

### **Purpose:**

To define the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people and to enable staff to:

- identify indicators that a child or young person may be in need of protection.
- make a report about a child or young person who may be in need of protection
- comply with reporting obligations under child protection law and criminal law and fulfil their duty of care.
- support and respect all children, as well as our staff and volunteers. We are committed to the cultural safety of Aboriginal children, the cultural safety of children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability.

### **Guidelines:**

- School staff have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care they should take immediate action.
- We have zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently with our robust policies and procedures.
- This policy takes into account relevant legislative requirements within the state of Victoria, including the specific requirements of the Victorian Child Safe Standards as set out in [Ministerial Order No. 870](#).
- Child abuse can have a significant effect on a child's physical or emotional health, development and well-being.
- Our school records any child safety complaints, disclosures or breaches of the Child Safety Code of Conduct, and stores the records in accordance with security and privacy requirements. Our school complies with legal obligations that relate to managing the risk of child abuse under the Children, Youth and Families Act 2005 (Vic.), the Crimes Act 1958 (Vic.) and the recommendations of the [Betrayal of Trust](#) report.
- Definitions of terms used in this policy are as follows:

**Child:** A child or a young person enrolled as a student at the school.

**Child abuse** includes:

(a) any act committed against a child involving:

- (i) a sexual offence
- (ii) an offence under section 49B(2) of the **Crimes Act 1958** (grooming)

(b) the infliction, on a child, of:

- (i) physical violence
- (ii) serious emotional or psychological harm

(c) serious neglect of a child. ([Ministerial Order No. 870](#))

**Child safety** encompasses 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 incidents or allegations of child abuse. ([Ministerial Order No. 870](#))

**Child neglect:** The failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing. ([Safe Schools Hub](#))

**Child physical abuse:** Generally, child physical abuse refers to the non-accidental use of physical force against a child that results in harm to the child. Physically abusive behaviours include shoving, hitting, slapping, shaking,



throwing, punching, kicking, biting, burning, strangling and poisoning. The fabrication or induction of an illness by a parent or carer (previously known as Munchausen syndrome by proxy) is also considered physically abusive behaviour. ([Safe Schools Hub](#))

**Child protection:** Statutory services designed to protect children who are at risk of serious harm. ([Safe Schools Hub](#))

**Child sexual abuse:** Any sexual activity between a child under the age of consent (16) and an adult or older person (i.e. a person five or more years older than the victim) is child sexual abuse.

Child sexual abuse can also be:

- any sexual behaviour between a child and an adult in a position of power or authority over them (e.g. a teacher); the age of consent laws do not apply in such instances due to the strong imbalance of power that exists between young people and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated
- any sexual behaviour between a child and an adult family member, regardless of issues of consent, equality or coercion
- sexual activity between peers that is non-consensual or involves the use of power or coercion
- non-consensual sexual activity between minors (e.g. a 14-year-old and an 11-year-old), or any sexual behaviour between a child and another child or adolescent who, due to their age or stage of development, is in a position of power, trust or responsibility over the victim. Sexual activity between adolescents at a similar developmental level is not considered abuse. ([Safe Schools Hub](#))

**Mandatory Reporting:** The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons include teachers, nurses, police, psychologists, psychiatrists and medical practitioners. ([Safe Schools Hub](#))

**Reasonable Belief:** When staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as 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.

**School environment** means any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:

- (a) a campus of the school
- (b) online school environments (including email and intranet systems)
- (c) other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events). ([Ministerial Order No. 870](#))

**School staff** means an individual working in a school environment who is:

- (a) directly engaged or employed by a school governing authority
  - (b) a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary) ([Ministerial Order No. 870](#))
- Our school has robust human resources and recruitment practices for all staff and volunteers which includes policies and procedures to identify and minimise the risk of child abuse.
  - Our school is committed to regularly training and educating our staff and volunteers on child abuse risks.
  - We support and respect all children, as well as our staff and volunteers. We are committed to the cultural safety of Aboriginal children, the cultural safety of children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability

### **Implementation:**

- All staff will adhere to Ministerial Orders and codes of conduct such as Ministerial Order 1038 Part 11 & Victorian Public Sector Code of Conduct

- All volunteers/contractors in the school who engage in child connected work will agree and adhere to the school's Child Safety- Code of Conduct
- Copies of Child Safety Policies from service providers to the school will be kept on file with all school based policy documents and regularly reviewed in conjunction with this policy according to the school's policy review schedule or as necessary to ensure compliance with current legislation and policies
- Key Student Wellbeing Contacts for the school will be identified and documented through Staff Key Responsibility Document reviewed at the beginning of each year
- A SSS Key Contact will be established at the beginning of the year with regular meeting times each week
- Current Working with Children documentation kept in folder in Administration area and approved by school council
- Current copies of VIT registrations kept on staff personnel files in fire proof safe in Administration area
- The school will develop student's resilience, knowledge and skills in understanding diversity through the implementation of You Can Do It
- Health Education units will be taught across the school that includes developing students' knowledge and skills to develop and maintain healthy and respectful relationships (including sexuality)
- The school's leadership team will maintain journals/files outlining interactions with DHHS- including details regarding Mandatory Reports made, actions taken, caseworker details and relevant dates/actions taken
- Relevant staff/ bodies will be notified e.g. SSS Staff, SOCIT, Emergency Management, Vic Police, if an incident is reported and documentation related to report kept in student wellbeing files housed in the Assistant Principal's Office
- All staff will complete the Department online learning module on Mandatory Reporting at the beginning of each school year, or as soon as practicable if employment commences throughout the year. Copies of this certificate will be kept on staff personnel files *and with the school OH & S representative.*
- A clear induction process will occur for all new staff/volunteers or contractors engaged in child connected work to ensure they are aware and comply with the school's Child Safety policies
- Staff understanding of their obligations under Ministerial Order No 870 will be monitored and reviewed as part of the school's Performance and Development process
- When recruiting and selecting employees, contractors and volunteers involved in child-connected work, we make all reasonable efforts to:
  - confirm the applicant's Working with Children Check and National Police Check status and/or professional registration (as relevant)
  - obtain proof of personal identity and any professional or other qualifications
  - verify the applicant's history of work involving children
  - obtain references that address the applicant's suitability for the job and working with children
- All planning for an excursion/incursion/camp will include the completion of the risk management documentation that includes an identification of the risk of child abuse and a clear outline of the steps taken to minimise this risk for each activity the students participate in throughout the year.
- A copy of the school's excursion/incursion/camp policy, that includes the risk management document mentioned in the previous point will be provided to all teaching staff at the beginning of the year and form part of the school's beginning of year induction for all staff

- In cases where staff become aware of incidents where a reasonable person may have concerns about a child or young person, they should discuss their concerns with the Principal or a member of the school leadership team.
- Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to Department of Health and Human Services (DHHS) Child Protection. Mandatory reporters include: Teachers registered to teach or who have permission to teach pursuant to the *Education and Training Reform Act 2006 (Vic)*, Principals of government and non-government schools, Registered medical practitioners, nurses and all members of the police force
- All other school staff members who form a belief on reasonable grounds that a child or young person:
  - is in need of protection, should report their concerns to DHHS Child Protection or Victoria Police.
  - is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to DHHS Child Protection.
- If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to DHHS Child Protection or Child FIRST.
- Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police. Failure to disclose the information to police or protect a child is a criminal offence, except in limited circumstances such as where the information has already been reported to DHHS Child Protection. The offence applies to **all adults** in Victoria, not just professionals who work with children.
- Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child-related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence. The offence applies only to **adults in a position of authority** within an organisation, including Principals, senior school staff, regional directors and other senior managers.
- Where an **employee** is suspected of breaching any obligation, duty or responsibility within this Policy, the Principal may start the process under Complaints, Misconduct and Unsatisfactory Performance guidelines for managing employment concerns. This may result in disciplinary consequences.
- Where the **Principal** is suspected of breaching any obligation, duty or responsibility within this policy, the concerned party is advised to contact the Regional Director. Relevant notification should also be made to the Department of Education and Training.
- Where any **other member of the school community** is suspected of breaching any obligation, duty or responsibility within this policy, the school is to take appropriate action, including but not limited to, contacting Department of Education (Conduct and Ethics Branch and Legal Branch) and Department of Health and Human Services (DHHS), Vic Police
- A report should be made to DHHS Child Protection in circumstances where, for example:
  - the child is engaging in risk-taking behavior



- female genital mutilation has occurred, or there is a risk of it occurring
  - there is a risk to an unborn child
  - a child or young person is exhibiting sexually-abusive behaviours
  - there are indications that a child is being groomed.
- Individual Learning Plans and/or Care Teams, will be developed for all students identified as either being at risk or a victim of child abuse

**Evaluation:**

This policy will be reviewed with staff, student, parent and community input as part of the school's three year review cycle.

## APPENDIX A

### CHILD SAFETY REPORTING PROCEDURES AT KILLARA PRIMARY SCHOOL

#### **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 Killara Primary School they should start with either their class teacher or the Assistant Principal or Principal
- Students are supported to know the steps to take when raising a concern about their safety or any other concerns through explicit teaching through the You Can Do It program and Health units of work and by referencing the PROTECT poster that is on display in all classroom and shared spaces in the school. Students are also reminded regularly at whole school or cohort assemblies of the availability of school leadership team members to listen to any concern students may have for themselves or others.

#### **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).

#### **General procedures**

Ratified: 2019

Review Date: 2022

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, speak to a member of the school leadership team or should make the required reports to DHHS Child Protection and/or Victoria Police as necessary.

At our school the 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 a member of the leadership team as soon as possible, who will follow the [Four Critical Actions](#).
- Make detailed notes of the incident or disclosure using the [Responding to Suspected Child Abuse: Template](#)] and ensure that those notes are kept and stored securely in the student wellbeing files located in the Assistant Principal's office
- 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 DHHS Child Protection or Victoria Police has been made by a member of the school leadership team. 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 by a member of the school leadership team. 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 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 DHHS Child Protection and/or Victoria Police to make the report.

The Principal 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 Principal is also responsible for responding appropriately to a child who makes or is affected by an allegation of child abuse.

If the Principal 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
  - Contacting parents/carers and
  - Providing ongoing support.
- Make detailed notes of the incident or disclosure, including actions taken using the [Responding to Suspected Child Abuse: Template](#)] and ensure that those notes are kept and stored securely in the

student wellbeing files located in the Assistant Principal's Office. 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 Killara Primary School, the Principal will be responsible for ensuring that there is a prompt response to the disclosure and that the child is appropriately supported.

If the principal/other nominated staff member responsible above is unavailable, a member of the school leadership team 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 Principal or other appropriate 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.

#### **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 DHHS 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 DHHS 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.

