



## Child Safe Standard 5: Child Safety Responding And Reporting Obligations (Including Mandatory Reporting) Policy And Procedures

### Purpose

The purpose of this policy is to ensure that all staff and members of our school community understand the various legal and other reporting obligations related to child safety that apply to Mount Clear College. The specific procedures that are applicable at our school are contained at Appendix A.

### Scope

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

### Policy

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

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

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

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

### Mandatory Reporting

The following individuals are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic):

- Victorian Institute of Teaching (VIT) registered teachers, including principals
- School staff who have been granted permission to teach by the VIT
- registered medical practitioners and nurses
- registered psychologists
- all members of the police force
- People in religious ministry
- Staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare coordinators, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff

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

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

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

At our school, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually. We also require all other staff to undertake this module, even where they are not mandatory reporters.

For more information about Mandatory Reporting see the Department's *Policy and Advisory Library: [Protecting Children — Reporting and Other Legal Obligations](#)*.

### Child in need of protection

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

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

For more information about making a report to DFFH Child Protection, see the Department's *School Policy and Advisory Library: [Protecting Children — Reporting and Other Legal Obligations](#)*.

At Mount Clear College we also encourage all staff to make a referral to Child FIRST (The Orange Door) when they have significant concern for a child's wellbeing. For more information about making a referral to Child FIRST see the School Policy and Advisory Library: [Protecting Children — Reporting and Other Legal Obligations](#).

### Reportable Conduct

Our school must notify the Department's Employee Conduct Branch (9637 2594) if we become aware of an allegation of 'reportable conduct'.

There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been:

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

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

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

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

For more information about Reportable Conduct see the Department's *Policy and Advisory Library: Reportable Conduct*.

### Failure to disclose offence

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

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

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

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

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

'Reasonable excuse' is defined by law and includes:

- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
- where the information has already been disclosed, for example, through a mandatory report to DFFH Child Protection.

### Failure to protect offence

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

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

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

### Grooming

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

For more information about these offences and reporting obligations see: [Protecting Children — Reporting and Other Legal Obligations](#).

### Further Information

- Mount Clear College Child Safety Risk Register

### Review Cycle and Evaluation

<b>Version Date</b>	October 2018, additional update June 2020 with new PAL Hyperlinks
<b>Policy Date</b>	April 2021
<b>School Council Approval Date</b>	Not Required
<b>Person Responsible</b>	Student Services Coordinator
<b>Required Communication Methods</b>	Staff Handbook / Induction process / Staff Briefing / Bulletin School website / Compass / Newsletter School Council / Annual Staff and School Council Training Student Information Pack Student Forums / Communication
<b>Next Review Date</b>	April 2025
<b>References</b>	<ul style="list-style-type: none"> <li>• Child Safe Standard Code of Conduct</li> <li>• Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedures</li> <li>• Risk assessment register</li> <li>• <a href="#">Identifying and Responding to All Forms of Abuse in Victorian Schools</a></li> <li>• <a href="#">Four Critical Actions for Schools</a></li> <li>• <a href="#">Recording your actions: Responding to suspected child abuse – A template for Victorian schools</a></li> <li>• <a href="#">Identifying and Responding to Student Sexual Offending</a></li> <li>• <a href="#">Four Critical Actions for Schools: Responding to Student Sexual Offending</a></li> <li>• <a href="#">School Policy and Advisory Library – Duty of Care</a></li> <li>• <a href="#">School Policy and Advisory Library – Child Protection Reporting Obligations</a>.</li> <li>• Mount Clear College Child Safe Policies <a href="http://www.mountclearsc.vic.edu.au">www.mountclearsc.vic.edu.au</a></li> </ul>

## Appendix A

### Child Safety Responding and Reporting Procedures at Mount Clear College

#### **For students**

- All students should feel safe to speak to any staff member to raise any concerns about their safety or any other concerns that they have.
- If a student does not know who to approach at Mount Clear College they should start with a Year Level Coordinator, Assistant Principal or Student Wellbeing (SHAAC) staff member at Mount Clear College as the appropriate first port of call.
- The student can access the flow chart displayed in the Year Level Areas (Appendix C) that outlines the policies/documents and procedures that are in place for students so they know who to talk to if they are feeling unsafe or have concerns.

#### **Managing disclosures made by students**

##### ***When managing a disclosure you should:***

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

##### ***When managing a disclosure you should AVOID:***

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

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### ***If a parent/carer says their child has been abused in your organisation or raises a concern:***

- Explain that your organisation has processes to ensure all abuse allegations are taken very seriously.
- Ask about the wellbeing of the child.
- Allow the parent/carer to talk through the incident in their own words.
- Advise the parent/carer that you will take notes during the discussion to capture all details.
- Explain to them the information may need to be repeated to authorities or others, such as school leadership, the Child Safety Team, the police or child protection.
- Do not make promises at this early stage, except that you will do your best to keep the child safe.
- Complete an incident report form, or complete it together if deemed appropriate (see Appendix B).
- Ask them what action they would like to take and advise them of what the immediate next steps will be.
- Contact a member of the Principal Class Team to ensure correct process is followed.
- Ensure the report is recorded accurately, and that the record is provided to the Child Safety team to be stored securely.

You need to be aware that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. You need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member or provided by a relevant organisation).

If an allegation of abuse involves an Aboriginal child, you will need to ensure a culturally appropriate response. Please contact the Child Safety Team to ensure a culturally appropriate response. The Child Safety Team may engage with parents of Aboriginal children, the local Aboriginal communities or an Aboriginal community controlled organisations or DET Koorie Liaison Support Officer.

Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters. Advice on [communicating with people with a disability](http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities) can be found on the Department of Health and Human Services website [www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities](http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities)

**If you believe a child is at immediate risk of abuse phone 000.**

### **General procedures**

Our school will follow the [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) (Four Critical Actions) when responding to incidents, disclosures and suspicions of child abuse.

All staff at our school who believe that a child is in need of protection, even if it doesn't meet the threshold required for mandatory reporting or the staff member is not a mandatory reporter, should in the first instance, the Student Services Coordinator, a Student Wellbeing (SHAAC) staff, an Assistant

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Principal or a member of the leadership team, who will support the staff member to make the required reports to DFFH Child Protection and/or Victoria Police as necessary.

At our school, the Student Services Coordinator and Principal will be responsible for monitoring overall school compliance with this procedure.

Nothing in this procedure prevents a staff member or any other person from reporting to the relevant authorities if they form a reasonable belief that a child is at risk of abuse.

### Reporting suspicions, disclosures or incidents of child abuse

#### *Responsibilities of all school staff*

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

- If a child is at immediate risk of harm, separate alleged victims and others involved, administer first aid and call 000.
- Speak to Student Wellbeing (SHAAC) staff member or Student Services Coordinator in the first instance, however if unavailable please speak to an Assistant Principal or member of the leadership team as soon as possible, who will follow the [Four Critical Actions](#).
- Make detailed notes of the incident or disclosure and also complete the Child Abuse Incident Report cover sheet (Appendix B attached and available in Word format from the Student Wellbeing team or Student Services Coordinator) and ensure that those notes and cover sheet are retained by the Student Services Coordinator who will ensure they are stored securely in the Student Services Coordinator's Office in a locked filing cabinet.
- If the staff member is a mandatory reporter and reasonably believes that a student has suffered physical and/or sexual abuse from which the child's parents have not protected the child, they must ensure that a report to DFFH Child Protection or Victoria Police has been made, following the [Four Critical Actions](#). If the report has not been made by another staff member, the mandatory reporter must make the report.
- If the staff member has formed a 'reasonable belief' that a sexual offence has been committed by an adult against a child, they must ensure that a report to Victoria Police has been made following the [Four Critical Actions](#). If the report has not been made by another staff member, the staff member must make the report.

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

The Student Services Coordinator or a Student Wellbeing staff member is responsible for promptly managing the school's response to an incident, suspicion or disclosure of child abuse, and ensuring that the incident, suspicion or disclosure is taken seriously. The Student Services Coordinator or a Student Wellbeing staff member is also responsible for responding appropriately to a child who makes or is affected by an allegation of child abuse.

If the Student Services Coordinator or a Student Wellbeing staff member receives a report from a school staff member or member of the school community of a suspicion, disclosure or incident of child abuse, they must:

- Follow the [Four Critical Actions](#) as soon as possible, including:
  - Responding to an emergency;
  - Reporting to authorities/referring to services;

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- Contacting parents/carers (if appropriate); and
- Providing ongoing support.
- Make detailed notes of the incident or disclosure and also complete the Child Abuse Incident Report cover sheet (Appendix B attached and available from the Student Wellbeing team or Student Services Coordinator) and ensure that those notes and cover sheet are retained by the Student Services Coordinator who will ensure they are stored securely in the Student Services Coordinator's Office in a locked filing cabinet. They are also responsible for ensuring that any staff member who reported the incident, disclosure or suspicion to them also makes and keeps notes of the incident.
- At Mount Clear College, Student Services Coordinator or a Student Wellbeing staff member will be responsible for ensuring that there is a prompt response to the disclosure and that the child is appropriately supported.

If the Student Services Coordinator or a Student Wellbeing staff member responsible above is unavailable, an Assistant Principal or Principal will take on the role and responsibilities described in this section.

### **Duty of care and ongoing support for students**

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

All staff have a duty of care to take reasonable steps to prevent reasonably foreseeable harm to students. All staff must ensure that the Student Services Coordinator or a Student Wellbeing staff member is aware of any incidents, suspicions or disclosures of child abuse as soon as possible after they occur. This will allow appropriate supports to be put in place for the student affected. The Principal must be informed by the reporting staff member.

### **For school visitors, volunteers and school community members**

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

Any person can make a report to DFFH Child Protection if they believe on reasonable grounds that a child is in need of protection. For contact details see the Four Critical Actions - [https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_ChildAbuse.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf)

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

APPENDIX B

# Child Abuse Incident Report

**Note:** This incident report must be stored securely.

## Incident details

Date of incident:	
Time of incident:	
Location of incident:	
Name(s) of child/children involved:	
Name(s) of staff/volunteer involved:	
Name of other students involved (if applicable)	

**If you believe a child is at immediate risk of abuse phone 000.**

Does the child identify as Aboriginal or Torres Strait Islander? (Mark with an 'X' as applicable)

No  Yes, Aboriginal  Yes, Torres Strait Islander

Please categorise the incident:

Physical violence   
 Sexual offence   
 Serious emotional or psychological abuse   
 Serious neglect

Please describe the incident

When did it take place?	
Who was involved?	
What did you see?	
Other information	

Office use:

Date incident report received:	
Staff member managing incident:	
Follow-up date:	
Incident ref. number:	

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**Has the incident been reported?**

<b>Child protection</b>	Name reported to:
	Date:    /    /                      Time:    am/pm
<b>Police</b>	Name reported to:
	Date:    /    /                      Time:    am/pm
<b>MCC Principal Informed</b>	Date:    /    /                      Time:    am/pm
<b>Another third party (please specify):</b>	

**Incident reporter wishes to remain anonymous?** (Mark with an 'X' as applicable)

Yes                       No

**Practical information when preparing your case notes**

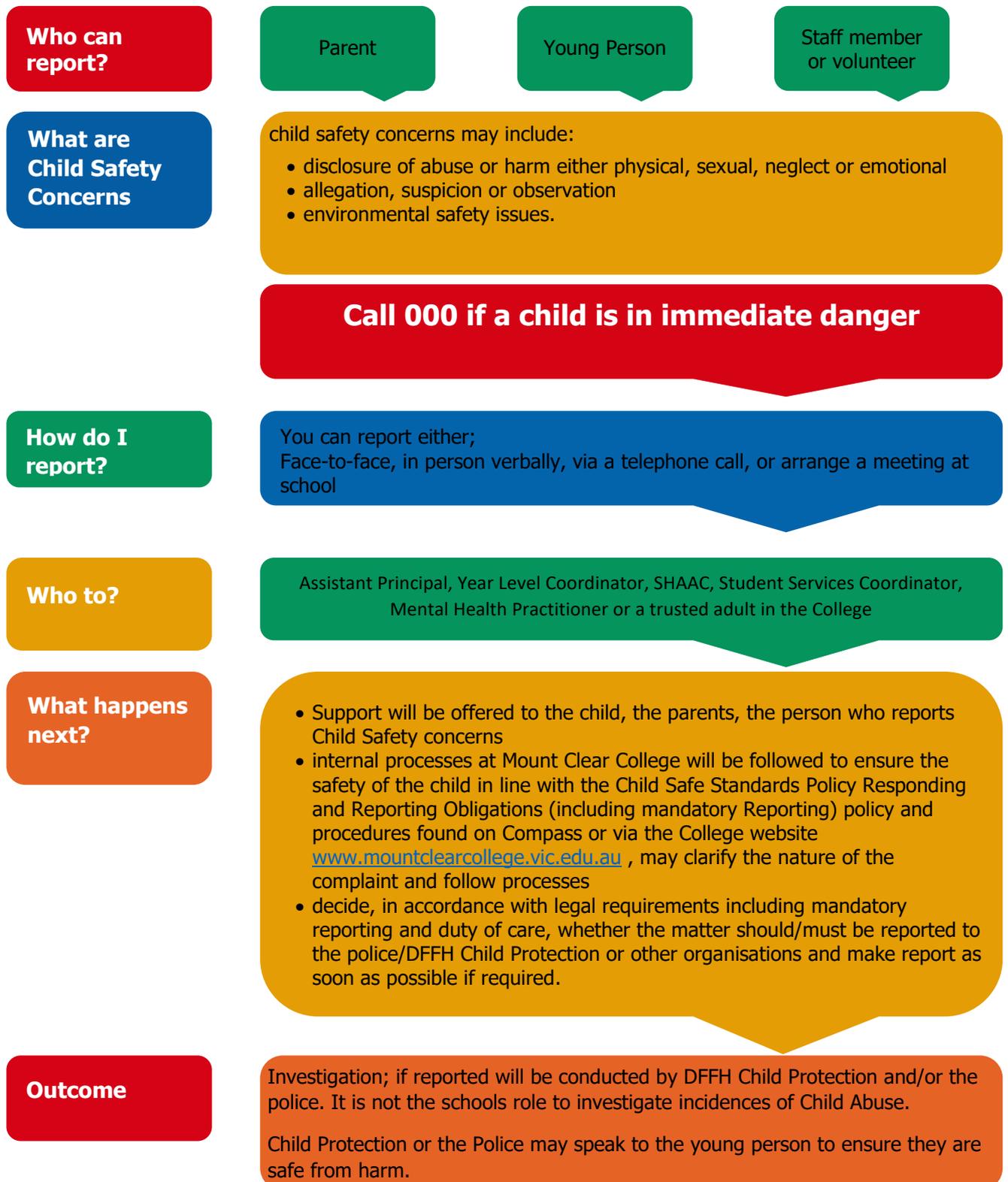
Detailed case notes regarding the disclosure and supports provided must be provided with this cover sheet to Student Services Coordinator for retention. Please consider the following when compiling any case notes:

- Include your name, your position, date and time of the incident and the date the case notes were compiled.
- Ensure all notes are factual in nature and do not contain speculation or opinion.
- Your involvement in the incident – only contain information that is within your personal knowledge and not obtained from a third party.
- The information is objective. Please do not include any information that you are not entirely certain about. If certain facts cannot be recalled, please state this.
- Please be aware that that these notes may be subpoenaed as evidence should legal proceedings eventuate.
- It is important that within the case notes you include any advice you have received from staff from Mount Clear College staff or external professional bodies you have contacted or notified and their role in supporting you with the information in the disclosure.
- Any further follow up or further conversations that have occurred after the date of the disclosure – please ensure that the notes are updated and provided to the Student Services Coordinator for retention.

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APPENDIX C

**Flowchart: CHILD SAFETY REPORTING PROCESS AT MOUNT CLEAR COLLEGE**



For more information regarding the Child Safety Reporting process please call into the SHAAC in person, send a message on TEAMS or call 5330 1500