

# Mandatory Reporting of Child Sexual Abuse or Physical Injury Policy and Procedures (VIC)

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Page  
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## Executive Summary:

The Anglican Schools Commission (ASC) seeks to assist principals, teachers and other school staff deal appropriately with the mandatory reporting of child sexual abuse.

## Key Actions:

- Ensure all staff are suitably trained.
- Lodge a report to DFFH Child Protection or Child FIRST, once a belief has been formed, based on reasonable grounds, that a child is or has been sexually abused.
- Report concerns that involve the safety of children and young people to the Principal (non-teaching staff).
- Maintain brief, written, dated notes of their suspicions or observations to assist in the completion of a mandatory report.
- Do not engage in general staffroom discussion about a disclosure.
- Observe appropriate confidentiality in relation to a disclosure and ensure that this information is secure.

**NB:** The list above is not exhaustive, and the Policy should be read in full to understand all obligations.

## 1. Purpose

The Anglican Schools Commission (ASC) has developed this Policy and Procedures document in line with the requirements of the Children, Youth and Families Act 2005 (Victoria) (CYF Act). Its aim is to assist principals, teachers and other school staff to respond appropriately to allegations or disclosures of child abuse made by or in relation to a child, school staff, visitors, or other persons while connected to a school environment including the mandatory reporting of child sexual abuse or physical injury requirements. All children have a right to be protected from harm and all school staff have a duty of care to students during school hours and at other times when staff/student relationships exist.

It should be noted that following the procedures contained in this Policy in no way displace or discharges any other obligations that may arise if a person reasonably believes that a child is at risk of child abuse.

This Policy is designed to be read in conjunction with the *Child Safe Policy (VIC)* and the *Reporting of Abuse and Neglect Policy and Procedures (VIC)*.

## 2. Definitions

### 2.1 What is mandatory reporting?

Mandatory reporting legislation in Victoria requires specific people while engaged in official duties or professional practice, to report suspected child sexual abuse or physical injury to the Department of Families, Fairness and Housing (DFFH) - Child Protection if they form a belief, based on reasonable grounds that a child is in need of protection on the following grounds:

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

Other forms of abuse (emotional, psychological and neglect) should also be reported, but there is no penalty if the report doesn't occur (see *Reporting of Abuse and Neglect Policy and Procedures (VIC)*).

### 2.2 Who are mandatory reporters?

- Registered principals and teachers;
- Early childhood teachers and workers;
- Registered medical practitioners and psychologists;
- Registered nurses including school nurses;
- A midwife;
- Members of the police force;
- School counsellors;
- A person 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 officers, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff.

A teacher is defined as someone who is registered under the Victorian Institute of Teaching Act 2001 and includes pre-service and visiting teachers.

School Counsellors may include, but are not limited to, student support service staff, primary welfare officers, mental health practitioners in secondary schools, social workers, student wellbeing coordinators, chaplains, speech pathologists and youth workers.

For a complete list of Mandatory Reporters, refer to Section 182 of the CYP Act.

### 2.3 What is reportable conduct?

The Commission for Children and Young People (CCYP) promotes the safety and wellbeing of children, provides oversight of services provided to vulnerable children and plays an important role in improving the lives of Victorian children, through the reportable conduct scheme.

Reportable conduct includes -

- (a) sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded; or
- (b) sexual misconduct, committed against, with or in the presence of, a child; or
- (c) physical violence committed against, with or in the presence of, a child; or
- (d) any behaviour that causes significant emotional or psychological harm to a child; or
- (e) significant neglect of a child;

### 2.4 Who is a 'child'?

A child is defined as a person who is under the age of 17 years or, in the absence of positive evidence of age, as a person who is apparently under 17 years of age.

### 2.5 Is a student aged 17 and over a 'child'?

Students aged 17 and over may attend school but are legally considered adults and as such the DFFH does not have a child protection mandate for them. They can be considered potentially vulnerable, however, and in need of specialist services and schools do owe a duty of care towards them. Schools should contact the Victoria Police when aware of any assault or crime against a young adult.

### 2.6 What is child abuse?

Child abuse includes:

- Any act committed against a child involving (i) a sexual offence or (ii) an offence under Section 49B(2) of the Crimes Act 1958 (grooming); and
- The infliction, on a child, of (i) physical violence; or (ii) serious emotional or psychological harm; and
- Serious neglect of a child.

### 2.7 What is child safety?

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.

### 2.8 What is sexual abuse?

Sexual abuse is when person uses their authority or power over a child or young person to engage in sexual activity. Examples include sexual penetration, inappropriate touching, and exposure to sexual acts or pornographic materials.

### 2.9 What is physical abuse?

Physical abuse consists of any non-accidental form of injury or serious physical harm inflicted on a child or young person by any person. Physical abuse does not mean reasonable discipline,

though it may result from excessive or inappropriate discipline. Physical abuse can include beating shaking, burning and assault with implements.

Physical injury and significant harm to a child or young person may also result from a failure of a parent or caregiver to adequately ensure the safety of a child, exposing the child to extremely dangerous or life-threatening situations. Physical abuse also includes fabricated illness syndrome and female genital mutilation.

## 2.10 What is grooming?

The offence of grooming for sexual conduct with a child under the age of 16 is found in Section 49M of the *Crimes Act 1958*. That Section provides:

- (1) A person (A) commits an offence if—
  - a. A is 18 years of age or more; and
  - b. A communicates, by words or conduct (whether or not a response is made to the communication), with—
    - i. another person *B* who is a child under the age of 16 years; or
    - ii. another person *C* under whose care, supervision or authority *B* is; and
  - c. A intends that the communication facilitate *B* engaging or being involved in the commission of a sexual offence by A or by another person who is 18 years of age or more.
- (2) A person who commits an offence against Subsection (1) is liable to level 5 imprisonment (10 years maximum).
- (3) A does not intend to facilitate *B* engaging or being involved in the commission of a sexual offence by A or by another person who is 18 years of age or more if, were the conduct constituting the sexual offence to occur, A or the other person would satisfy an exception, or have a defence, to that sexual offence.
- (4) It is immaterial that some or all of the conduct constituting an offence against Subsection (1) occurred outside Victoria, so long as *B* or *C* was, or *B* and *C* were, in Victoria at the time at which that conduct occurred.
- (5) It is immaterial that *B* or *C* was, or *B* and *C* were, outside Victoria at the time at which some or all of the conduct constituting an offence against Subsection (1) occurred, so long as A was in Victoria at the time that conduct occurred.
- (6) It is immaterial that *A*, *B* and *C* were all outside Victoria at the time at which some or all of the conduct constituting an offence against Subsection (1) occurred, so long as A intended that the sexual offence would occur in Victoria.
- (7) Definitions:

**communication** includes an electronic communication within the meaning of the Electronic Transactions (Victoria) Act 2000;

**sexual offence** means:

- a. an offence against a provision of Subdivision (8A), this Subdivision (other than Section 49K (1) or this Section), (8C), (8D), (8E), (8F) or (8FA); or
- b. an attempt to commit an offence covered by paragraph (a); or
- c. an assault with intent to commit an offence referred to in paragraph (a).

### 3. Indicators of Sexual Abuse

The following list of indicators is not exhaustive but is a list of possible indicators as provided by DFFH Child Protection.

A single indicator may not always provide conclusive evidence, however, a combination of several indicators should be treated very seriously. The examples of indicators listed may not necessarily be exclusive to a single category.

Indicators should be considered in the context of their consistency with the child's medical history, developmental stage, capabilities and characteristic behaviour or attitudes.

Absence of any indicators does not necessarily mean that a child has not been abused.

Professional judgment should also be used when considering a child at risk.

#### Sexual

- Inappropriate sexual behaviour for their age and developmental level (such as sexually touching other children and themselves);
- Inappropriate knowledge about sex for their age;
- Disclosure of abuse either directly, or indirectly through drawings, play or writing;
- Pain or bleeding in the anal or genital area, with redness or swelling;
- Fear of home, a specific place, a particular adult; excessive fear of men or women;
- Poor or deteriorating relationships with adults and peers;
- Poor self-care/personal hygiene;
- Complaining of headaches, stomach pains or nausea without physiological basis;
- Sleeping difficulties;
- Truancy or running away from home;
- Delinquent or aggressive behaviour;
- Depression;
- Self-injurious behaviour, including drug/alcohol abuse, prostitution, self-mutilation, attempted suicide;
- Sudden decline in academic performance, poor memory and concentration;
- Wearing of provocative clothing, or layers of clothes to hide injuries;
- Child or young person implies that they have to keep secrets;
- Presence of sexually transmitted infection, or frequent urinary tract infections;
- Regressive behaviour such as bed wetting and soiling or speech loss;
- Promiscuity.

#### Physical

- Child or young person states that an injury has been inflicted by someone else (caregiver or other), or offers an inconsistent or unlikely explanation or can't remember the cause of the injury;
- Unusual fear of physical contact with adults (e.g., flinches if unexpectedly touched);
- Wearing clothes unsuitable for weather conditions (such as long-sleeved tops) to hide injuries;
- Wariness or fear of a parent/caregiver; reluctance to go home;
- No reaction or little emotion displayed when hurt;
- Little or no fear when threatened;
- Habitual absences from school without explanations (the caregiver may be keeping the child or young person away until signs of injury have disappeared);
- Overly compliant, shy, withdrawn, passive and uncommunicative;
- Fearfulness when other children cry or shout;
- Unusually nervous or hyperactive, aggressive, disruptive and destructive to self and/or others;

- Excessively friendly with strangers;
- Bruises or welts, in facial areas and other areas of the body, including any in unusual configurations, or those that look like the object that made the injury e.g., belt, hand;
- Burns from boiling water, oil or flames or in the shape of the object used to make them e.g., iron;
- Fractures, especially those not consistent with the explanation;
- Other physical indicators including cuts and grazes, bite marks, multiple injuries, poisoning and internal injuries.

#### 4. Reporting Procedures for Mandatory Reporters

4.1 As a school staff member, you must keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse using the *Responding to Suspected Child Abuse: Template*. Refer to:

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

4.2 Mandatory reporters have an obligation to take the necessary action to ensure a child is protected from further harm and are key in the identification of child sexual or physical abuse through personal observation or disclosure by the student concerned or a friend.

4.3 Once a mandatory reporter has formed a belief, based on reasonable grounds that a child is or has been sexually abused or physically abused, they are legally required to report to DFFH Child Protection or Child FIRST, even if they think that the report has been or will be made by someone else.

A report must be made each time you become aware of any further reasonable grounds for your belief.

4.4 The Mandatory Reporting Service operates 24 hours a day, 7 days a week.

Failure to make a report can incur a maximum penalty of three (3) years imprisonment.

4.5 The mandatory reporter should attempt to file the report on the same day the belief is formed or as soon as is practicable.

4.6 In responding to an allegation of suspected child abuse, staff must take account of the cultural and linguistic background of the child and any disability they may have and make reasonable efforts to accommodate these aspects. Actions may include:

- Contacting cultural experts to assist with ensuring the child's safety;
- Utilising the skills of an interpreter where language barriers exist.

4.7 Mandatory reporter will make a report to the applicable agency (**Appendix 3**).

4.8 The mandatory reporter is protected by confidentiality legislation, except in limited circumstances. They are also protected from civil or criminal liability as long as the report was made in good faith.

4.9 Mandatory reporters can share information without legal or professional consequences, with family services such as Child FIRST and DFFH Child Protection to help protect vulnerable children. Child FIRST and DFFH Child Protection can also now consult teachers and principals when they are deciding how best to respond to a referral or a report they have received. Information that is provided should be directly related to the mandatory reporter's concerns, not based on second-hand information.

4.10 It is **not** the Teacher's role to conduct any investigation or to confront the suspected perpetrator or to intervene with the child's family. Teachers do not have to have proof or prove that a child or young person has been harmed. This is the responsibility of specialist child protection workers and possibly the Police.

- 4.11 Mandatory reporters who have general concerns for the wellbeing of the child but have assessed that the child is not at immediate risk of harm must make a referral to Child FIRST.
- 4.12 Teachers who have concerns that child sexual abuse or physical abuse is occurring or has occurred are welcome to consult with the Principal and other specialists, including the School Nurse, Pastoral Dean, School Chaplain, School Psychologist or School Counsellor, and Child Safety Officer.
- 4.13 If the Principal does not share the Teacher's belief that a child or young person is in need of protection, the Teacher must still make a mandatory report. It is recommended that the Principal is informed that a report has been made.
- 4.14 If a group of mandated reporters share a belief, based on reasonable grounds, that a child or young person is in need of protection from physical or sexual abuse, only one mandatory reporter needs to make the report. It is the responsibility of the others to be satisfied that the report is made promptly and that all the reasonable grounds are included in the notification.
- 4.15 Teachers are advised to keep brief, written, dated notes of their suspicions or observations to assist them in completing a mandatory report. Anecdotal records and other written information must be regarded as confidential and used in a professional manner. They may be subject to a court order that the records be made available to the court and to other persons for the purpose of legal proceedings. When and if appropriate they may give a copy of any notes to the Principal, who will store these confidential notes in a secure place.
- 4.16 If a student starts to disclose in class or any other public area, the teacher should use the strategy of protective interrupting. (See **Appendix 2** for further information).
- 4.17 If a student discloses to a teacher in private and tries to elicit a promise that the teacher will not tell anyone, it is important for the teacher to explain that they have concerns about the student's safety and will have to take action to ensure the student is protected from further abuse. This may include discussing it with the Principal. (For detailed information about dealing with a disclosure, see the *Child Safe Policy (VIC)*).
- 4.18 Teachers must not engage in general staffroom discussion about a disclosure.
- 4.19 School staff who have access to information regarding suspected or disclosed child abuse or neglect have a clear obligation to observe appropriate confidentiality in relation to the entire matter, and an obligation to ensure that this information is secure.
- 4.20 There are some circumstances where contacting parents/carers may place the child at greater risk, therefore advice must be sought from the DFFH Child Protection or the Police (depending on who the report was made to) prior to informing the parent/carer of the concerns regarding the child.
- 4.21 Should allegations of any kind of abuse be made against the Principal, the Teacher should not discuss this with the Principal but must go directly to the Chair of the School Council.

## **5. Reporting Procedures for Reportable Conduct**

- 5.1 The reportable conduct scheme requires reporting to the CCYP concerning allegations or disclosures of child abuse made by or in relation to a child, school staff and other persons (including volunteers) of a school.
- 5.2 It is the responsibility of the Principal to report an allegation made against a staff member or volunteer to the CCYP or the Chair of the School Council if the allegation is made against the Principal.
- 5.3 The Principal must notify the CCYP within three business days:
- that a reportable allegation has been made against an employee;

- the name of the employee, including any former names and aliases, if known;
  - the date of birth of the employee;
  - whether Victoria Police has been contacted;
  - the name, address and telephone number for the School; and
  - the name of the Principal.
- 5.4 It is the responsibility of the Principal, at the earliest opportunity, to inform the staff member or volunteer who is the subject of an allegation that the allegation will be investigated and, if substantiated, CCYP will notify the Department of Justice and Community Safety (DJCS) Secretary for the purpose of WWC Clearance reassessment under the Worker Screening Act 2020 (Vic).
- 5.5 Ensure appropriate investigation of the allegation. For example, outcome of investigations undertaken by DFFH Child Protection and/or Victoria Police.
- 5.6 As soon as possible and within thirty (30) calendar days after becoming aware of the reportable allegation the Principal must report any findings and the reasons for the outcome of an investigation to the CCYP, CEO and Chair of the School Council at the conclusion of the investigation. The report must include:
- detailed information about the reportable allegation;
  - whether or not disciplinary or other action has been taken against the employee;
  - reasons as to why disciplinary or other action is to be taken or not be taken;
  - any written submissions the employee wishes to be considered in determining disciplinary or other action to be taken against them.

## **6. Failure to Disclose**

This applies to any adult (aged 18 and over) who forms a reasonable belief that another adult may have committed a sexual offence in Victoria against a child (aged under 16) and fail to disclose this information to the Victoria Police (unless they have a reasonable excuse).

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 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.

Information must be disclosed to the Victorian Police as soon as it is practicable. A person will not be guilty if they have a reasonable excuse for not disclosing the information. A reasonable excuse includes:

- Fear for safety: reasonable fear for their own safety or the safety of another person;
- Information already disclosed: already reported under the mandatory reporting obligations to DFFH Child Protection. However, further instances of abuse must be reported – see 4.3.

Failure to disclose a sexual offence based on concerns for the interests of the perpetrator or organisations (e.g., concerns about reputation, legal liability or financial status) will not be regarded as a reasonable excuse.

Penalty of imprisonment up to three (3) years.



## **7. Failure to Protect**

7.1 This applies to a person who:

- By reason of their position within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a relevant child will become a victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the relevant organisation (e.g., employee, contractor, volunteer, visitor); and
- knows that there is a substantial risk that the person will commit a sexual offence against a relevant child.
- Negligently fails to remove or reduce the risk of harm.

7.2 The Principal (or Person in Authority) must reduce or remove a known substantial risk. It does not make it a criminal offence to fail to address every possible risk that a sexual offence may be committed against a child. There are a number of factors that may assist in determining whether a risk is a substantial risk. These include:

- the likelihood or probability that the child will become the victim of a sexual offence;
- the nature of the relationship between a child and the adult who may pose a risk to the child;
- the background of the adult who may pose a risk to the child, including any past or alleged misconduct;
- any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence;
- any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.

7.3 The Principal (or Person in Authority) must remove the person posing the risk from any contact with children and report them to the relevant authorities. This person must not be allowed contact with other children e.g., relocated to another school during investigations.

7.4 If the alleged perpetrator is a licensed provider from the Anglican Diocese, then the Diocese will be notified of the allegation by the Principal, or if this is not appropriate, the Chair of the School Council.

7.5 The maximum penalty is five (5) years' imprisonment.

## **8. Reporting Procedures for Non-Teaching Staff (Non-mandatory Reporters)**

8.1 Only teachers, principals, doctors, psychiatrists, nurses and police officers are mandatory reporters. Non-mandatory reporters in schools would include registered psychologists, social workers, speech pathologists, teacher assistants and non-teaching staff including administration, canteen staff and cleaners.

8.2 Non-mandatory reporters must report concerns that involve the safety of children and young people to the Principal.

8.3 Should the concern involve an allegation made against the Principal, the staff member should not discuss this with the Principal but must report directly to the Chair of the School Council.

## **9. Roles and Responsibilities of other parties in relation to child sexual abuse**

**Note:** the full list of Roles and Responsibilities in all aspects of Child Protection are covered in the *Child Safe Policy* (VIC) and must be read in conjunction with this policy.

9.1 The Anglican Schools Commission

- a. If a Principal is aware that a mandatory report has been made to the DFFH Child Protection, the Principal should inform the Chief Executive Officer (CEO) of the ASC

as the official representative of the School Authority, and as part of the school's critical incident procedures.

- b. The ASC Office will:
- Assist principals in arranging appropriate professional development for designated staff in the principles, policy and procedures in child protection.
  - Assist principals in arranging professional development for designated staff in a protective behaviours curriculum.
  - If necessary, assist the Principal when a case of child sexual abuse or neglect is disclosed, or where there is belief, on reasonable grounds that abuse or neglect has occurred, to follow the procedures on notification of abuse to the appropriate child protection authority or service.
  - Assist the Principal in ensuring that members of staff of the school making the referral are offered appropriate support to adjust to any consequences of the referral.
  - Assist principals in arranging appropriate professional development for designated staff in the principles, policy and procedures in child protection.

## 9.2 The Principal

- a. The Principal is responsible for all aspects of school management including assisting the teacher, child and relevant specialist authorities, if requested.
- b. The Principal must ensure that the school's pastoral care and/or curriculum structures address the issue of child sexual abuse and protective behaviours.
- c. The Principal must ensure that when any action is taken in response to an allegation of child abuse the cultural and linguistic background of the child and any disability they may have is taken into consideration.
- d. The Principal must ensure that all staff members receive appropriate training in the detection and reporting of child sexual and physical abuse.
- e. In the case of sexual or physical abuse, it is the mandatory reporter who is required to make the report to DFFH Child Protection.
- f. In the case of an allegation made against a staff member or volunteer it is the Principal who is required to make the report to the CCYP or the Chair of the School Council if the allegation is made against the Principal. The CCYP must be advised of the outcome of the investigation at the conclusion of the investigation.
- g. Any staff member who is a mandatory reporter must advise the Principal in regard to any report they make to DFFH Child Protection as soon as is practicable to do so.
- h. Advice must be sought from DFFH Child Protection, Child FIRST or the Police in regard to providing any information to others, including the parents/carers, about the report or the child concerned. Mandatory reporters are able to share information with DFFH Child Protection and Child FIRST without legal or professional consequences, as long as it is done in good faith.
- i. Should any disclosure or concern of sexual abuse relate to the behaviour of a staff member, the Principal must report the matter to the Victorian Institute of Teaching (VIT) and to the CEO of the ASC. The identity of the reporter must be protected at all times, in line with the Children, Youth and Families Act 2005.
- j. The Principal, assisted by the mandatory reporter, must retain records of all communication with DFFH Child Protection, Child FIRST, the Police, the VIT, the PSU and the CEO of the ASC and the subsequent actions, of which they are privy. All

records must be stored in a secure place to ensure confidentiality and kept separate from any other file on the student. There should be an indication on the student's general file that other confidential records are being kept separately without revealing the nature of those records.

- k. The Principal, with the appropriate assistance, must undertake ongoing support for the teacher, the student and anyone else affected by this process or its outcomes. Confidentiality must be maintained.
- l. When providing ongoing support, the Principal should consider utilising strategies such as:
  - Pastoral care programs - structured with the well-being of students at its core;
  - The development of a Student Support Plan;
  - The inclusion of 'child safe' as an agenda item at Executive meetings where the ongoing support of the child is reviewed; and
  - The use of a Child Psychologist and other wellbeing professionals as and when required.
- m. If the Police conduct an interview at school, the Principal may if necessary, act as an independent person where the child is a victim, unless they believe it will place them in a conflict of interest.
- n. The Principal must inform the School Council of Mandatory Reports/Critical Incidents within their Principal's Report. (See **Appendix 4** for format).
- o. In the event that the Principal cannot perform their role, the Head of Senior School will perform the role of the Principal.

### 9.3 The Department of Families, Fairness and Housing (DFFH) - Child Protection

- a. The DFFH focus on child protection, housing, disability, the prevention of family violence, multicultural affairs, LGBTIQ+ equality, veterans, women and youth in Victoria.
- b. In the case of sexual or physical abuse, **the mandatory reporter** must provide a written report to DFFH Child Protection.
- c. DFFH Child Protection and Child FIRST can be used initially in a consultative role if either the Principal or the teacher is concerned about a child and unsure of what action to take.
- d. The role of DFFH Child Protection is to:
  - Receive reports from people who believe a child needs protection from abuse or neglect.
  - Provide advice to people who report cases of abuse or neglect.
  - Investigate when a child is believed to have been abused or is at risk of abuse or neglect.
  - Refer children and families to services in the community for ongoing support and harm prevention.
  - Take matters to the Children's Court if the child's safety within the family cannot be guaranteed.
  - Supervise children on legal orders granted by the Children's Court.
- e. DFFH Child Protection may conduct interviews of children without parental knowledge or consent of the parent/carers, although this will only occur in exceptional circumstances and if it is in the child's best interests to proceed in this manner.

#### 9.4 Victoria Police

- a. Victoria Police may play a role in responding to allegations of child sexual or physical abuse when informed by DFFH Child Protection.
- b. In all cases of sexual abuse, physical abuse and serious neglect where DFFH Child Protection is investigating, Victoria Police must work with DFFH Child Protection for the duration of the Child Protection investigation. This means that Victoria Police and DFFH Child Protection will conduct joint interviews with the child alleged non-offending and offending parents/carers and any other persons relevant to the investigation to determine whether criminal charges will be laid.

#### 9.5 Commission for Children and Young People (CCYP)

- a. The CCYP is an independent statutory body who promotes the safety and wellbeing of children, provides oversight of services provided to vulnerable children and plays an important role in improving the lives of Victorian children.
- b. The role of the CCYP is to:
  - Receive allegations, investigation outcomes and findings of reportable conduct from organisations within scope of the scheme.
  - Monitor the systems or organisations' to investigate abuse or misconduct, and undertake its own investigations in certain circumstances.
  - Refer findings to certain professional registration bodies and the Working with Children Unit for assessment or reassessment of a person's eligibility to hold a Working with Children Clearance (WWC Clearance).
  - Scrutinise organisations' systems for reporting and responding to allegations of child abuse or misconduct involving children.
- c. To improve oversight of how organisations prevent and respond to allegations of child abuse, the reportable conduct scheme was introduced.
- d. The reportable conduct scheme requires reporting to the CCYP concerning allegations of child abuse or child-related misconduct by staff and volunteers of a school.
- e. Report to the Department of Justice and Community Safety of a finding that reportable conduct has been committed for the purpose of WWC Clearance reassessment under the Worker Screening Act 2020 (Vic).

#### 9.6 The Professional Standards Unit of the Diocese of Wangaratta

- a. The Professional Standards Unit (PSU) investigates reports of sexual misconduct and child abuse made against an employee of the Anglican Church and its incorporated bodies and unincorporated organisations.
- b. School principals must refer to the PSU any disclosures or strong concerns relating to the behaviour of staff members. The identity of the reporter must be protected at all times, in line with the Children, Youth and Families Act 2005. The ASC CEO is to be advised of such reports.
- c. The PSU will investigate the matter and make a recommendation to the school.

#### 9.7 The Victorian Institute of Teaching

- a. School principals must notify the VIT straight away if they become aware that a registered teacher you employ is charged with, committed for trial for or convicted or found guilty of a sexual offence.

- b. The VIT will gather relevant information about concerns in relation to a teacher and determine appropriate disciplinary responses.

## Questions and Concerns

### **Must I keep written records?**

As a teacher you should keep brief written records of your observations including dates, the nature of the indicators and injuries, if any. Principals are also expected to keep written records of the notification. Student Services personnel should also keep records of their involvement in such cases (e.g., the school nurse should keep records of physical indicators, and the Chaplain and other Student Services personnel keep records of behavioural and family indicators). All these records must be treated as highly confidential and stored securely and separately from other student records.

### **Can the written records I keep be used in evidence?**

Yes. If the investigating officers want to use the school's written records they must apply in writing to the Principal. All types of official records kept in these cases may be the subject of court orders that the records be made available to the court and to other persons for the purposes of legal proceedings. If the Principal or a teacher receives a subpoena, the CEO of the ASC must be notified and legal advice sought through the ASC Office.

### **Is there a time limit on suspected offences? Am I expected to report an offence that happened, for example, five years ago?**

There is generally no time limit on laying charges for offences relating to child abuse and neglect. That is a matter for the appropriate prosecuting authority. All suspected cases of child abuse and neglect should be reported, irrespective of when they may have occurred.

### **How soon after finding out about a case of child sexual abuse, am I expected to make a notification?**

Mandatory Reporters are required to report directly to DFFH Child Protection. As soon as possible and if appropriate, any staff member who is a teacher should advise the Principal as soon as it is practicable to do so.

### **Can I be called to give evidence?**

Yes, a staff member can be called to give evidence. The most likely time when a staff member (notifier) would be required to appear in court is when they have received a disclosure from a child, and this was the first time the child had disclosed the abuse.

### **What will happen if I have to go to court? What legal support will the ASC provide?**

If you are called to give evidence in a child protection case, you will not lose pay. Ensure that your Principal is informed if you are required to attend court. The ASC office can arrange for legal support and advice on making statements. Ensure that you prepare yourself for the courtroom experience and arrange to communicate directly with your legal representative prior to the hearing.

### **Am I expected to report abuse if the perpetrator is a colleague or someone I know?**

Yes. The identity of the perpetrator is irrelevant to the responsibility of teachers to report. The procedures outlined in this document apply, whoever the perpetrator is.

### **Does the offender have to be told who notified?**

It is the policy of the Department of Health and Human Services and the Victoria Police not to reveal the identity of persons notifying child abuse and neglect. However, where a person who has notified an alleged offence is required to give evidence, their identity may be revealed in those proceedings. In extremely limited circumstances a court may also order that information which could identify the person who notified an alleged offence be disclosed. Any breaches of this policy should be reported to the Principal who in turn will advise the CEO of the ASC.

**It is important to note that the safety and welfare of the child is all important and that this is the primary concern of the school, the ASC and the Department for Health and Human Services Action will be taken to protect the child.**

**Dealing with a disclosure****When managing a disclosure, staff should:**

- Listen to the child and allow them to speak.
- Stay calm and not display expressions of panic or shock.
- Use a neutral tone with no urgency and where possible use the child's language and vocabulary.
- Be patient and non-judgmental throughout.
- Highlight to the child that they are doing the right thing in telling you about what has happened and that it is not their fault.
- Do not ask leading questions, but instead, 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.
- Not pressure the child into telling you more than they want to.
- Reassure the child that you believe them and that disclosing the matter was the right thing to do.
- Use verbal facilitators such as, "Okay, 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.
- Tell the child you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate.

**When managing a disclosure, staff should AVOID:**

- 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 time and time again (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).

**APPENDIX 3****Contact Numbers:**

<b>Department of Education and Training</b>	1300 333 231
<b>Department of Families, Fairness and Housing</b>	1300 664 977 1300 360 391
<b>After hours Child Protection Emergency Services (AHCPEs)</b>	13 12 78
<b>Child First – Hume</b>	1800 705 211 1300 854 944
<b>Victoria Police</b>	000
<b>Independent Schools Victoria</b>	(03) 9825 7200
<b>Victorian Aboriginal Education Association, Inc.</b>	(03) 9481 0800
<b>Victoria Police Sexual Offences and Child Abuse Unit</b>	(03) 9247 6666
<b>The Sexual Assault and Family Violence Centre (Crisis Line)</b>	1800 806 292
<b>Gatehouse Centre, Royal Children’s Hospital</b>	(03) 9345 6391
<b>Commissioner for Children and Young People</b>	(03) 8601 5884
<b>Victoria Aboriginal Child Care Agency (VACCA)</b>	(03) 8388 1855





### Version Control

Version	Date	Summary of Changes
1	Oct-16	New Policy
2	May-17	Updated to reflect 'reportable conduct scheme'.
3	Aug-17	Updated to reflect ongoing strategies - VRQA feedback.
4	Aug-18	Annual policy review, updates relating to the Education and Training Reform Regulations 2017 and to align the Victoria policies with the NSW and WA policies.
5	Apr-19	Annual review
6	May-20	Annual review
7	Apr-21	Annual review. Name change DHHS to DFFH. Grooming definition. New Policy format.
8	Jun-22	Annual Review Update definitions New Mandatory Reporters Enhance reporting requirements
9	Apr-23	Annual review Changes requested by VRQA