



St Margaret's School  
Berwick Grammar School



St Margaret's School  
27-47 Gloucester Avenue,  
Berwick 3806.  
[www.stmargarets.vic.edu.au](http://www.stmargarets.vic.edu.au)  
(03) 9703 8111  
Berwick Grammar School  
80 Tivendale Road,  
Officer 3809.  
[www.berwickgrammar.vic.edu.au](http://www.berwickgrammar.vic.edu.au)  
(03) 5943 2600  
Postal Address: PO Box 138  
Berwick, Vic 3806.  
ABN 49 004 260 995

## CHILD PROTECTION AND MANDATORY REPORTING POLICY

### Rationale

St Margaret's Berwick Grammar is committed to the National Framework for Protecting Australia's Children 2009-2020 (the National Framework) and amended by the relevant Government departments from time-to-time, which requires school staff to report suspected child abuse in a timely, respectful and coordinated manner.

The Reportable Conduct Scheme is administered by the Commission for Children and Young People. The Scheme provides for the reporting to the Commission of allegations of reportable conduct, or misconduct that may involve reportable conduct, committed by employees (including volunteers, contractors and office holders) within or connected to St Margaret's Berwick Grammar.

St Margaret's Berwick Grammar is further committed to fulfilling its duty of care to all students and specifically students under the age of 17 in relation to the *Crimes Act 1958 (Vic)*, which was amended in 2014 to include offences of: (i) *failing to disclose a sexual offence*<sup>1</sup>; (ii) *grooming for sexual conduct*<sup>2</sup>; and (iii) *failing to protect a child from sexual offence*<sup>3</sup>.

Through the application of this policy, we at St Margaret's Berwick Grammar aim to:

- ensure all reasonable steps are taken so that students are safe from sexual offence and that they feel safe at all times.
- enable the governing body members, all persons in positions of authority, care or supervision, all employees of the school and where applicable, students of 18 years or over to understand their role and responsibility in protecting the safety and wellbeing of children and young people under the age of 17 in accordance with the *Crimes Act 1958 (Vic)*.

That is, to ensure individuals associated with the school who have the power or responsibility to reduce or remove a substantial risk, take steps to reduce or remove any substantial risk that a student under 17 years of age will become the victim of a sexual offence, including the recognition of 'grooming'.

- ensure all members of the school community aged 18 and over understand their reporting obligations in accordance with the Crimes Amendment (Protection of Children) Act 2014 (Vic), Children Legislation Amendment (Reportable Conduct) Act 2017, Child Wellbeing and Safety Act 2005 Commission for Children and Young People Act 2012.

That is, to ensure all members of the school community aged 18 and over (who are not Mandatory Notifiers) who form a reasonable belief that a sexual offence has been committed by an adult against a child under 17, report that information to police.

<sup>1</sup> Crimes Act Vic 1958, s.327.

<sup>2</sup> Crimes Act Vic 1958, s.49B.

<sup>3</sup> Crimes Act Vic 1958, s.49C.



- Provide a system for preventing reportable conduct by an employee of the School within the course of his or her employment;
- Provide a system for enabling any person, including employees of the School, to notify the Principal of a reportable allegation of which the person becomes aware, or to notify the Chairman of Council of an allegation involving the Principal.
- Provide a system for investigating and responding to a reportable allegation against an employee of the School.

Everyone involved at St Margaret's Berwick Grammar has a role to play, and may disclose an allegation of reportable conduct involving an employee to the Commission or to the Principal.

## Definitions

### *Child*

A child is an individual who is a student at the School

### *Employee*

For the purpose of this policy, an employee is a person of or over the age of 18 years who is:

- a) an employee of St Margaret's Berwick Grammar, whether or not the person is employed in connection with any work or activities of St Margaret's Berwick Grammar that relate to children;
- b) engaged by St Margaret's Berwick Grammar to provide services, including as a volunteer, contractor, office-holder or officer, whether or not the person provides services to children.

## Reportable Allegation

Any person who has any information that leads him/her to form a reasonable belief that an employee of St Margaret's Berwick Grammar has committed:

- a) reportable conduct; or
- b) misconduct that may involve reportable conduct, is encouraged to report such information to the Principal:

The report must be in writing addressed to the Principal in a sealed envelope marked 'Private and Confidential' and delivered to the School's reception or to the Principal's office.

If the person has information of a reportable allegation involving the Principal of St Margaret's Berwick Grammar, the person may directly notify the President of Council

- in writing addressed to the President of Council in a sealed envelope marked private and confidential and delivered to the School's reception
- in writing sent by post in an envelope marked private and confidential and addressed to: The President of Council c/- St Margaret's Berwick Grammar

A report may also be made directly to the Commission for Children and Young People (CCYP) at:

Commission for Children and Young People  
Level 18 570 Bourke Street Melbourne Victoria 3000  
Telephone: (03) 8601 5281

Email: [childsafestandards@ccyp.vic.gov.au](mailto:childsafestandards@ccyp.vic.gov.au)

A report may be made whether or not the conduct or misconduct is alleged to have occurred within the course of the employee's employment with St Margaret's Berwick Grammar.

## Definitions of Child Abuse/Reportable Conduct

Child abuse is *an act by parents or caregivers that endangers a child or young person's physical and emotional health and development*. Child abuse can be a single incident, but usually takes place over time. More specifically, *child abuse* includes –



- any act committed against a child involving–
    - a sexual offence or
    - an offence under section 49B(2) of the *Crimes Act 1958* (grooming)
  - the infliction, on a child, of-
    - physical violence or
    - serious emotional or psychological harm
  - serious neglect of a child.
- **Physical violence**

Physical violence occurs when a child suffers or is likely to suffer significant harm from any non-accidental form of injury or injuries inflicted by another person. Physical violence does not mean reasonable discipline, though it may result from excessive or inappropriate discipline. Physical violence can include beating, shaking, burning and assault with implements.

Physical injury and significant harm to a child or young person may also result from the failure of a parent, carer or guardian to adequately ensure the safety of a child, exposing the child to extremely dangerous or life-threatening situations.

Possible physical indicators:

- unexplained bruises
- burns and/or fractured bones

Possible behavioural indicators:

- showing wariness or distrust of adults
- wearing long sleeved clothes on hot days
- fear of specific people
- unexplained absences
- academic problems

- **Sexual offences**

Sexual offences occur when a person involves the child in a sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to his/her age and development. Child sexual abuse can involve a wide range of sexual activity including fondling genitals; masturbation; oral sex; vaginal or anal penetration by finger, penis or any other object; voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution, as well as grooming behaviour.

Possible physical indicators:

- presence of sexually transmitted diseases
- pregnancy
- vaginal or anal bleeding or discharge

Possible behavioural indicators:

- displaying sexual behaviour or knowledge that is unusual for the child's age
- difficulty sleeping
- being withdrawn
- complaining of headaches or stomach pains
- fear of specific people
- showing wariness or distrust of adults
- displaying aggressive behaviour



- **Serious Emotional or Psychological abuse**

Serious emotional or psychological abuse occurs when a child or young person is repeatedly rejected, isolated or frightened by threats or by witnessing family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent that the behaviour of the child or young person is disturbed, or their emotional development is at serious risk of being impaired.

Psychological or emotional abuse may occur with or without other forms of abuse. The child or young person may develop personality or behavioural disorders, or become filled with self-doubt and internalised rage, unable to form sustained and intimate relationships. It may also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviour.

Possible physical indicators:

- delay in emotional, mental, or even physical development
- physical signs of self-harming

Possible behavioural indicators:

- exhibiting low self-esteem
- exhibiting high anxiety
- displaying aggressive or demanding behaviour
- being withdrawn, passive and/or tearful
- self-harming

- **Serious Neglect**

Serious neglect is the continued failure to provide a child with the basic necessities of life, such as an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health or development of the child is significantly impaired or placed at serious risk. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life threatening situations

Possible physical indicators:

- frequent hunger
- malnutrition
- poor hygiene
- inappropriate clothing

Possible behavioural indicators:

- stealing food
- staying at school outside of school hours
- aggressive behaviour
- misusing alcohol or drugs
- academic issues

The Department of Human Services has a statutory responsibility under the *Children, Youth and Families Act 2005* (CYFA), to provide Child Protection services for all children and young people in Victoria under the age of 17 years or, when a protection order is in place, under the age of 18 years.

**The Principal will:**

- Ensure that all staff members, volunteers, students aged 18 and over, school board members and the school parent community are aware of the *Crimes Act 1958* (Vic) Policy and the *Child Safe Policy, Child Safety Code of Conduct* and have access to copies.

- Ensure that all adults within the school community are aware of their obligation to report suspected sexual abuse of a child under 17 years to the police.
- Provide support for staff in undertaking their responsibility in this area.
- Where a student threatens self-harm or suicide at school or at home, the School asks that the child not attend school until clearance has been given by a qualified health professional that the child is no longer a risk to themselves or others. This is to protect the wellbeing of all students as well as to ensure that the child concerned is receiving appropriate support.

**All staff members will:**

- Be aware of the *Crimes Act 1958 (Vic)*, the school's *Child Protection – Mandatory Reporting Policy and Child Safe Policy*.
- Report any 'reasonable belief' of child sexual abuse to the police or fulfil their obligation as Mandatory Notifiers.
- Provide an educational environment that is supportive of all children's emotional and physical safety.

**Parents/Caregivers/Volunteers/Students 18 and over will:**

- Be aware of the *Crimes Act 1958 (Vic)*, the school's *Child Protection – Mandatory Reporting Policy and Child Safe Policy*.
- Understand their obligations to report a reasonable belief of child sexual abuse to the police.

**Mandatory Reporting /Mandatory Reporters**

Under the *Children, Youth and Families Act 2005 (Vic)*, primary, secondary, early childhood teachers and workers, (as well as students in training to become teachers), school counsellors, registered psychologists, registered nurses (including school nurses), and school principals, out of home care workers (excluding voluntary foster and kinship carers) people in religious ministry, registered medical practitioners, midwives, police, youth justice workers and youth parole officers are prescribed as mandatory reporters. In the course of carrying out their duties, should these personnel, form a 'reasonable belief' that a child is in need of protection from physical or sexual abuse, and that child's parents are unable or unwilling to protect the child, they must report that belief to DHHS Child Protection. Non-mandated staff are also able to make a report of suspected child abuse.

Child abuse rarely stops without intervention and help being offered. Therefore, notifying suspected child abuse can be the first step in stopping the abuse and protecting a child from further harm. Early identification and effective intervention can lessen the initial and long term effects of child abuse and promote recovery of the children and families concerned.

**Forming a 'Reasonable Belief':**

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation.

A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

There may be reasonable grounds for forming a belief that a child is in need of protection if:

- a child or young person states that they have been physically or sexually abused
- a child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows the child or young person states that the child or young person 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 the child or young person's safety, stability or development
- the staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- 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.

### Procedure

St Margaret's Berwick Grammar has procedures for responding to and reporting suspected abuse of a child currently in its care. St Margaret's Berwick Grammar also has practices and programs that support, encourage and enable School staff, parents and children to understand, identify, discuss and report child safety matters. Such policies and practices include:

- Child Protection and Mandatory Reporting Policy/Procedures
- Staff Code of Professional Engagement
- Raising Concerns and Complaints Policy
- Whistleblower Policy

Any adult aged 18 or over who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 17 must report that information to Victoria Police by dialling 000 (or otherwise to a member of the police force of Victoria).

An adult will not be guilty of an offence if they do not report in the following circumstances:

- the victim is 17 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police
- the victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor
- the victim turned 16 years of age before 27 October 2014.

Reasonable excuses for failing to comply with the requirement include:

- a reasonable belief that the information has already been reported to police or DHS Child Protection disclosing all of the information
- a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm.



### Specific Offences

Three new criminal offences have been introduced under the *Crimes Act 1958* (Vic.):

- **failure to disclose offence**, which requires adults to report to police a reasonable belief that a sexual offence has been committed against a child
- **failure to protect offence**, which applies to people within organisations who knew of a risk of child sexual abuse by someone in the organisation and had the opportunity to reduce or remove the risk, but failed to do so
- **grooming offence**, which targets communication with a child or their parents with the intent of committing child sexual abuse.

### Failure to Disclose Offence

Reporting child sexual abuse is a community-wide responsibility. The failure to disclose offence imposes a clear legal duty upon all adults aged 18 and over to report information about child sexual abuse to police.

### **Definition**

Under section 327 of the Crimes Act, any person (including any staff member) of or over the age of 18 years who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 17 years of age must disclose that information to police, as soon as it is practicable to do so. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DHS Child Protection.

The offence applies to all adults in Victoria, not just professionals who work with children.

### **Failure to Protect Offence**

Section 49C of the Crimes Act makes it a criminal offence in Victoria for a person in authority to fail to protect a child under the age of 17 from criminal sexual abuse. This applies where there is substantial risk that a child under the care, supervision or authority of an organisation (including schools) will become a victim of a sexual offence by an adult associated with the school. The person in a position of authority may be guilty of an offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

### **Definition**

If a person associated with the school<sup>4</sup> who by reason of their position has the power or responsibility to reduce or remove a substantial risk that a child will become a victim of a sexual offence committed by an adult associated with the school, they must not negligently fail to reduce or remove the risk

That is, as soon as a person in authority becomes aware of a risk of child sexual abuse, they will be under a duty to take steps to remove or reduce that risk.

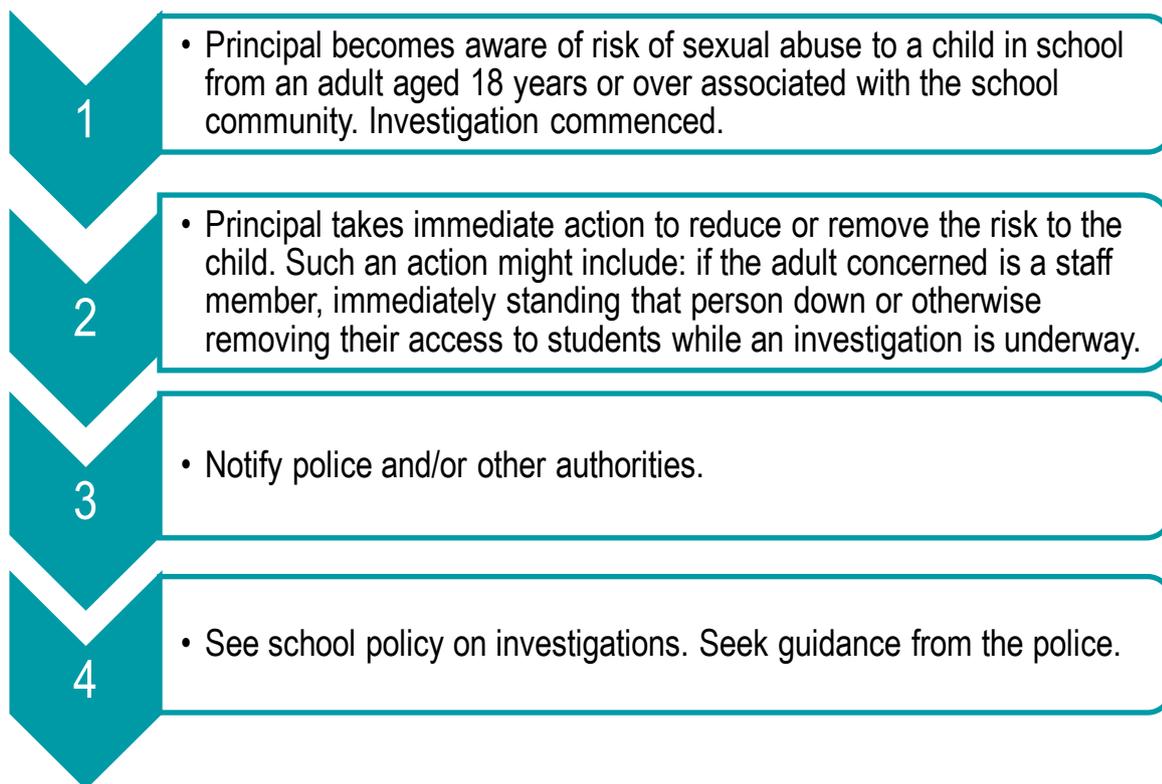
A person who has the power or responsibility to reduce or remove a risk will include the Principal, governing body members and senior staff, as well as teachers by virtue of their responsibilities. For the avoidance of doubt, any member of staff or person associated with the school who knows of a substantial risk that a child will become a victim of a sexual offence should notify the Principal as soon as is reasonably practicable.

### **Procedure**

When aware of a substantial risk of criminal sexual abuse to a child in the school from an adult aged 18 or over associated with the school, the Principal and/or Governing Body will act to reduce or remove the risk. The person will be removed from any child-related role pending an investigation.

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<sup>4</sup> Under s.49C(1), a *person associated with an organisation* includes, but is not limited to, a person who is an officer, an office holder, employee, manager, owner, volunteer, contractor or agent of the organisation but does not include a person solely because the person received services from the organisation.



### Grooming

Section 49B of the Crimes Act relates to the offence of ‘*Grooming for sexual conduct with a child under the age of 17 years*’. The offence targets predatory conduct designed to facilitate later sexual activity. The offence can be committed by any person aged 18 years or over.

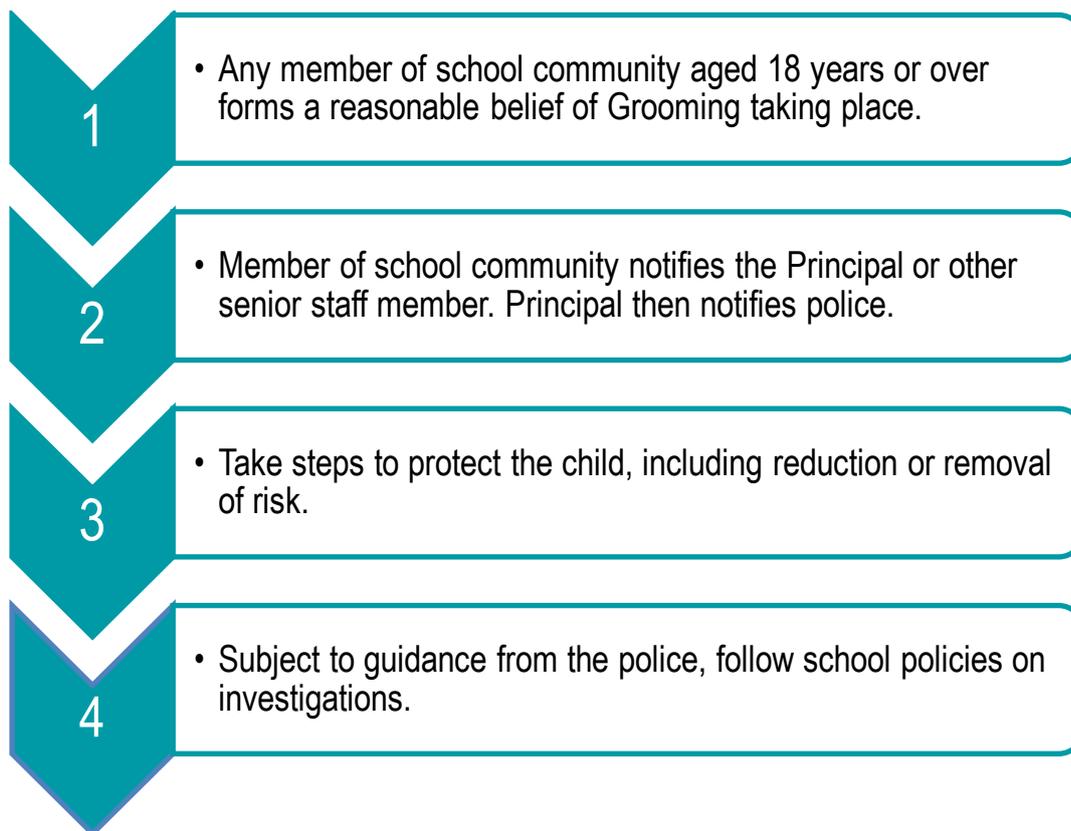
### Definition

- 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 17 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child’s engagement in or involvement in sexual conduct, whether 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.

### Procedure

Should any member of the school community aged 18 and over become aware of grooming behaviour by a person aged 18 years or over, they should notify the police and the Principal (or other senior staff member) immediately.

It is the responsibility of the Principal and/or others associated with the school with authority or responsibility, to take action upon becoming aware of grooming behaviour to protect (so as to reduce or remove a substantial risk) in accordance with the ‘failure to protect’ offence (see below).



### Reportable Allegation Investigation

As soon as practicable after becoming aware of a reportable allegation against an employee, the Principal will commence an investigation, which may include appointing an independent investigator. Depending on the nature of the allegation, the Principal may follow the processes set out in the other School policies noted above. Generally, the person appointed to conduct the investigation will decide on the appropriate process for the investigation, taking into account the principles of natural justice, and will advise the parties of such matters. The investigator will, as soon as practicable:

- conduct an investigation into the allegation;
- conduct interviews of relevant persons and seek any further information he/she deems necessary;
- provide to the Principal a confidential report of his/her findings in relation to the allegation against the employee; and
- if requested, make recommendations about what disciplinary or other action should be taken (if any)

The Principal will consider the findings, and recommendations if any, and determine what further action, if any, to take in relation to the allegations. If an allegation involves a possible criminal offence, the Principal will first obtain clearance from Victoria Police before beginning an investigation.

### Responsibilities of the Principal

The Principal is responsible for notifying the Commission of a reportable allegation in line with the Reportable Conduct Scheme and for investigating such allegations and providing the findings to the Commission. If the Principal becomes aware of a reportable allegation against an employee of St Margaret's and Berwick Grammar School they will notify the Commission in writing of the following:

Within three business days after becoming aware of the allegation

- the name and date of birth (if known) of the employee involved

- whether Victoria Police has been contacted
- contact details for the School and the Principal

As soon as practicable and within 30 calendar days

- details of the allegation
- details of the School's response to the allegation
- reasons for whether or not any disciplinary or other action is proposed
- any written response from the employee concerning the allegation that the employee wished to have considered in determining what, if any, disciplinary or other action should be taken

Advice on investigation – as soon as practicable

- Name of investigator

Outcomes of investigation – as soon as practicable

- a copy of the findings and reasons for the findings
- details of any disciplinary or other action that the Principal proposes to take
- reasons for taking or not taking any disciplinary or other action

Additional documents and information

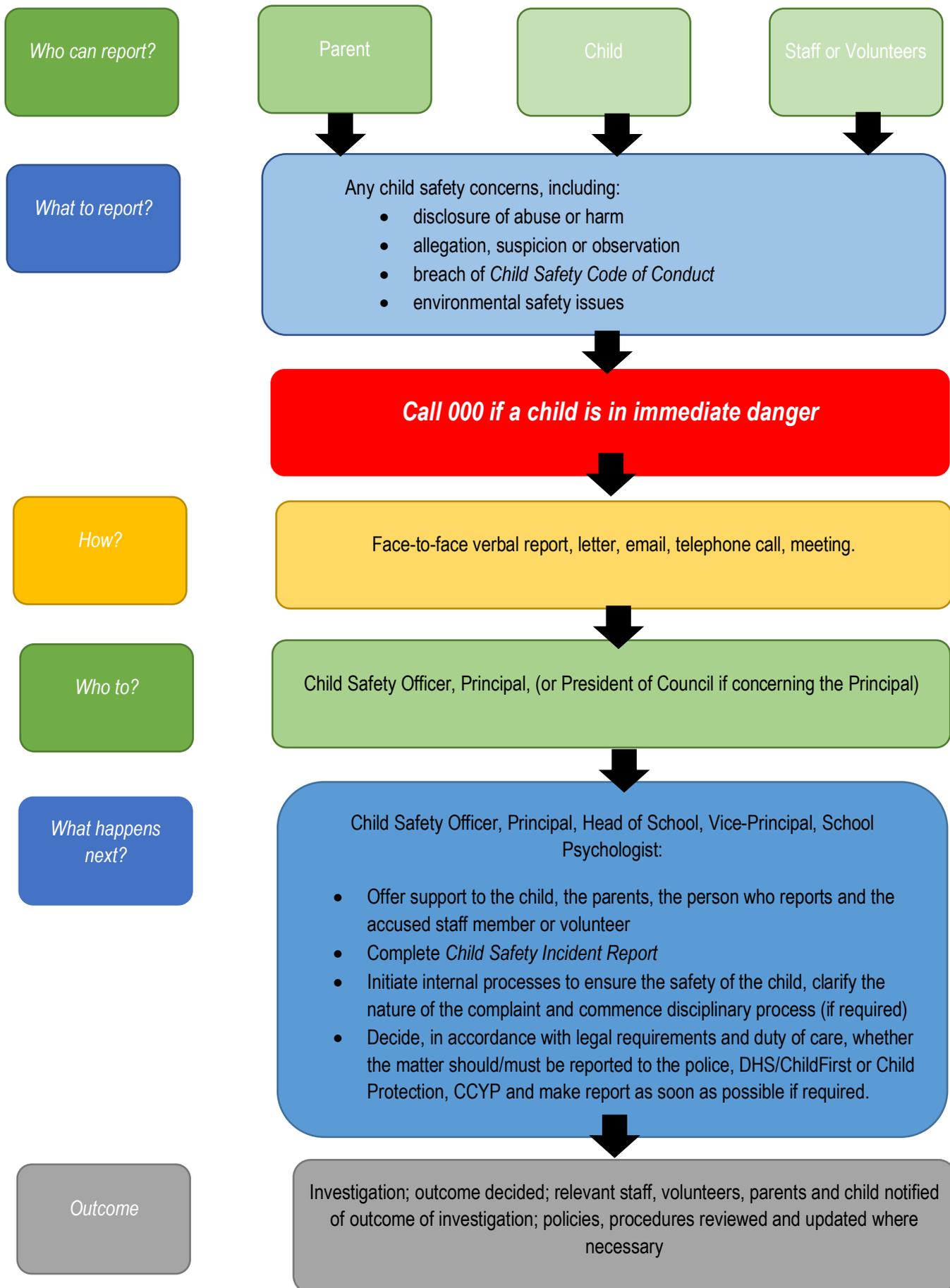
- any information or documents relating to the allegation or an investigation that the Commission may request.

### St Margaret's Berwick Grammar Reporting Protocol

| STEP | Description  |
|------|--|
| 1    | Keep comprehensive notes that are dated and include the following information: <ul style="list-style-type: none"> <li>• a description of the concerns (e.g. physical injuries, student behaviour)</li> <li>• the source of those concerns (e.g. observation, report from child or another person)</li> <li>• the actions taken as a result of the concerns (e.g. consultation with Head of House, Head of School, School Psychologist, Principal etc.)</li> </ul>  |
| 2    | These concerns should be discussed in the first instance with the relevant Head of House who will then involve the Head of Wellbeing/Head of School (or nominee) in consultations. The Principal must be informed. The School Psychologists will also be available for consultation and support throughout the process and will assist with referring to Child FIRST or reporting to Child Protection.<br><br>If the concern involves a staff member, The CCYP will be informed.   |
| 3    | Gather relevant information necessary to make the report. This should include the following information: <ul style="list-style-type: none"> <li>• full name, date of birth and residential address of the child</li> <li>• the details of the concerns and the reasons for those concerns</li> <li>• the individual staff member's involvement with the child</li> <li>• details of an other agencies which may be involved with the child</li> <li>• assessment of immediate danger to the child or children (information may be requested about the whereabouts of the alleged abuser/s)</li> <li>• description of the injury or behaviour observed</li> <li>• current whereabouts of the child</li> <li>• other relevant information about the family.</li> </ul> |
| 4    | Make a report to the relevant agency:  |

|          |  |
|----------|--|
|          | <ul style="list-style-type: none"> <li>• to report concerns which are life-threatening phone 000 or the local police station</li> <li>• to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection call 1300 655 795</li> <li>• Commission for Children and Young People, Telephone: (03) 8601 5281</li> </ul>   |
| <b>5</b> | <p>Make a written record of the report including the following information:</p> <ul style="list-style-type: none"> <li>• the date and time of the report and a summary of what was reported</li> <li>• the name and position of the person who made the report and the person who received the report.</li> </ul>  |
| <b>6</b> | <p>If following a report, a family approaches the school; an interview will be conducted with at least two members of the School Leadership team, including the School Psychologists. The focus of such a meeting will be the welfare of the child and not on justifying the actions of the teacher/s involved.</p>  |
| <b>7</b> | <p>When a notification is made to Child Protection, assessment is made about the level of intervention required. A senior protective worker will decide whether or not further investigation is required and the reporter will be advised of this decision. A Child Protection worker may visit the child and family in their home or may require this visit to be held at the school with the Principal or Principal's nominee required to sit in on the interview as an adult support person for the child. This may also be the child's teacher. Senior Police will be involved where situations of sexual abuse or serious physical injury are evident or where other criminal matters require action.</p> |
| <b>8</b> | <p>Policies and Procedures reviewed and updated as necessary by the Principal and School Executive.</p>  |

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



## Reporting concerns about children or young people

There may be many factors, or combinations of factors, within family life that adversely impact upon children's safety, stability and development.

## Referral to Child FIRST services

Within the *Children, Youth and Families Act 2005*, provisions have been made to refer children to Child and Family Support Services in cases where the staff member forms a view that the concerns have low-to-moderate impact on the child and the immediate safety of the child is not compromised. This service is called Child First.

A referral can connect children, young people and their families to the services they need, when the following factors may affect a child's safety, stability or development:

- significant parenting problems that may be affecting the child's development
- family conflict, including family breakdown
- families under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- young, isolated and/or unsupported families
- significant social or economic disadvantage that may adversely impact on a child's care or development.

## Contact details

Southern Metropolitan Region Child Protection, Dandenong: 1300 655 795

Statewide Child Protection Crisis Line: 131 278 (after hours)

Southern Metropolitan Child First Service, Dandenong: 03 9705 3939

## A report to Child Protection Victoria

A report to Child Protection should be made in any of the following circumstances:

- Physical abuse of, or non-accidental or unexplained injury to, a child (mandatory reporters must report).
- A disclosure of sexual abuse by a child or witness, or a combination of factors suggesting the likelihood of sexual abuse – the child exhibiting concerning behaviours, for example, after the child's mother takes on a new partner or where a known or suspected perpetrator has had unsupervised contact with the child.
- Emotional abuse and ill treatment of a child impacting on the child's stability and healthy development.
- Persistent neglect, poor care or lack of appropriate supervision, where there is a likelihood of significant harm to the child, or the child's stability and development.
- Persistent family violence or parental substance misuse, psychiatric illness or intellectual disability – where there is a likelihood of significant harm to the child or the child's stability and development.
- Where a child's actions or behaviour may place them at risk of significant harm and the parents are unwilling or unable to protect the child.
- Where a child appears to have been abandoned, or where the child's parents are dead or incapacitated, and no other person is caring properly for the child.

Many cases will not neatly fit into these categories, and it may be harder to determine whether the level and the nature of any risk is such that the child is in need of protection.

## Factors for consideration:

What specifically has happened to the child that caused your concerns and what is the impact on their safety, stability, health, wellbeing and development?

- How vulnerable is the child?
- Is there a history or pattern of significant concerns with this child or other children in the family?
- Are the parents aware of the concerns, capable and willing to take action to ensure the child's safety and stability, and promote their health, wellbeing, and development?

- Are the parents able and willing to use support services to promote the child’s safety, stability, wellbeing and development?

**A referral to Child FIRST should be considered if**, after consideration of the available information you are, on balance, more inclined to form a view that:

- the concerns currently have a low to moderate impact on the child, where the immediate safety of the child is not compromised.

**A report to Child Protection should be considered if**, after consideration of the available information you are, on balance, more inclined toward a view that:

- the concerns currently have a serious impact on the child’s immediate safety, stability or development, or the concerns are persistent and entrenched and likely to have a serious impact on the child’s development.

## A step-by-step guide to making a report to Child Protection or Child FIRST

### Protective concerns

You are concerned about a child because you have:

- received a disclosure from a child about abuse or neglect
- observed indicators of abuse or neglect
- been made aware of possible harm via your involvement in the community external to your professional role.

### At all times remember to:

- record your observations
- follow appropriate protocols
- consult notes and records
- consult with appropriate colleagues if necessary
- consult with other support agencies if necessary

| STEP 1 | RESPONDING TO CONCERNS  | STEP 2 | FORMING A BELIEF ON REASONABLE GROUNDS   | STEP 3 | MAKING A REFERRAL TO Child FIRST  | STEP 4 | MAKE A REPORT TO CHILD PROTECTION   |
|--------|---|--------|--|--------|---|--------|---|
|        | 1. If your concerns relate to a child in need of immediate protection; or you have formed a belief that a child is at significant risk of harm*.<br><b>Go to Step 4</b><br>2. If you have significant concerns that a child and their family need a referral to Child FIRST for family services.<br><b>Go to Step 3</b><br>3. In all other situations<br><b>Go to Step 2.</b><br><br><small>* Refer to Appendix 2: Definitions of child abuse and indicators of harm in the Protocol – Protecting the safety and wellbeing of children and young people</small> |        | 1. Consider the level of immediate danger to the child.<br>Ask yourself:<br>a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm?<br><b>YES / NO</b><br>and<br>b) Am I in doubt about the child’s safety and the parent’s ability to protect the child?<br><b>YES / NO</b><br>2. If you answered yes to a) or b)<br><b>Go to Step 4</b><br>3. If you have significant concerns that a child and their family need a referral to Child FIRST for family services.<br><b>Go to Step 3</b> |        | <b>Child Wellbeing Referral</b><br>1. Contact your local Child FIRST provider.<br><ul style="list-style-type: none"> <li>• See over for contact list for local Child FIRST phone numbers.</li> </ul> 2. Have notes ready with your observations and child and family details. |        | <b>Mandatory/Protective Report*</b><br>1. Contact your local Child Protection Intake provider immediately.<br><ul style="list-style-type: none"> <li>• See over for contact list for local Child Protection phone numbers.</li> <li>• For <b>After Hours Child Protection</b> Emergency Services, call <b>131 278</b>.</li> </ul> 2. Have notes ready with your observations and child and family details.<br><br><small>* Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection</small> |

For further information refer to *Protecting the safety and wellbeing of children and young people – A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children’s Services and Victorian Schools*



## Potential Consequences of Making a Report

This table describes the potential consequences of making a report.

| Potential consequence                        | Description   |
|--|---|
| <b>Confidentiality</b>                       | <p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> <li>the reporter chooses to inform the child, young person or parent of the report.</li> <li>the reporter consents in writing to their identity being disclosed.</li> <li>a Court or Tribunal decides that it necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child.</li> <li>a Court or Tribunal decides that, in the interests of justice, the reporter is required to provide evidence.</li> </ul>  |
| <b>Professional Protection</b>               | <p>If a report is made in good faith:</p> <ul style="list-style-type: none"> <li>it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter.</li> <li>the reporter cannot be held legally liable in respect of the report.</li> </ul>   |
| <b>Interviews</b>                            | <p>DHHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent's knowledge or consent.</p> <ul style="list-style-type: none"> <li>Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.</li> <li>DHHS Child Protection and/or Victoria Police will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises.</li> <li>When officers from DHHS Child Protection or Victoria Police come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person.</li> <li>When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.</li> </ul> <p>For more information on these requests and school responsibilities, see: <a href="https://www2.education.vic.gov.au/pal/police-and-dhhs-interviews/policy">https://www2.education.vic.gov.au/pal/police-and-dhhs-interviews/policy</a></p> |
| <b>Support for the child or young person</b> | <p>The roles and responsibilities of staff members in supporting children who are involved with DHHS Child Protection may include the following:</p> <ul style="list-style-type: none"> <li>acting as a support person for the child or young person</li> <li>attending DHHS Child Protection case planning meetings</li> <li>observing and monitoring the child's behaviour</li> <li>liaising with professionals.</li> </ul>   |
| <b>Requests for Information</b>              | <p>DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.</p> <p>In certain circumstances, DHHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons</p>  |

|                        |   |
|------------------------|---|
|                        | within DHHS Child Protection. For more information see: <a href="https://www2.education.vic.gov.au/pal/requests-about-students/policy">https://www2.education.vic.gov.au/pal/requests-about-students/policy</a>   |
| <b>Witness Summons</b> | If DHHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings, see: <a href="https://www2.education.vic.gov.au/pal/legal-claims-subpoenas-summonses-and-other-legal-documents/policy">https://www2.education.vic.gov.au/pal/legal-claims-subpoenas-summonses-and-other-legal-documents/policy</a> |

### Professional Learning

Mandatory Reporting Module

<http://www.elearn.com.au/det/protectingchildren/schools/> - (choose Non-Government Schools)

### Resources

<https://providers.dhhs.vic.gov.au/mandatory-reporting-child-protection-victoria-generic-factsheet>

Victorian Registration and Qualifications Authority: <http://vrqa.vic.gov.au/childsafe/Pages/Home.aspx>

<https://vrqa.vic.gov.au/childsafe/Pages/standards.aspx>

### Acknowledgements

A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools. *Protecting the safety and wellbeing of children and young people*. [ONLINE] Available at:

<https://www.education.vic.gov.au/school/principals/spag/safety/Documents/protectionofchildren.PDF>

[Accessed 29 April 15].

Department of Social Services. 2012. *National Framework for Protecting Australia's Children 2009-2020*.

[ONLINE] Available at <https://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyones-business> [Accessed 29 April 15].

Reportable Conduct Scheme information sheets

<https://ccyp.vic.gov.au/child-safety/resources/reportable-conduct-scheme-information-sheets/> (Accessed 11 November 2019).

### Responsibility for this Policy:

Principal

### Policy Location:

This Policy is published on Teacher Kiosk, Parent Lounge, Student Café and School website.

### Policy Review:

Triennially or after a mandatory report is made to the relevant authorities.

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