



# CHILD SAFETY RESPONSE AND MANDATORY REPORTING POLICY

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## PURPOSE

Monivae College (the School) is committed to providing a safe and child-friendly environment, where children and young people are safe and feel safe and can actively participate in decisions that affect their lives. The School strives to create a safe, respectful, nurturing environment where each member of the School community plays an important role promoting student wellbeing.

The School:

- has zero tolerance for child abuse;
- actively works to listen to and empower children; has systems to protect children from abuse;
- will take all allegations and concerns seriously and respond to them in line with the School's policies and procedures;
- is committed to promoting physical, emotional and cultural safety for all children; and
- is committed to providing a safe environment for all children.

This document forms part of the School's commitment to child safety and covers all forms of child abuse, sexual assault and mandatory reporting obligations that apply to all School staff at Monivae. This document should be read in the context of the School's Child Safety and Wellbeing Policy.

This document sets out how the School will respond to allegations of suspected child abuse where a student is alleged to be involved in an incident of child abuse, and the allegation:

- is made by or in relation to a student, School staff, visitor or other persons while connected to the School environment including the boarding residence;
- requires compliance with mandatory reporting obligations by a School staff member; or
- leads a School staff member while undertaking child-connected work to form a reasonable belief that a sexual offence has been committed by an adult against a student.

(Child-connected work is work authorised by the School that is performed by an adult in the School environment while children are present or reasonably expected to be present)

Note: all references to 'school' or 'school environment' in this policy includes the school boarding premises.

## SCOPE

This document applies to all staff including boarding house staff, volunteers and members of the School Board. They are bound by this document and are required to report concerns about, or incidents of child abuse, neglect or suspected child abuse. Fulfilling the roles and responsibilities contained in this document does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse. In

the application and implementation of this policy, full consideration is required regarding the needs of our students including culture, diversity and age.

This document applies to all School activities during and outside of school hours, which are considered the School environment.

## DEFINITIONS

Key word/abbreviation	Definition
child	An individual who is under the age of 18 years and who is enrolled as a student at the School, irrespective of their mode of attendance, including: <ul style="list-style-type: none"> <li>• Day students attending classes on-site during regular school hours.</li> <li>• Boarding students residing on-site within school boarding facilities.</li> <li>• Off-site students participating in school-sponsored activities, excursions, or events.</li> </ul>
child abuse	Child abuse includes: <ol style="list-style-type: none"> <li>a) any act committed against a child involving: <ol style="list-style-type: none"> <li>1. a sexual offence</li> <li>2. grooming offences under section 49M(1) of the Crimes Act 1958</li> </ol> </li> <li>b) the infliction, on a child, of: <ol style="list-style-type: none"> <li>1. physical violence</li> <li>2. serious emotional or psychological harm</li> </ol> </li> <li>c) the serious neglect of a child.</li> </ol> <p>The definition of child abuse is broad and can include student to student incidents and concerns, as well as behaviour committed by an adult.</p>
child-connected work	Child-connected work means: <ol style="list-style-type: none"> <li>a) work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present</li> <li>b) for the purposes of a school boarding premises, work authorised by the provider of school boarding premises in a school boarding premises environment while children are present or reasonably expected to be present.</li> </ol>
child safety	Child safety includes 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 suspicions, incidents, disclosures or allegations of child abuse.
Child Safety Officer	The School Child Safety Officer/s are persons holding the following positions: <ul style="list-style-type: none"> <li>• Deputy Principal</li> </ul>
Family Violence	Under the Family Violence Protection Act 2008 (Vic.) it includes behaviour that causes a child to hear, witness, or be exposed to the effects of family violence such as abusive, threatening, controlling or coercive behaviour.
Grooming	Grooming is defined as behaviours that manipulate and control a child with the intent of gaining access to the child, obtaining the child's compliance, maintaining the child's silence and avoiding discovery of the sexual abuse.

	<p>Grooming by an adult for sexual conduct with a child under the age of 16 is a crime under section 49M of the Crimes Act 1958 (Vic).</p> <p>Further information can be obtained at:  <a href="http://www.justice.vic.gov.au/safer-communities/protecting-children-andfamilies/grooming-offence">www.justice.vic.gov.au/safer-communities/protecting-children-andfamilies/grooming-offence</a></p>
Mandatory Reporters	<p>Mandatory reporters include teachers, the Principal, nurses, school psychologists, persons in religious ministry and medical practitioners.</p> <p>The following persons employed at the School are mandated reporters:</p> <ul style="list-style-type: none"> <li>• the Principal</li> <li>• a registered teacher</li> <li>• a person who has been granted permission to teach by VIT</li> <li>• School Counsellor</li> </ul>
Reasonable Grounds	<p>Requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well-founded and based on information from a reliable source. A report must be made on each occasion a reporter forms a reasonable belief.</p> <p>The following may be reasonable grounds for forming such a belief if:</p> <ul style="list-style-type: none"> <li>• A student states they have been physically or sexually abused</li> <li>• A student states they know someone who has been physically or sexually abused</li> <li>• Someone who knows the student states the student has been physically or sexually abused</li> <li>• A student shows signs of being physically or sexually abused</li> <li>• The staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a student's safety, stability or development</li> <li>• The staff member observes signs of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision; or</li> <li>• A student's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the student.</li> </ul> <p>Grounds for belief include matters of which a person has become aware and any opinions based on those matters.</p> <p>"Significant" means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. What is "significant" is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety,</p>

	welfare or wellbeing. Significant harm can result from a single act or omission or an accumulation of these.
Reportable Allegation	Any information that leads a person to form a reasonable belief that an employee, contractor, volunteer or officer of the School has committed: <ul style="list-style-type: none"> <li>• reportable conduct;</li> <li>• misconduct that may involve reportable conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment with the School.</li> </ul>
Reportable Conduct	<p>a) 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;</p> <p>b) sexual misconduct committed against, with or in the presence of, a child;</p> <p>c) physical violence committed against, with or in the presence of, a child;</p> <p>d) any behaviour that causes significant emotional or psychological harm to a child; or</p> <p>e) significant neglect of a child.</p>
Sexual Misconduct	Conduct that includes behaviour, physical contact or speech or other communication of a sexual nature, inappropriate touching, grooming behaviour and voyeurism.
School Environment	means any of the following physical, online or virtual places, used during or outside school hours: <p>a) A campus of the school, including the Boarding residence</p> <p>b) Online or virtual school environments made available or authorised by the school governing authority for use by a child or student (including email, intranet systems, software applications, collaboration tools, and online services)</p> <p>c) Other locations provided by the school or through a third-party provider for a child or student to use including, but not limited to, locations used for:</p> <ul style="list-style-type: none"> <li>• camps</li> <li>• approved homestay accommodation;</li> <li>• delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers or another school; or</li> <li>• sporting events, excursions, competitions or other events.</li> </ul>
School Staff	Individuals working in the School environment who are: <ul style="list-style-type: none"> <li>• directly engaged or employed by the School;</li> <li>• a volunteer or a contracted service provider.</li> </ul>
Sexual Assault	Any unwanted sexual behaviour that causes humiliation, pain, fear or intimidation and includes offences under the <i>Crimes Act 1958</i> (Vic) including rape, indecent assault, indecent act with a child and grooming.
Sexual Offence	A sexual offence for the purposes of the reporting obligation includes the following offences committed against a child under the age of 16 by an adult and includes: <ul style="list-style-type: none"> <li>• any attempt to commit any of these offences; or</li> <li>• an assault with intent to commit any of these offences.</li> </ul>

	<p>The offences include:</p> <ul style="list-style-type: none"> <li>• rape</li> <li>• indecent assault</li> <li>• sexual penetration of a child under 16</li> <li>• indecent act with a child under 16</li> <li>• administration of a drug with the intention of rendering the child incapable of resistance to enable a person to take part in an act of sexual penetration or commit an act of indecency with the child.</li> </ul>
Student	<p>A person who is enrolled at or attends the School, irrespective of their mode of attendance, including:</p> <ul style="list-style-type: none"> <li>• Day students attending classes on-site during regular school hours.</li> <li>• Boarding students residing on-site within school boarding facilities.</li> </ul>
Volunteer	<p>A person who performs work without remuneration or reward for the School in the school environment.</p>

## POLICY STATEMENT

This document aims to achieve the following:

- identify the indicators of a child or young person who may be in need of protection;
- ensure that everyone within the School community is alert to signs and evidence of abuse and neglect, understand that it is not acceptable and be aware of their reporting responsibilities;
- ensure that action is taken to protect students from risks and immediate action is taken to ensure the safety of students; ensure that all mandatory reporters are trained with respect to what must be reported and relevant procedures, with refresher training to be completed annually;
- ensure all child safety reports are reported to the relevant authorities;
- ensure that ongoing support and assistance is provided to students involved in the child safety concerns and their confidentiality respected;
- ensure that staff are provided with clear expectations of appropriate behaviour;
- ensure that staff are aware that mandatory reports must be made in a timely and efficient manner;
- maintain a positive and robust child safety culture;
- maintain a culturally safe and inclusive environment that meets the needs of Aboriginal and Torres Strait Islander children, young people and their families; and
- promote open discussion of child safety issues within the School and compliance with all laws, regulations and standards relevant to child safety and protection in Victoria, in particular, Ministerial Order 1359.

This document also applies to the Reportable Conduct Scheme which concerns reports made to the Principal by any person, including by an employee of the School, of a reportable allegation of which the person becomes aware.

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

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.

## COMMITMENT TO CHILD SAFETY

Monivae has a moral, legal and mission-driven responsibility to create a nurturing school environment where children and young people are respected, where their voices heard, and where they are safe and feel safe.

Every person has a responsibility to understand the important and specific role they have, individually and collectively, to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make.

The school displays the Four Critical Actions for School diagrams in staff rooms and other strategic areas of the school and its boarding premises to ensure that staff are aware of the actions to take as soon as they witness a child protection incident, receive a disclosure, or form a reasonable suspicion or belief that a child has been, or is at risk of being, abused.

## **STUDENT INFORMATION**

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 Monivae they should start with their homeroom teacher.

Monivae College has a number of student-friendly documents which outline the processes that are in place and provide information about who to talk to if they are feeling unsafe or have a concern.

## **CHILD ABUSE**

Child abuse can take many forms. The perpetrator may be a parent, carer, staff member, volunteer, another adult or another child. The nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect.

While family violence does not form part of the official definition of “child abuse” in the Child Wellbeing and Safety Act, the impact of family violence on a child can be a form of child abuse; for example, where it causes serious emotional or psychological harm to a child.

Child abuse can have a significant effect on a child’s physical or emotional health, development and wellbeing. The younger a child is, the more vulnerable they are to abuse and the more serious the consequences are likely to be. There can be physical or behavioural indicators of child abuse and neglect, or a combination of both. While the presence of a single indicator, or even several indicators, does not necessarily prove that abuse or neglect has occurred, the repeated occurrence of either a physical or behavioural indicator, or the occurrence of several indicators together, should alert School staff to the possibility of child abuse or neglect.

Child sexual abuse is more commonly perpetrated by someone who is known to and trusted by the child, and is often someone highly trusted within their families, communities, schools and/or other institutions.

## **INDICATORS OF HARM**

There are numerous indications of possible child abuse and harm. They include, but are not limited to:

### **PHYSICAL ABUSE**

Physical indicators could include bruises, burns, fractures (broken bones), cuts and grazes to the face, and multiple injuries including internal injuries. Behavioural indicators could include disclosure of an injury inflicted by someone else, wearing unusual clothes to hide injuries, wariness or fear of a parent or other family member, reluctance to go home, habitual

absences from school without explanation, regressive behaviour, and alcohol or drug misuse.

### SEXUAL ABUSE

Physical indicators could include injury to the genital area, discomfort in toileting, the presence of sexually transmitted diseases, pregnancy, bruising to breasts, buttocks and thighs, and anxiety related illnesses (anorexia/bulimia). Behavioural indicators could include disclosure of sexual abuse, age-inappropriate sexual activity or behaviour, drawings that are sexually explicit, writing stories that are sexually explicit, regressive behaviour, truancy, depression, delinquent or aggressive behaviour, and sudden decline in academic performance.

### EMOTIONAL ABUSE

Physical indicators could include speech disorders, delays in physical development and failure to thrive. Behavioural indicators could include being overly compliant, passive and undemanding behaviour, attention-seeking behaviour, poor self-image, age-inappropriate behaviour, fear of failure, setting overly high standards, excessive neatness and depression.

### SERIOUS NEGLECT AND MEDICAL NEGLECT

Physical indicators could include consistently being unwashed, inappropriate dressing for weather conditions, consistent hunger and tiredness and unattended health problems. Behavioural indicators could include begging or stealing food, gorging food, alienation from peers, withdrawal, aggressive behaviour, appearing miserable and irritable and poor attendance at school.

### WHAT CONCERNS SHOULD BE REPORTED?

Concerns about the safety and wellbeing of children can range from an uncomfortable feeling through to a direct observation of abuse. Staff, volunteers, students and families are encouraged to speak to a Child Safety Officer if they have concerns and to be proactive.

Examples of child safety concerns include:

- inappropriate or special relationships developing between staff, volunteers or contractors and students;
- inadequate staff to student supervision ratios;
- breaches of the Child Safety Code of Conduct, particularly if they are persistent;
- feelings of discomfort about interactions between a staff member, volunteer or contractor and a student;
- suspicions or beliefs that students are at risk of harm;
- observations of concerning changes in behaviour;
- observations or concerns about grooming behaviours;
- concerns about a physical environment that may pose a risk to a student; and
- concerns about the student not being able to live at home.

If a student discloses abuse or harm, it must be reported to the Police, the Commission for Children and Young People, DFFH and where appropriate, any other regulator.

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. See also Appendix 2 for information on Reporting to Child Protection.

### DUTY OF CARE

All School staff and volunteers must understand their role to keep children safe. Staff and volunteers have an obligation to avoid acts or omissions (failures) that could be reasonably

foreseen to injure or harm students. Suspected child abuse must be reported to the Principal or a Child Safety Officer at the School, and relevant authorities.

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.

## **ROLES AND RESPONSIBILITIES OF STAFF**

Child protection is everyone's responsibility. The staff, volunteers and School Board have shared responsibility for contributing to the safety and protection of children.

Specific roles and responsibilities relating to protection and reporting include:

### **The School Board**

The School Board is the School's governing authority. The Board is responsible for endorsing this policy, ensuring it is reviewed and updated as needed and reviewing the School's compliance with this policy and child safety obligations.

### **The Principal**

The Principal has ultimate responsibility for managing the response by Monivae to any allegations or disclosures of child abuse and for monitoring overall school compliance with this procedure.

### **Child Safety Officer/s**

The School's Child Safety Officer/s, in addition to their own Mandatory Reporting obligations, supported by the Wellbeing and Leadership Teams, are responsible for:

- being an expert liaison and 'go-to' person for all child protection concerns or queries for the wider community;
- assisting staff and the School to effectively respond to child protection incidents or concerns; and
- ensuring that the School's child protection policies and procedures are effectively implemented and communicated to all relevant stakeholders to ensure adequate awareness.

### **Boarding House Staff including Director – Boarding Director - Boarding**

The Director - Boarding has the responsibility of overseeing the school boarding house, there is a paramount obligation to prioritise the safety and well-being of all students under their care. This includes strict adherence to reporting obligations concerning child safety concerns. It is imperative to promptly report any suspicions, allegations, or observations of child abuse, neglect, or harm to the designated child safety officer or relevant authorities in accordance with mandated reporting requirements.

The Director - Boarding plays a pivotal role in maintaining a vigilant and proactive approach to identifying and addressing potential risks within the boarding environment. By ensuring compliance with reporting obligations, the Director - Boarding contributes to fostering a

culture of transparency, accountability, and trust, thereby safeguarding the welfare of students and upholding the integrity of the boarding house community.

### **Boarding House Staff**

Staff in the school boarding house have a critical responsibility to ensure the safety and well-being of all students under their care, which includes complying with reporting obligations regarding child safety concerns.

This entails promptly reporting any suspicions, allegations, or observations of child abuse, neglect, or harm to the designated child safety officer or relevant authorities as per mandated reporting requirements.

Staff must maintain vigilance and awareness of potential signs or indicators of abuse, including behavioural changes, unexplained injuries, or patterns of concerning behaviour. By adhering to reporting obligations, staff contribute to the protection of students and the prevention of further harm, facilitating timely intervention, support, and appropriate follow-up actions to address child safety concerns effectively within the boarding house environment.

### **Staff, External Education Providers, Contractors and Volunteers.**

Staff includes teaching, non-teaching, boarding supervisors, Casual and Relief Teachers, sporting coaches and Instrumental Music Teachers. All staff, School Board members, external education providers, contractors and volunteers are required to be familiar with the content of this procedure and their legal obligations with respect to the reporting of child abuse.

It is each individual's responsibility to be aware of key risk indicators of child abuse, to be observant, and to raise any concerns they may have relating to child abuse with the Principal and Child Safety Officers. These individuals should also facilitate child-friendly ways for children and young people to express their views, participate in decision-making and raise their concerns about child abuse and other forms of harm.

The School undertakes to ensure that all staff and volunteers receive appropriate induction and are aware of their responsibilities to children and young people, including record keeping, information sharing and reporting obligations.

## **RESPONDING TO ALLEGATIONS/DISCLOSURES OF CHILD ABUSE AND REPORTABLE CONDUCT**

The Children, Youth and Families Act 2005 (Vic) ("CYFA") (section 184) requires Mandatory Reporters to make a report to the Department of Families, Fairness and Housing ("DFFH") Child Protection and/or Victorian Police, when they believe that a child (aged under 17) is in need of protection from significant harm from physical injury or sexual abuse. A report must be made on each occasion a reporter forms a reasonable belief. In addition to these actions, staff:

- must inform the Principal or a Child Safety Officer of their concern and any actions taken.
- must inform the Principal or a Child Safety Officer of the details of any reportable allegation of which they become aware.
- are not required to assess the validity of any allegations or to prove that child abuse did indeed take place before taking action according to their mandatory reporting obligations.

The School will act promptly and sensitively when informed of an allegation or disclosure of child abuse, whether or not, the allegation or disclosure is made directly by a student.

The Principal and Child Safety Officers are the key persons to whom allegations or disclosures of child abuse should be discussed to ensure staff feel empowered and supported in their decision making and reporting of child safety concerns.

If a Child Safety Officer has been notified, or been made aware, of an allegation or disclosure of child abuse they will immediately inform the Principal.

Upon learning of an allegation or a disclosure of child abuse, the Principal, or a Child Safety Officer, will ensure that the School:

- responds to the allegation or disclosure of child abuse in a timely and sensitive way;
- provides a safe environment for the alleged victim and any other students alleged to be involved or affected;
- provides clear information to the alleged victim about what the School will do in response to their allegations or disclosure;
- informs the student of the obligation of the School to report the allegations or disclosure to the appropriate authorities;
- at the School's discretion, if the alleged victim is deemed at risk or requiring special management, the School would require a risk assessment and management plan completed by either the School Counsellor or an external professional;
- provides appropriate support to the student who has disclosed the child abuse;
- immediately contact the parents/carers of the alleged victim, unless it is not appropriate in the circumstances to do so;
- call for medical and/or Police assistance in cases of emergency; and
- keep contemporaneous notes and records of all conversations, disclosures and of all follow up actions.

The Principal will inform the Board of Directors of the concerns and the actions taken so it can be documented in the risk register.

Upon becoming aware of a reportable allegation against an employee, contractor, volunteer or officer of the School, in accordance with the Reportable Conduct Scheme (July 2017), the Principal will:

- investigate the allegation or engage an independent investigator to undertake an investigation; and
- inform the Commission for Children and Young People of the person who will conduct the investigation.

In the absence of the Principal, the Deputy Principal becomes responsible for managing the School's response.

In the event of a reportable allegation involving the Principal, any person, including an employee of the School, should, in addition to any mandatory reporting obligation, inform the MSC Director and the Chair of the Board and may directly notify the Commission for Children and Young People.

### **INFORMING AUTHORITIES**

In line with the Reportable Conduct Scheme (July 2017), upon being informed of a reportable allegation towards children made against an employee, contractor, volunteer or officer of the School, the Principal will report the allegation to the Commission for Children and Young People within three business days of the allegation.

In relation to cases of mandatory reporting, and with the support of the Principal or a Child Safety Officer, the mandatory reporter will make a report to the Victorian Child Protection Service, Department of Families, Fairness and Housing.

In relation to cases of sexual abuse or sexual assault, all adults at the School, with the support of the Principal or a Child Safety Officer, will report any incident to the Sexual Offences and Child Abuse Investigation Team (“SOCIT”) of the Victoria Police.

In cases of emergency or if a child is in immediate danger, School staff should not hesitate to immediately contact Victoria Police or Ambulance Victoria.

Following an investigation into a reportable allegation towards a child/ren made against an employee, contractor, volunteer or officer of the School, the Principal will report to the MSC Director and the Commission for Children and Young People within 30 days of becoming aware of the allegation:

- detailing information about the reportable allegation;
- noting whether or not the School proposes to take any disciplinary or other action in relation to the employee and the reasons why; and
- providing any written submissions of the employee in relation to what disciplinary or other action should be taken by the School.

Further child protection information is accessible through the Department of Families, Fairness and Housing (“DFFH”) or Orange Door.

## **MANDATORY REPORTING OBLIGATIONS**

### **MANDATORY REPORTERS**

A mandatory reporting obligation arises under the Children, Youth and Families Act 2005 if a mandated reporter forms the belief on reasonable grounds that, in the course of carrying out his or her duties as an employee of the School, a child is in need of protection.

A child is in need of protection if he or she has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse and the child’s parents have not protected, or are unlikely to protect, the child from the harm.

A mandatory reporter is obliged to report his or her reasonable belief, and the grounds for the belief, to Child Protection as soon as practicable after forming the belief that the child needs protection.

If you are not a Mandatory Reporter, you still have the option of making a report to DFFH if you believe on reasonable grounds that a child is in need of protection. The Children’s Youth and Families Act states that any person who believes on reasonable grounds that a child is at risk of harm should report their concerns to Child Protection. All staff who have concerns that a student may be in need of protection or may have been the victim of a sexual offence should notify the Principal or a Child Safety Officer as soon as possible to discuss their concerns and, with their support, report to relevant authorities. All staff members making a report are to ensure documentation is provided in line with the Record Keeping section of this policy.

It is the School’s policy that all mandatory reports should be made after the Principal (or as delegated by the Principal to one of the School’s Child Safety Officers) has been made aware of the mandatory report obligation that has arisen. The Principal, or delegate, will support the staff member in relation to their reporting obligations.

A staff member who, on reasonable grounds, believes that a child is in need of protection but finds these beliefs are not supported by a Child Safety Officer or the Principal must still make a mandatory report and provide documentation in line with the Record Keeping section of this policy.

## **REASONABLE GROUNDS**

A mandatory report must be made when you form a belief on reasonable grounds that a child is in need of protection where the child has suffered, or is likely to suffer, significant harm as a result of:

- physical injury; or
- sexual abuse; and
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

It is an offence to fail to make a mandatory report when the circumstances suggest that a reasonable person ought to have arrived at the belief that a child was at risk. Therefore, mandated reporters are encouraged to discuss any concerns about the safety and wellbeing of students and their obligation to make a mandatory report with the Principal or a Child Safety Officer.

If a mandated reporter continues to hold a reasonable belief that a student is at risk, but is not supported in that view by others at the School (the Principal or Child Safety Officers), the mandated reporter must make a mandatory report.

Where a reasonable belief is shared by mandated reporters, and where one of the mandated reporters has expressed intentions to make a report based on their reasonable beliefs, but has not done so, the other mandated reporter must make a report.

## **OBLIGATIONS TO DISCLOSE A SEXUAL OFFENCE COMMITTED AGAINST A CHILD**

All staff members who are adults who have information that leads them to form a reasonable belief that a sexual offence has been committed by another adult against a child under the age of 16 years must disclose that information to the Police as soon as it is practicable to do so. Unless the adult has a reasonable excuse for not doing so, it is an offence under the Crimes Act 1958 to fail to make such a disclosure to the Police. The offence carries a maximum imprisonment term of 3 years.

The offence does not concern rumour or speculation about another person or a small piece of information that may be relevant. The offence is concerned about the failure of an adult to disclose information of a sufficient quality that would lead that adult to form a reasonable belief that a relevant sexual offence has been committed.

The circumstances in which an adult will have a reasonable excuse for failing to disclose information to the Police include the following:

- where the adult may reasonably fear for their safety, or the safety of the child or another person (other than the alleged offender), if the offender was to find out that the offence had been disclosed to the police and the failure to disclose the information was a reasonable response in the circumstances;
- where the adult believes on reasonable grounds that the information has already been disclosed to the Police and the adult has no further information to add; and
- the victim, now being over 16 years of age, requests that the information not be disclosed to the Police (unless the victim has an intellectual disability and does not have the capacity to make an informed decision).

If any staff member has concerns about whether they are required to disclose information to the Police they should speak to the Principal or a Child Safety Officer as soon as possible so that assistance can be provided in relation to the staff member's obligations.

## **RESPONDING TO STUDENT SEXUAL OFFENDING**

Guidance for staff on what action to take if you suspect, or are witness to student sexual offending can be found in the Student Sexual Offending Procedure or at [Identify and respond to student sexual offending](#).

### **PARENTS HAVE NOT PROTECTED, OR ARE UNLIKELY TO PROTECT, THE CHILD FROM HARM OF THAT TYPE**

A parent who “has not protected or is unlikely to protect that child from harm of that type” includes a parent who wants to protect his or her child from harm, but lacks the means to. It also includes a parent who has the means to protect his or her child from harm but does not want to.

A parent may be rendered “unlikely to protect” that child for many reasons. For example:

- That parent does not, or refuses to recognise that harm is occurring; or
- That parent or child may be subject to domestic violence; or
- That parent's partner may be abusive or harmful to the child.

“Parent” includes:

- The child's father
- The child's mother
- The spouse of the mother or father of the child
- The domestic partner of the mother or father of the child
- A person who has custody of the child
- A person who is named as the father on the child's birth certificate
- A person who acknowledges that he is the father of the child by an instrument under the
- Status of Children Act (Vic) 1974; and
- A person in respect of whom a court has made a declaration or a finding or order that the person is the father of the child.

It is also noted that mandatory reporters should not inform the parents or guardians of a child in respect of whom they have made a report to Child Protection, nor do they require their consent to do so. Child Protection will manage any relevant communications with parents and guardians when required.

### **PROTECTION OF REPORTS MADE IN GOOD FAITH**

A mandatory reporter who makes a report in good faith is given protection by the Children, Youth and Families Act 2005. In particular, if a report is made in good faith:

- making the report does not constitute unprofessional conduct or breach professional ethics;
- the reporter is not subject to any liability as a result of making the report; and
- evidence in a legal proceeding that identifies the reporter or is likely to lead to the identification of the reporter, is only admissible if the Court grants leave for the evidence to be given or the reporter consents in writing to that evidence being given.

### **REPORTABLE CONDUCT SCHEME**

The Victorian Reportable Conduct Scheme seeks to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers. The scheme is established by the Child Wellbeing and Safety Act 2005 (the Act).

The School Board is responsible for the School's compliance with the Scheme. The Chair of the Board authorises the Principal to assist them in meeting their obligations under the Scheme.

The Principal is authorised to:

- notify and update the Commission of reportable allegations concerning the School's "employees" as defined under the Scheme, which includes staff members, volunteers, contractors, and office holders; and
- ensure investigations are undertaken into all reportable allegations made against "employees".

The Reportable Conduct Scheme imposes obligations on the School's Principal. This includes requirements to:

- have in place systems to prevent child abuse and, if child abuse is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response; and
- ensure that the Commission is notified and given updates on the organisation's response to an allegation.

The Principal needs to adhere the following requirements:

- notify the Commission within three business days of becoming aware of a reportable allegation;
- investigate an allegation – subject to Police clearance on criminal matters or matters involving family violence;
- advise the Commission who is undertaking the investigation;
- manage the risks to children; and
- within 30 calendar days provide the Commission detailed information about the reportable allegation, the investigation findings, any disciplinary action taken (or the reasons no action was taken).

The Principal will also make a confidential record of the following information:

- the date of disclosure or when the School was first advised of the allegation of child abuse or sexual assault;
- the name of the person making the allegation or disclosure and to whom the allegation/disclosure was made;
- details of the allegations of child abuse including the identity of the alleged abuser/s and other persons involved (such as witnesses);
- details of the mandatory report to Child Protection; and
- the procedures followed by the School in responding to the disclosure or allegations and its response.

### **ALTERNATIVE PATHWAYS**

Where allegations involve the Principal, concerns must be reported to the Chair of the Board or MSC Director.

### **PROTECTION OF CHILDREN CONNECTED TO ALLEGED CHILD ABUSE**

The School will provide ongoing support within the School environment for children who are involved in allegations of child abuse and who may be vulnerable. This support may involve, as the circumstances require:

- developing a wellbeing plan for vulnerable children;
- working with the child's family, as appropriate, to ensure the safety and welfare of the child while in the School environment;
- appointing a support staff member or members, such as the School Counsellor or a Member of the Leadership Team, to oversee the student's safety and welfare and to observe and monitor the child's behaviour and assess their ongoing needs;
- taking such action as is considered necessary to protect any child connected to the alleged child abuse until the allegation is resolved, which may include removing the alleged perpetrator from the School environment or preventing them from having further contact with the child; and

- ensuring that the School has accurate and relevant information about the values and childrearing practices of the cultural group to which the child belongs so that it understands and can act within the child's cultural context.

### **SIGNIFICANT CONCERNS FOR THE WELLBEING OF A CHILD**

All concerns about the wellbeing of a 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.

### **CHILD IN NEED OF PROTECTION**

Any person can make a report to DFFH Child Protection if they believe on reasonable grounds that a child is in need of protection.

The policy of DOBCEL 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.

At Monivae College we encourage all staff to make a referral to Child FIRST when they have significant concern for a child's wellbeing.

### **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**

The Principal and 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.

Before the removal of a person from child-connected or child-related work the Principal should contact the DOBCEL Assistant Director of People and Development for advice.

The obligation to protect a child applies to any staff member in a position of authority (for example the Principal, Deputy Principal and members of the Leadership Team).

For more information, refer to the Department of Justice and Community Safety website: [Failure to protect offence](#).

### **RECORD KEEPING**

Staff members should make a clear and contemporaneous record of any disclosure or allegation of child abuse made to them. These records are to be retained and a copy provided to the Principal.

All documentation and evidence received and collated by the School in relation to an allegation of child abuse, sexual assault or mandatory report will be securely stored in files under the supervision of the Principal.

All personal information collected, held and stored by the School will be managed in accordance with the School's Privacy Policy. Nothing in this policy should be read as prohibiting staff from making records in relation to an allegation or disclosure of child abuse. In certain cases, the School's records and communications may be subject to legal professional privilege and therefore not subject to disclosure to others.

The following template link is to be used in managing documentation/record keeping and in following the four critical actions –

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/report.aspx#link56>

### **ADDITIONAL REQUIREMENTS**

All staff play an important role in supporting student safety and wellbeing and have a duty of care to take reasonable steps to prevent reasonably foreseeable harm to students.

Fulfilling the roles and responsibilities in the above procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse. This means that if, after following the actions outlined in the procedure, a staff member reasonably believes that a child remains at risk of abuse, they must take the following steps:

- if they are concerned that the school has not taken reasonable steps to prevent or reduce the risk, raise these concerns with the Principal in the first instance, and escalate to the Director of MSC Education on 0418 806 621 or the DOBCEL Secondary Consultant on 0457 808 134 if they remain unsatisfied.
- report the matter to the relevant authorities where they are unable to confirm that the information has been reported by another staff member

Staff must refer to Appendix A for further information on their obligations relating to reporting to authorities.

## **TRAINING REQUIREMENTS**

### **Child Safe Standards Training**

Monivae expects all staff including volunteers and Board Directors to undertake at least annually training on the Child Safe Standards and Ministerial Order 1359. The School uses the PROTECT resources provided by the Department of Education to deliver this training.

### **Mandatory Reporting Training**

All school staff are expected to undertake the Protecting children – Mandatory reporting and other obligations e-learning module to learn how to protect the safety and wellbeing of children and young people at least once per calendar year. The module is available through the [MARAM Online Learning System](#).

## **BREACH OF POLICY**

Any breach of this procedure will be considered by the Principal, or their delegate, will be dealt with on a case by case basis, and may lead to disciplinary action. A failure by a mandated staff member to report a reasonable belief that a child is in need of protection may result in the person being prosecuted and a court imposing a fine under the Children, Youth and Families Act 2005. All breaches, near misses and risks related to this policy should be reported to the Principal.

## **IMPORTANT LINKS AND CONTACTS**

Child Protection – visit [Making a report to child protection](#)

Commission for Children and Young People (CCYP) – <https://ccyp.vic.gov.au/> (03)86015281  
Department of Education – Child Protection

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/default.aspx>

Department of Families, Fairness and Housing (DFFH) – Mandatory Reporting

<https://providers.dffh.vic.gov.au/mandatory-reporting>

Department of Families, Fairness and Housing (DFFH) – Child Safe Standards

<https://www.dffh.vic.gov.au/publications/child-safe-standards>

Orange Door – [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 FIRST and family services](#)

Victoria Police – 000

## **COMMUNICATION**

This policy will be communicated to our school community in the following ways:

- Available publicly on our school's website
- Included in staff induction processes and annual staff training
- Included in volunteer induction processes and training for relevant volunteers
- Discussed an annual staff briefings or meetings
- Included in staff handbook or manual
- Hard copy available from reception upon request

**GOVERNANCE**

Supporting procedures	Police and DFFH Interview Procedure Student Sexual Offending Procedure
Supporting schedules	Child Safety Code of Conduct
Associated policies	Child Safety and Wellbeing Policy Risk Management Policy Duty of Care Policy Reportable Conduct Policy
Related Legislation	Child Wellbeing and Safety Act 2005 Children, Youth and Families Act 2005 (Vic) Crimes Act 1958 (Vic) Education and Training Reform Act 2006 (Vic) Ministerial Order 1359 Privacy Act 1988 (Cth) Reportable Conduct Scheme July 2017 Status of Children Act (Vic) 1974 Wrongs Amendment July 2017
Category	Student Health, Safety, Wellbeing and Engagement
Approval	Board of Directors 25.03.2024
Endorsement	Leadership Team 25.03.2024
Policy Owner	Compliance and Risk Manager
Date Effective	26.03.2024
Review Date	(2 years from effective date)
Version	2.0
Content Enquiries	eguthrie@monivae.vic.edu.au

## **Appendix A: Managing and Responding to Disclosures**

### **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 Monivae College they should start with their Homeroom Teacher or School Counsellor.

### **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**

Monivae College 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 the Child Protection Officer or should make the required reports to DFFH Child Protection and/or Victoria Police as necessary. At Monivae College the Deputy Principal will be responsible for monitoring overall school compliance with this policy.

Nothing in this policy 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:

- separate the alleged victims and others involved, if a child is at immediate risk of harm, administer first aid and call 000;
- speak to the Child Protection Officer 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 a locked office filing cabinet;
- make a report to DFFH Child Protection 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; and
- make a report to Victoria Police if the staff member has formed a 'reasonable belief' that a sexual offence has been against a child.

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 DFFH Child Protection and/or Victoria Police to make the report.

### **Responsibilities of the Child Protection Officer (Deputy Principal)**

The Child Protection Officer (CPO) 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 CPO is also responsible for responding appropriately to a child who makes or is affected by an allegation of child abuse.

If the CPO 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 a locked office 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 Monivae College, the Principal, Director – Students, Director – Student Wellbeing 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, the Deputy 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 CPO 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 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 Deputy Principal so that appropriate steps to support the student can be taken.

## **Appendix 2: Reporting to Child Protection - Process and Escalation**

### **Confidentiality and Professional Protections**

The identity of a reporter must remain confidential when making a report unless:

- the reporter chooses to inform the child, young person or parent of the report
- the reporter consents in writing to their identity being disclosed
- a court or tribunal decides that it is necessary for the reporter's identity to be disclosed to ensure the safety and wellbeing of the child
- a court or tribunal decides that in the interests of justice the evidence needs to be given.

If a report is made in good faith:

- it does not constitute a breach of professional conduct or ethics on the part of the reporter
- the reporter is legally protected in respect of the report.

### **Intake**

When school staff make a report to Child Protection, the report will be received by the intake team. Intake determines the appropriate response and provides advice to reporters including advice about where children and families can access support services. Intake will decide whether the report should proceed to referral or investigation.

### **Investigation**

If the report is classified as a protective intervention report and/or a therapeutic treatment report, it will proceed to investigation by Child Protection. An investigation establishes if a child is in need of protection as defined by the law. An investigation involves interviews with the child and parents.

### **Requests for Information**

Child Protection, [Child FIRST](#) or [The Orange Door](#), and/or Victoria Police may request information from school staff about the child or family to investigate a report and assess the risk or wellbeing concerns of the child.

When sharing information with Child Protection, registered school teachers and Principals, may disclose information to Child Protection in good faith in accordance with the Children Youth and Families Act 2005. This disclosure of information does not constitute unprofessional conduct or a breach of professional ethics or expose the person to any liability.

### **Interviews**

As part of an investigation Child Protection and/or Victoria Police may conduct interviews of children at the school without the parent/carer's knowledge or consent. Child Protection would only interview children at school where it is in the best interests of the child.

For policy and guidance on police and Child Protection interviews at school, refer to Police and Child Protection Interviews Procedure

### **Decision**

After an investigation has been undertaken, Child Protection will decide whether the report has been substantiated and protective intervention is required.

### **Witness Summons**

If Child Protection makes a protection application in the Children's Court, school staff might be required to produce documents or give evidence in court if requested. This is called a subpoena or a witness summons.

### **Protection Order Phase**

If the court finds that the child is in need of protection and that an order is required to promote the child's ongoing safety and development, they will grant a protection order.

The primary role of the Child Protection practitioner during this phase is to administer the protection order made by the Children's Court and continue to engage with the child and family to address the protective concerns.

### **Support for the Child or Young Person**

Before, during, and after the Child Protection process, school staff must provide ongoing support for children impacted by abuse. School staff can support students by:

- developing a student support plan in consultation with health and wellbeing professionals
- acting as a support person for the child
- attending Child Protection case planning meetings
- observing and monitoring the child's behaviour
- referring to and/or liaising with health and wellbeing professionals within or external to the School.

### **Escalating Concerns**

Where a school staff member continues to have concerns about a child after Child Protection has closed the case, the school can escalate the matter by:

- using [Child Protection's complaints management process](#)
- escalating concerns from the Principal to the Director of MSC Education on 0418 806 621 or the DOBCEL Secondary Consultant on 0457 808 134.