian Schools as attached and at:

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5\\_Schools\\_Guide.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_Schools_Guide.pdf)

Whilst a child's background should not impact or distract from a decision to report suspected child abuse, school governing authorities have Child Safety Standard obligations to take account of the diversity of all children. School staff need to be sensitive to a child's individual circumstances and provide developmentally and cultural support and working with families impacted by abuse.

This includes (but is not limited to) taking into account the needs of:

- Aboriginal and Torres Strait Islander children
- children with disabilities
- children from culturally and linguistically diverse backgrounds
- students with refugee backgrounds
- international students.

Additionally, the College considers that the particular vulnerable students, students who are unable to live at home and lesbian, gay, bisexual, trans and gender diverse, intersex and queer (**LGBTQIA+**) students may require particular attention.

For the College, taking into account the needs of these students in providing ongoing support might include (but is not limited to):



- arranging appropriate support and receiving advice on culturally appropriate support strategies
- engaging interpreters when communicating with the student's family or translator services to assist with understanding and completion of documents if needed
- considering the student's chronological age, development age and cognitive functioning to tailor developmentally appropriate support strategies for students with disabilities and the need to make a further report or implement risk mitigation strategies to protect their vulnerability to ongoing abuse
- providing additional support to students who are unable to live at home and international students whose family may not be present to provide support within the home environment.

For all students, the College may also consider, on a case by case basis:

- providing academic support
- acting as a support person for the student when they engage with relevant authorities
- attending meetings with relevant authorities, e.g. DFFH Child Protection case planning meetings
- escalating matters using a relevant authority's complaints management process where a case has been closed, but concerns about a student persist.

In the context of student-to-student offending, school staff have a duty of care to support all students who are impacted by the abuse. This includes the students subjected to the abuse, the students who perpetrated the abuse, and any students who witnessed or were otherwise impacted by the abuse. For more information about this, see specifically the information listed under the heading 'Student-to-student offending' in the Action 4: Providing ongoing support guidance.

### **5.5 Providing support for impacted school staff members**

It can also be stressful for school staff involved in any incidents, concerns or complaints about child abuse, including family violence. It is important to remember that staff members may also have experienced, or be experiencing family violence or abuse in their own lives. Principals must support impacted staff members to access necessary support. The College extends such support to volunteers.

### **5.6 Complying with subpoenas or court attendance**

A subpoena or witness summons is a court order compelling production of documents, court attendance, or both. They are usually issued where a party to legal proceedings believes person or organisation has information that is relevant to the proceeding.

College staff and volunteers who receive a subpoena or witness summons for a child abuse incident, concern or complaint related to the College should contact the Principal for advice and assistance in meeting their legal obligations.

### **5.7 Responding to complaints or concerns**

There may be concerns or complaints about school staff management of a child abuse incident, concern or complaint, in particular by parents and carers. This is a very stressful time for them and concerns that they do not believe they have been dealt with fairly may quickly escalate.

As a first step, school staff must consider whether the complaint raises any concerns about unreported abuse or risk of abuse.

If so, then this policy and procedures apply. If not, refer to the College's Complaints Policy, which is publicly available at [\[insert link once completed\]](#)

## 5.8 Counselling and support organisations

The guidance provides information and contact details for the following organisations which may provide additional support as required:

- The Lookout
- Safe Steps
- 1800 Respect
- The Centre Against Sexual Assault
- Gatehouse Centre, Royal Children's Hospital
- Children's Protection Society
- Australian Childhood Foundation
- Djirra
- Child Wise
- Headspace.

More information on Action 4, including the actions that schools must take, where deemed appropriate, to work together and plan support for students who are impacted by child abuse, to ensure the diversity of all children is taken into account, and including student-to-student offending; providing support for impacted school staff members; complying with subpoenas or summons; responding to complaints or concerns; and external organisations for counselling and support is available at:

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/actionthree.aspx>

## 5.9 Legal obligations to report child abuse and reporting responsibilities

There are legal obligations on adults to report child abuse depending on the type of abuse, the age of the child and, in some cases, based on their job or professional obligations. Failure to report as and when required may be a criminal offence.

Regardless of whether a person has a legal obligation to report or not, the College's focus remains on protecting children from harm and the risk of child abuse. Anyone with a concern that a child may be experiencing any form of abuse (irrespective of whether they have yet to form a reasonable belief that obliges them to make a report in the particular circumstances) should immediately raise these concerns with a Child Safety Officer, Deputy Principal Wellbeing, Head of Campus, Principal or the Chair of the Board. A concern that might seem unimportant could, once raised, reveal a bigger issue or could prevent a situation from happening.

All College Board members, school staff, volunteers and contractors are required to be familiar with this policy and procedures and their legal obligations to report child abuse. Under no circumstances should these people investigate an allegation themselves. DFFH Child Protection is the lead agency responsible for the care and protection of children. Victoria Police is responsible for conducting criminal investigations into alleged child abuse. Protocols between DFFH Child Protection and Victoria Police require that all reports received by DFFH Child Protection relating to child physical abuse, sexual abuse or serious neglect must be reported to Victoria Police to investigate whether a criminal offence has occurred.

We strongly encourage any concerns or complaints to be raised with a Child Safety Officer who can provide assistance with the **Four Critical Actions** process and making a report.

However, it is important to understand that consulting a Child Safety Officer does not change any legal obligation a person has to report to one or more of the relevant authorities. It is each individual's responsibility to be aware of and on the lookout for indicators of child abuse and their requirements to report.

## Offence of failure to disclose a reasonable belief of a sexual offence against a child under 16

Reporting child sexual abuse is a community-wide responsibility.

Under section 327 of the *Crimes Act 1958* (Vic) all adults who have a reasonable belief that an adult has committed a sexual offence against a child under 16 in Victoria have an obligation to report this information to Victoria Police as soon as practicable to do so, unless they have a reasonable excuse for not doing so, or are exempt from the offence. The maximum penalty is 3 years imprisonment.

The Department of Justice and Community Services explains that:

- You only need to report to police when you have seen or heard something that has led you to form a *'reasonable belief'* that an adult has sexually abused a child.
- You have a *'reasonable belief'* if a reasonable person in the same circumstances as you would believe that an adult had sexually abused a child, for the same reasons you believed it. For example, you might form a reasonable belief that a child has been sexually abused if:
  - the child tells you they have been sexually abused
  - the child tells you they know someone who has been sexually abused (which may be a way of talking about themselves)
  - someone who knows the child tells you the child has been sexually abused
  - you observe signs of sexual abuse in the child
  - you are a qualified professional who observes the child's behaviour or development, which leads you to believe the child has been sexually abused.
- You do not need to report rumours or unfounded suspicions.
- You may have a *'reasonable excuse'* for not reporting information about child sexual abuse to police if, for example:
  - you fear for your safety, or the safety of another person, or
  - you believe the information has already been reported to the police.
- You will not be guilty of an offence if you have a reasonable excuse for not reporting. You have an excuse for not reporting to police if:
  - you reasonably fear for your safety or the safety of another person, except the person you believe committed, or was involved in, the sexual offence, and
  - your failure to report is a reasonable response in the circumstances.
- The fear must be reasonable from the perspective of that person in those circumstances. This recognises that this person is best placed to judge whether their safety, or the safety of another person, is endangered.
- You have an excuse for not reporting to police if:
  - you believe on reasonable grounds that another person has already disclosed the information to police, and
  - you have no further information to add.
- For example, you may have this belief if you have disclosed the information in a *'mandatory report'* under the *Child Youth and Families Act 2005* (Vic).
- You do not have a reasonable excuse for failing to disclose information if you are only concerned about the *'perceived interests'* of:
  - the person you believe committed, or was involved in, the sexual offence, or
  - any organisation.

- *'Perceived interests'* includes reputation, legal liability and financial status. For example, a religious minister's concern for the reputation of a church where an adult sexually abused a child is not a reasonable excuse for not reporting to police. This ensures that a child's best interests are placed first.
- You may be exempt from the offence if:
  - a victim aged 16 or over has provided the information and requests confidentiality
  - you were a child when you received the information
  - the information would be privileged
  - the information is a *'confidential communication'*
  - the information is in the public domain
  - you are a police officer acting in the course of your duty.

For more information see: [//www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence](http://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence)

**Reporting responsibilities:** All adults within the the College community who have a reasonable belief that an adult has committed a sexual offence, including grooming, against a child under 16 are required to report this information to Victoria Police. We strongly encourage any concerns or complaints to be raised in the first instance with a Child Safety Officer to assist and provide support in making a report to Victoria Police.

School staff must also report internally to the Principal. If a concern or complaint relates to the Principal, this must be reported to the Chair of the Board at [rosie.merrin@hamiltoncollege.vic.edu.au](mailto:rosie.merrin@hamiltoncollege.vic.edu.au).

#### Offence of failure to protect a child under 16 from a substantial risk of child sexual abuse

Under section 490 of the *Crimes Act 1958 (Vic)*, people in authority at the College (as a defined *'relevant organisation'*) will commit an offence if they know of a substantial risk of child sexual abuse by an adult and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. The maximum penalty is 5 years imprisonment.

The Department of Justice and Community Services explains that:

- The offence applies to people in authority within a **relevant organisation**. A relevant organisation is one that exercises care, supervision or authority over children, whether as part of its primary function or otherwise.
- A person in authority is someone whose position within a relevant organisation means that they have the power or responsibility to reduce or remove a substantial risk that a child under the age of 16 years, who is under their care, supervision or authority, may become the victim of sexual abuse committed by an adult associated with the organisation.
- Whether someone is considered to be a person in authority will depend on the degree of supervision, power or responsibility the person has to remove or reduce the substantial risk posed by an adult associated with the organisation. People in authority will usually have the ability to make management level decisions, such as assigning and directing work, ensuring compliance with the organisation's volunteer policy and other operational arrangements.
- The offence relates to risk of sexual abuse by adults. Children under the age of 18 who pose a risk of sexually abusing other children are not covered by this offence.
- The offence requires a person in authority to reduce or remove a known *'substantial'* risk that an adult associated with the organisation may commit a sexual offence against a relevant child. It does not make it a criminal offence to fail to address every possible risk that a sexual offence may be committed against a child.
- 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.
- This offence requires a person in authority to act if they *know* that there is a substantial risk that a child may become the victim of a sexual offence. A person is generally taken to know that there is a risk if he or she is aware that it exists or will exist in the ordinary course of events. This is more than merely holding a tentative belief or suspicion.
  - However, it is expected that a person in authority will take steps to follow up on a suspicion or belief that children in their organisation were at risk of harm.
  - Under the offence, a person is taken to have **negligently failed** to reduce or remove a substantial risk if that failure involves a great falling short of the standard of care that a reasonable person would exercise in the same circumstances. The offence does not require a person in authority to eliminate all possible risks of child sexual abuse.
  - This offence is in addition to existing mandatory reporting obligations for specified staff under the **Children, Youth and Families Act 2005**. It applies to any person in authority within a relevant organisation, not just mandatory reporters.

For more information see: <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to>

**Reporting responsibility:** The College requires all school staff to assume this obligation applies to them whether they are or are ultimately considered to be a '*person in authority*' or not and to make a report to Victoria Police in accordance with the **Four Critical Actions**. We strongly encourage any concerns or complaints to be raised in the first instance with a Child Safety Officer who can assist and provide support, including in making a report to Victoria Police.

School staff must also report internally to the Principal. If a concern or complaint relates to the Principal, this must be reported to the Chair of the Board at [rosie.merrin@hamiltoncollege.vic.edu.au](mailto:rosie.merrin@hamiltoncollege.vic.edu.au).

#### Mandatory reporter obligations for children needing protection

For the purpose of this obligation, a '*child*' refers to a person under 17 years (and, in specified circumstances where a protection order applies, up to 18 years) and the term '*parents*' is broadly defined.<sup>9</sup>

All mandatory reporters must comply with their mandatory reporting obligations under the *Children, Youth and Families Act 2005* (Vic). At the College, mandatory reporters include (but are not limited to) the Principal, teachers, nurses and school counsellors.

All mandatory reporters must undertake training to learn how to protect the safety and wellbeing of students on commencement and annually by completing the Department of Education and Training's online eLearning module, **Protecting Children - Mandatory Reporting and Other Obligations**. This is available at:

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<sup>9</sup> In section 3(1) of the *Children, Youth and Families Act* under paragraph (b) of the definition of '*child*' in where a protection order under section 275 of the Act or a [child protection order](#) or interim order under of Schedule 1 continues in force, a child also means a person who is under the age of 18 years. A '*parent*' includes (but is not limited to) the child's mother and father, or their spouse or domestic partner, any person who has parental responsibility for the child or is legally recognized as the father of the child.

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/online-learning-for-schools.aspx#link39>

Under section 184 of the *Children, Youth and Families Act*, mandatory reporters must make a report to DFFH Child Protection if:

- in the course of practising their profession or carrying out duties of their office, position or employment
- they form a belief on reasonable grounds that:
  - a child is in need of protection from physical injury or sexual abuse, **and**
  - the child's parents have not protected or unlikely to protect the child from harm of that type.

The harm may be from single act, omission (failure to act) or circumstance or accumulate through a series of acts, omissions or circumstances.<sup>10</sup>

A belief is considered as being formed on reasonable grounds if a reasonable person doing the same work (for example, practising the same profession or carrying out the duties of the office, position or employment) would form the same belief based on the same information. Grounds for forming a belief are matters which the person has become aware of and include any opinions relating to those matters.<sup>11</sup>

DFFH Child Protection provides the following examples of when a reasonable belief might be formed:

- a child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows the student states that the child has been physically or sexually abused
- professional observations of the child's physical condition and/or behaviour or development leads a professional to form a belief that the child has been physically or sexually abused
- other circumstances lead you to suspect that a child has been abused.<sup>12</sup>

A mandatory report must be made as soon as practicable after the reasonable belief is formed and after each occasion that the mandatory reporter becomes aware of any further reasonable grounds for the belief.

A fine of 10 penalty units applies for non-compliance. A **penalty unit** is an amount of money set by parliament on 1 July each year. Currently, one penalty unit is over \$180.

**Reporting responsibilities:** All mandatory reporters must make a mandatory report to DFFH Child Protection if they reasonably believe a student or child is in need of protection from physical injury or sexual abuse and the child's parents have not, or unlikely to, provide that protection. We strongly encourage any concerns or complaints to be raised in the first instance with a Child Safety Officer to assist and provide support with this process.

School staff must also report internally to the Principal. If a concern or complaint relates to the Principal, this must be reported to the Chair of the Board [rosie.merrin@hamiltoncollege.vic.edu.au](mailto:rosie.merrin@hamiltoncollege.vic.edu.au).

The Deputy Principal Wellbeing is responsible for co-ordinating the College's response to DFFH Child Protection in consultation with the Principal and the Head of School (Senior School, Middle School or Junior School).

### Obligations to children under 18 under the Reportable Conduct Scheme

Victoria has a Reportable Conduct Scheme (**Scheme**) established under the *Child Wellbeing and Safety Act 2005* (Vic) and administered by the Commission for Children and Young People (**Commission**). The Commission

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<sup>10</sup> Section 162(2) of the Act.

<sup>11</sup> Sections 184(4) and 186 of the Act.

<sup>12</sup> *Mandatory Reporting – Frequently Asked Questions - February 2020* available at <https://providers.dffh.vic.gov.au/mandatory-reporting-child-protection-victoria-frequently-asked-questions>.

oversees defined allegations of child abuse and misconduct made against adults working for or engaged by the heads of specified organisations.

These organisations include (but are not limited to) schools and religious bodies. Adults who are considered to be employed or engaged by those organisation to provide services include (but are not limited to) employees, volunteers, contractors, office holders and officers (whether this relates to children or services provided to children or not), ministers of religion and religious leaders.<sup>13</sup>

The College must comply with its obligations under the Scheme and make a '*reportable allegation*' of '*reportable conduct*' to the Commission.

There are five types of reportable conduct:

- sexual offences committed against, with or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- physical violence against, with or in the presence of a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

To be considered a reportable allegation, the person must have a reasonable belief that there has been reportable conduct or misconduct involving reportable conduct (even if it occurred outside of the person's employment).

Failure to notify the Commission with 3 business days of becoming aware of a reportable allegation and comply with notification requirements under the Scheme can be an offence. A fine of 10 penalty units applies.

For more information see: <https://ccyp.vic.gov.au/reportable-conduct-scheme/>

**Reporting responsibilities:** The Chair of the Board, assisted by the Principal, is the person responsible for complying with the College's obligations under the Scheme, including making reportable allegations. Any person with information that might assist the Chair to form a reasonable belief that there has been reportable conduct or misconduct involving reportable conduct should contact the Chair at [rosie.merrin@hamiltoncollege.vic.edu.au](mailto:rosie.merrin@hamiltoncollege.vic.edu.au) and in all cases if that information relates to the Principal.

## Other legal obligations relating to child abuse

### Duty of care

The law imposes obligations to protect individuals from suffering harm from acts or omissions (failures to act) where a '*duty of care*' is owed. The College owes such a duty of care to its students.

The Department of Education explains that:

- All staff working with students owe a duty of care to those students.
- All staff must take reasonable steps to reduce the risk of reasonably foreseeable harm to students.
- All staff must take reasonable precautions to minimise the risk of child abuse by an individual associated with the school.
- The requirement to take reasonable steps to reduce the risk of reasonably foreseeable harm continues even when another party is involved (for example, a third party providing services for an excursion or school camp).
- In some circumstances, a school's duty of care will extend beyond school hours and outside of school grounds.

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<sup>13</sup> Definitions of organisations ('*entities*'), heads of organisations for the purpose of the Scheme, '*employees*' and '*religious bodies*' are contained in section 3(1) of the *Child Wellbeing and Safety Act 2005*.

For more information see: <https://www2.education.vic.gov.au/pal/duty-of-care/policy>  
**Victorian Institute of Teaching**

The College must immediately notify the Victorian Institute of Teaching if it becomes aware that a registered teacher:

- is currently charged with, or has been convicted or found guilty of specified criminal offences, including (but not limited to) offences related to child abuse
- has been given a Working with Children exclusion indicating that a person has made an application to Working with Children Check Victoria and they have been refused a Working with Children Check and is not permitted to engage in child-related work.

For more information see: <https://www.vit.vic.edu.au/>

## 5.10 Privacy and information sharing and record keeping obligations

### Privacy and information sharing

The obligations to protect the privacy of child abuse related incidents, concerns and complaints and to share information lawfully is paramount.

The College collects, uses, and discloses information about children and their families in accordance with Victorian privacy laws, and other relevant laws. For information on how our school collects, uses and discloses information refer to our Privacy Policy [\[insert link once completed\]](#).

Guidance on the specific information sharing requirements relating to child abuse related incidents, concerns and complaints is provided in **PROTECT - Identifying and responding to all forms of abuse in Victorian Schools** as **attached** to this policy, adopted and applied as part of this policy and procedures to the extent they are relevant to the College as an independent school is attached and also available at:

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5\\_SchoolsGuide.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_SchoolsGuide.pdf)

The College also adopts and applies the summary of child privacy and information sharing obligations about children impacted by abuse based on the above information as set out on the Department of Education and Training's website, to the extent that it applies to the College as an independent school at:

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/infosharing.aspx>

The information contained in that website, for example, does not apply to the College at times, for example, the **Data Protection Act 2014 (Vic), which applies to the Victorian public sector. This means the College, as an independent non-government school, is not required to comply with that Act and is subject to the Privacy Act 1988 (Cth)** instead.

### Sharing information to support child wellbeing and safety

Whilst school staff must be aware of and comply with their obligations with respect to the collection, use and disclosure of child abuse information, this does not mean that information cannot be shared as required to improve the wellbeing and safety of Victorian children and reduce family violence.

The following information is provided from the above website:

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/infosharing.aspx>

The Victorian Government has introduced reforms aimed at improving information sharing amongst a range of Victorian education and care workforces, government reforms, including information to support child



wellbeing and safety. Information about this and the ability to share information between schools is provided on the above website. as a non-government independent school is an organisation prescribed under the Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS).

### Information sharing with school staff

The Department of Education and Training guidance explains that privacy laws allow school staff to share a child's personal and health information to enable other school staff to:

- support the education of the student, plan for individual needs and address any barriers to learning
- support the social and emotional wellbeing and health of the student
- fulfil duty of care obligations to the student, other students, staff and visitors
- make reasonable adjustments if the student has a disability, including a medical condition or mental illness
- provide a safe and secure workplace.

School staff members are therefore permitted to share certain information about a child with other staff members, without the consent of a parent or guardian and without breaching privacy laws. The type of information that may be appropriate to share with other school staff about a child who is impacted, or suspected to be impacted by child abuse may include:

- that the child is in a difficult situation
- that the child should be monitored and may need support
- the content of any Student Support Plan, including any signs or symptoms that the child may display when they are in need of support, and any strategies or support services that have been put in place to support the child while they at school.

Planning and care should be taken before providing any information about child abuse to the school community. You and your principal should be aware that that even confirming the existence of an allegation can lead to the identification of a victim.

### Information sharing with DFFH Child Protection and Victoria Police

Privacy legislation permits disclosure of personal information about a child to DFFH Child Protection if it is:

- authorised or permitted by law, or
- necessary to lessen or prevent a serious and imminent risk to health, safety or welfare of any person.

Reporting suspected child abuse to DFFH Child Protection or Victoria Police does not constitute a breach of Victorian privacy laws because these disclosures are specifically permitted under the *Children Youth and Families Act 2005* (Vic).

Disclosure of information to DFFH Child Protection in good faith does not constitute unprofessional conduct or a breach of professional ethics. This means that school staff cannot be successfully sued or suffer formal adverse consequences in their work. If a report or referral has been made, their identity will be protected unless consent to its disclosure is consented to or the disclosure is specifically authorised by a Court or Tribunal.

### Request for information from DFFH Child Protection or Victoria Police

If a request from an officer from DFFH Child Protection or Victoria Police for information relating to a child who has been impacted (or is suspected to have been impacted) by child abuse is received, you should:

- obtain the request for information in writing
- ensure that the written request includes the following information:
  - the name of the officer, the organisation in which they work, and their contact details
  - description of the information and documents that are being sought
  - the reasons why the information and documents are being sought

- what authority the person or their organisation believes that they have to access the requested information and documents.

In these cases, you may be permitted to share the requested information and documents but you are not compelled to do so.

### Information sharing with family services

Once Family Service at DFFH (or other service agency) commences providing services to a child and their family, as a school staff member you can only share information with this agency with the consent of the child's parents (and the child if they are old enough to consent). This is because service provision in these circumstances is by voluntary agreement between the family and the service provider.

DFFH Family Services are allowed to consult with DFFH Child Protection at any time, if necessary.

### Record keeping

We acknowledge that good records keeping practices are a critical element of child safety and wellbeing and manage our records in accordance with our [\[Records Management – School Records Policy\]](#).

Effective child protection record keeping is one of the College's key strategies in the management of its child protection obligations, including the fulfilment of our duty of care. We securely store information associated with any incident, concern or complaint of child abuse of a student by having:

- hard-copy documentation stored in a locked filing cabinet (or similar); and
- electronic documentation stored in a password-protected folder (or similar).

It is through such record keeping we ensure that, should there ever be a need for evidence of our child safe culture or precautions and preventative measures taken in response to the risk of child abuse, our experience is well documented and available.

## 6. POLICY AND PROCEDURES REVIEW

The College is committed to the continuous improvement of our Child Safety Program. We have established processes for the review and ongoing improvement of our child safe policies, procedures, and practices for overall effectiveness and to ensure compliance with all child safety related laws, regulations and standards:

- The Deputy Principal Wellbeing is responsible for reviewing and updating this policy and the procedures at least every two years or after any significant child safety incident, including seeking input from students, parents and carers and the School community
- we record and analyse all complaints, concerns, and safety incidents to identify causes and systemic failures and inform continuous improvement
- we act with transparency and share pertinent learnings and review outcomes with school staff and our School community.

## 7. RELATED POLICIES AND PROCEDURES

This Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedures is to be read in conjunction with other related College policies, procedures, and codes. These include our:

- Child Safety and Wellbeing Policy
- Child Safety Code of Conduct
- Complaints Policy
- Privacy Policy
- Child Safeguarding Record Keeping Policy and Procedures

**8. APPROVAL**

<b>Created date</b>	19 <sup>th</sup> July 2022
<b>Consultation</b>	In Progress
<b>Endorsed by</b>	The Hamilton and Alexandra College Board
<b>Endorsed on</b>	Draft Endorsed 28 <sup>th</sup> July 2022
<b>Next review date</b>	July 2023

This document was current as at 19<sup>th</sup> July 2022 4:30pm AEST time. Updates to content may have been made since this date. Refer to your policy site for the latest version.

This content was last updated on 19<sup>th</sup> July 2022 AEST time.

