



Protecting Children – Reporting & Other Legal Obligations POLICY

Policy

The purpose of this policy is to:

- ensure school staff are aware of and comply with their reporting and legal obligations, including mandatory reporting and reportable conduct obligations, to protect the safety and wellbeing of children and young people
- explain the process following a report to Department of Families, Fairness and Housing Child Protection service (Child Protection)
- explain training requirements for school staff.

Note: All references to 'schools' in this guidance includes school boarding premises.

Summary

School staff have a range of reporting and legal obligations to protect children and young people from abuse.

- School staff must be aware of and comply with their legal obligations to report suspected child abuse and provide ongoing appropriate support.
- School staff must follow the Four Critical Actions where there is an incident, disclosure or suspicion of child abuse. The Four Critical Actions outline who an incident, disclosure or suspicion should be reported to.
- When dealing with an incident, disclosure or suspicion of child abuse, staff should ensure that the principal and school leadership team is made aware of the concern and are involved in providing ongoing appropriate support.
- If an incident or allegation involves an employee, volunteer or contractor at the school, staff must also follow the department policy on Reportable Conduct and report the incident to the department's Employee Conduct Branch on 03 7022 0005.
- Where a school staff member has reported a concern to Child Protection but they continue to have concerns for the child after Child Protection has closed the case, they may escalate the matter through Child Protection complaints management processes or reporting concerns from the principal to their regional area executive director.

Details

School staff have a vital role in protecting children from harm and are well placed to observe signs or behaviours that may indicate risks of child abuse.

School staff must follow the Four Critical Actions as soon as they witness an incident, receive a disclosure, or form a reasonable belief that a child has been abused or is at risk of being abused.

Reporting and legal obligations relating to suspicions, disclosures or incidents of child abuse

School staff have a range of reporting and legal obligations to report suspected child abuse and provide ongoing appropriate support. These are described below.

Note:

- For information on how to report a suspicion, disclosure or incident of abuse, refer to the Four Critical Actions.
- When making any report in regard to suspected child abuse, it is strongly recommended that staff use the Responding to suspected child abuse template to keep clear and comprehensive notes.

Child Safe Standards

All schools are required to comply with the Child Safe Standards and Ministerial Order 1359 to create and maintain a child safe organisation where children and young people are protected from abuse.

For information on the Child Safe Standards, refer to Child Safe Standards.

Reportable Conduct Scheme

Principals must notify the Employee Conduct Branch as soon as possible after becoming aware of an allegation of reportable conduct against a current or former department or school council staff member, contractor or volunteer. This applies regardless of whether the alleged victim is or was a student at the school.

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

- a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child
- behaviour causing significant emotional or psychological harm to a child
- significant neglect of a child or
- misconduct involving any of the above.

All allegations of reportable conduct must be reported to the Employee Conduct Branch. An allegation does not need to be substantiated to be reported.

The department's Employee Conduct Branch will report allegations of reportable conduct raised against department staff (including contractors, volunteers, allied health workers and other office holders) who are 18 years or over to the Commission for Children and Young People (CCYP).

The contact number for the Employee Conduct Branch is 03 7022 0005.

For more information, refer to: Reportable Conduct Scheme.

Mandatory reporting

A mandatory reporter must report to Child Protection as soon as practicable if in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that:

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

It may be a criminal offence not to report in these circumstances.

Individuals who are required to report:

- Victorian Institute of Teaching (VIT) registered teachers, including principals, and early childhood teachers
- school staff who have been granted permission to teach by the VIT
- registered medical practitioners, nurses and midwives
- police officers
- registered psychologists
- people in religious ministry
- early childhood workers
- youth justice workers
- out-of-home care workers (excluding voluntary foster and kinship carers)
- school counsellors including 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 officers, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff.

Criminal offences

Failure to disclose

All adults must report to Victoria Police when they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16.

Failure to disclose the information may be a criminal offence unless there is a 'reasonable excuse' or an individual has an 'exemption' from doing so.

If an adult that reasonably believes that a sexual offence has been committed against a child under the age of 16 by another adult, then they must call Victoria Police on 000 or the local police station.

For more information, refer to the Department of Justice and Community Safety website: Failure to disclose offence.

Failure to protect

Principals or school leadership staff who become aware that an adult associated with the school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care of the school (including grooming) must take all reasonable steps to remove or reduce that risk.

This may include removing the adult from child-connected and child-related work pending investigation. Failure to do so may be a criminal offence.

Schools should contact the Employee Conduct Branch on 03 7022 0005 for advice before removing a person from child connected or child related work.

The obligation to protect a child applies to any staff member in a position of authority (for example principals, assistant principals and campus principals).

For more information, refer to the Department of Justice and Community Safety website: Failure to protect offence.

Duty of care

All school staff have a duty of care to take reasonable steps to protect children in their care from harm that is reasonably foreseeable. In relation to suspected child abuse, reasonable steps may include (but are not limited to):

- acting on concerns and suspicions of abuse as soon as practicable
- seeking appropriate advice or consulting with other professionals or agencies
- reporting the suspected child abuse to appropriate authorities such as Victoria Police and Child Protection (refer to Four Critical Actions)
- arranging counselling and/or other appropriate welfare support for the child
- providing ongoing support to the child and young person
- sharing information with other school staff who will also be responsible for providing ongoing support to the child.

For more information, refer to:

- Duty of Care
- Your reporting and legal obligations (PROTECT)
- Identifying and responding to all forms of abuse in Victorian schools (PDF)
- Child Safe Standard 7: Ensure that processes for complaints and concerns are child focused, refer to:
 - Child Safe Standard 7: Regulations for schools
 - Child Safe Standard 7: Guidance for schools.

Responding to student sexual offending

Guidance for staff on what action to take if you suspect, or are witness to student sexual offending is available at Identify and respond to student sexual offending.

Significant concerns for the wellbeing of a child

All concerns about the wellbeing of a child (or unborn child) should be taken seriously and acted upon.

Any adult can make a referral to Child FIRST and/or The Orange Door if they:

- have a significant concern for a child's wellbeing
- the issue of concern has a low-to-moderate impact on the child
- the child's immediate safety is not compromised
- believe that the child and/or family will act on the referral and be supportive of it.

School staff must contact Victoria Police if:

- there is any concern for a child's immediate safety
- a child is partaking in any risk-taking activity that is illegal and extreme in nature or poses a high risk to the child or any other person.

School staff can contact Child Protection if:

- after consideration of all available information the staff member forms a view that the child is in need of protection and
- the staff member believes that the child's parents/carers will not be open to support from family services to address their child's wellbeing.

For further information, refer to: Responding to other concerns about the wellbeing of a child.

For contact details visit:

- Child FIRST and family services
- The Orange Door
- Safe and Equal – for information and guidance to help respond to family violence
- 1800 RESPECT– for family violence victims/survivors to be referred to counselling and information
- Child Protection – visit Making a report to child protection
- Victoria Police – call 000 or the local police station.

Definitions

Definitions related to the Child Safe Standards and Ministerial Order 1359 can be found at: Child Safety: Definitions.

Related policies

- Child Safe Standards
- Duty of Care
- Legal Claims, Subpoenas, Summonses and Other Legal Documents
- Police and DHHS Interviews
- Reportable Conduct Scheme
- Requests for Information about Students
- Risk Management — Schools
- Student Sexual Offending and Problem Sexual Behaviour

POLICY REVIEW AND APPROVAL

Policy last reviewed:	August 2024
Approved by:	School Council (August 2024)
Next scheduled review date:	2026