

# Child Safety Policy, Code of Conduct and Procedure

## Policy Development and Management

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## **1. CHILD SAFETY POLICY**

### **1) Introduction**

All Schools are required to implement the Child Safe Standards and the mandatory reporting guidelines from the Victorian Government's amendment to the *Children, Youth and Families Act 2005 (Vic)* ("**CYFA**").

Northside Christian College ("**the College**") is committed to promoting and protecting the safety and wellbeing of all children. We have zero tolerance for child abuse.

Everyone working at the College is responsible for the care and protection of children and reporting information about child abuse.

If any person believes a child is in immediate risk of abuse, telephone 000.

### **2) Statement of Purpose**

The purpose of this policy is to:

- outline the College's approach to Child Welfare;
- prevent child abuse occurring within all College Environments;
- work towards an organizational culture of child safety;
- ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs;
- provide guidance on action that should be taken where a person suspects any child abuse within a College Environment;
- provide a clear statement to staff, directors, volunteers and contractors forbidding any such abuse; and
- provide assurance that any and all suspected abuse will be reported and fully investigated.

For the purposes of this Policy, "College Environment" means any physical or virtual place made available or authorised by the College's governing authority for use by a child during or outside College hours, including:

- a campus of the College;
- online College environments (including email and intranet systems); and
- other locations provided by the College for a child's use (including, without limitation, locations used for camps, sporting events, excursions, competitions, and other events).

### **3) Scope**

This Policy applies to all staff, directors, volunteers, contractors and students enrolled at the College.

### **4) Guiding principles**

This Policy is based on the following principles:

- the College has zero tolerance for child abuse;
- the best interests of the child are paramount;

- child protection is a shared responsibility;
- all children have a right to feel safe and be safe at school, and have equal rights to protection from abuse;
- the College will consider the opinions of students and use their opinions to develop child protection policies and procedures;
- the College will take into account the diversity of all children, including (but not limited to) the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable, and make reasonable efforts to accommodate these matters;
- the College is committed to the cultural safety of Aboriginal children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for students living with a disability; and
- everyone covered by this Policy must also comply with the College's Code of Conduct, which sets stringent standards for personal behaviour.

## 5) Definitions

Child abuse includes:

- a) any act committed against a child involving
  - a. a sexual offence; or
  - b. an offence under section 498(2) of the Crimes Act 1958 (grooming); and
- b) the infliction, on a child, of-
  - a. physical violence; or
  - b. serious emotional or psychological harm; and
- c) serious neglect of a child.

"Child" means a person enrolled as a student at the College and under the age of 17 years unless otherwise stated under the law applicable to the Child. Collective term for "Child" is "Children".

## 6) Child Protection Workers

Nominated Child Protection Workers are available to listen, discuss and clarify issues confronting individual teachers in relation to child physical and sexual abuse. The Child Protection Workers will make reports on behalf of the College and ensure that adequate records are maintained. The College's Child Protection Workers are the Head of Student Wellbeing and the Chaplain.

## 7) Reporting Obligations

The CYFA requires certain professionals to make a report to the Department of Health and Human Services ("DHHS") when, in the course of their position or employment:

- they form a belief on reasonable grounds that a child is in need of protection because 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 or caregiver have not protected, or are unlikely to protect the child from harm.

At the College, mandatory reporters include the Principal, registered teachers, School counsellors, people in religious ministry, and psychologists employed by the College ("**Mandatory Reporters**").

Under the *CYFA*, mandatory reporters are required by law to notify the DHHS, as soon as practicable after forming such a belief, and after each occasion on which they become aware of any further reasonable grounds for the belief.

It is not mandatory to report emotional and psychological abuse or neglect, but you are at liberty to do so.

### **Reasonable Grounds for Belief**

You have reasonable grounds to notify when:

- a child tells you that he/she has been physically or sexually abused;
- a child states that they know someone who has been physically or sexually abused (sometimes the child is talking about themselves);
- someone else, such as a relative, friend, acquaintance or sibling of the child, tells you that a child has been abused;
- your observations of the child's behaviour or knowledge of children lead you to believe that the child has been abused; or
- you observe physical signs or indicators of abuse (e.g. bruises, cuts etc.).

NB: We encourage reporting where you hold a concern about the safety of a Child.

### **Voluntary Reporting**

In addition to the mandatory reporting obligations above, any person who believes on reasonable grounds that a child is in need of protection from child abuse, may disclose that information to the Police or the DHHS. If a person would like internal guidance or support with addressing their concerns, they are encouraged to speak with the Child Protection Workers and/or the Principal.

### **Obligation to Report Child Sexual Abuse**

In addition to the obligations above, any person who receives information that leads them to form a reasonable belief that a sexual offence has been committed in Victoria against a child (under the age of 16 years) by another person (of or over the age of 18 years), has a legal obligation to disclose that information to the Police as soon as it is practicable. Individuals who fail to comply with this obligation under the *Crimes Act 1958* (Vic) could face up to three years' imprisonment.

During 2014, the Victorian Government amended the Crimes Act 1958 (Vic) (Crimes Act) by establishing three new offences for the purpose of protecting children under 16 years of age from sexual abuse.

- Grooming Offence
- Failure to Protect Offence
- Failure to Disclose Offence

The College supports and encourages staff, directors, volunteers and contractors to make a report to the Police or the DHHS if they form a belief on reasonable grounds that a child is in need of protection, or they are concerned about the safety, health or wellbeing of a child.

### **Protection of Reporters**

Any employee, director, volunteer, contractor or student that makes a report in good faith in accordance with their reporting obligations will be supported by the College, and will not be penalised by the College for making the report.

If an employee, director, volunteer or contractor is uncertain as to whether they should make a report to an external authority in relation to the safety of a child, they must speak to

the Child Protection Workers and/or the, Principal for guidance and information. Ultimately, it is a personal decision of the employee, director, volunteer or contractor whether they choose to make a report to an external authority or not.

## **8) Prevention**

### **Recruitment**

The College undertakes a comprehensive recruitment and screening process for all staff, directors, volunteers and contractors which aims to:

- promote and protect the safety of all children within all College Environments;
- identify and recruit the safest and most suitable candidates who share the College's values and commitment to protect children; and
- prevent a person from working at the College if they pose an unacceptable risk to children.

Each job or category of jobs for College staff, directors, volunteers and contractors that involves child-connected work will have a clear statement that sets out:

- the job's requirements, duties and responsibilities regarding child safety; and
- the job occupant's essential or relevant qualifications, experience and attributes in relation to child safety.

All applicants for jobs that involve child-connected work for the College will be informed about the College's child safety practices (including the Child Safety Policy, Code of Conduct and Procedure).

All staff engaged by the College as classroom teachers must be registered with the Victorian Institute of Teaching, which includes Working with Children Checks ("WCC"). Teachers must provide evidence of such registration before they commence employment, and are informed of the College's Child Safety Policy, Code of Conduct and Procedure within their Letter of Appointment.

All non-teaching staff, directors, volunteers and contractors engaged at the College are required to have a current WCC prior to being engaged by the College. The College Administration records all WCCs on a spreadsheet that is checked annually to see who requires a renewal.

The College will conduct thorough reference checks to ensure the suitability of all candidates prior to their engagement. This will include the College making reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-connected work:

- WCC status, or similar check;
- proof of personal identity and any professional or other qualifications;
- the person's history of work involving children; and
- references that address the person's suitability for the job and working with children.

The type of evidence that an applicant is required to provide to the College will vary depending on the type of position that they are applying for. However, the College will not offer any applicant a position at the College until they provide the required evidence to the Principal.

The College will exercise discretion and may require applicants to provide a police check in accordance with the law and as appropriate, before they commence working at the College and during their time with the College in regular intervals.

Once engaged, the College will provide staff, directors, volunteers and contractors with access to the Child Safety Policy, Code of Conduct and Procedure and staff, directors, volunteers and contractors must review and acknowledge their understanding of the Child Safety Policy, Code of Conduct and Procedure.

### **Risk Management**

The College will ensure that child safety is a part of its overall risk management approach.

The College will have a risk and compliance sub-committee committed to identifying and managing risks within all College Environments. Risk Management sub-committee members will receive regular training in relation to child safety.

If the risk and compliance sub-committee identifies risks of child abuse occurring in one or more College Environments the committee will make a record of those risks and specify the action(s) the College will take to reduce or remove the risks (i.e. risk controls).

As part of its risk management strategy and practices, the risk and compliance sub-committee will monitor and evaluate the effectiveness of the implementation of its risk controls.

The College will ensure that appropriate training at least annually is conducted for:

- Directors;
- Committee of Management Members;
- Senior Leadership;
- Staff;
- Contractors;
- Students; and
- Volunteers.

In relation to staff, the College will provide them with regular awareness on the protection of children, mandatory reporting and other associated obligations. The online mandatory reporting eLearning module is available for staff to complete, **it is expected all staff will complete the eLearning module annually**. The online mandatory reporting eLearning module can be accessed at:

<http://www.elearn.com.au/deecd/mandatoryreporting/external>.

The Username is **education** and password **external**

### **9) Communication**

The College is pro-active in the area of prevention and will communicate the Child Safety Policy, Code of Conduct and Procedure in the manner below. The Principal, through the appropriate stakeholders, is responsible for disseminating and communicating the Child Safety Policy, Code of Conduct and Procedure in the manner below.

STUDENTS	PARENTS, GUARDIANS, COMMUNITY, SPONSORS, PARTNERS	EMPLOYEES, VOLUNTEERS, CONTRACTORS, BOARD MEMBERS
<ul style="list-style-type: none"> <li>• Conditions of enrolment</li> <li>• Website</li> <li>• College assemblies</li> <li>• Student Wellbeing Programs</li> </ul>	<ul style="list-style-type: none"> <li>• Conditions of enrolment (Parents will receive a hard and electronic copy)</li> <li>• Website</li> <li>• Parent information evenings</li> <li>• College newsletter</li> </ul>	<ul style="list-style-type: none"> <li>• Website</li> <li>• Letters of appointment/ contracts</li> <li>• New employees, directors, volunteers and contractors Induction Training and refresher training</li> <li>• Annual Training Session</li> </ul>

### 10) Responding & Reporting

In the event of a child disclosing an incident of abuse to someone they trust it is essential that it is dealt with sensitively and professionally. The College will take all steps to ensure that the safety of the child is paramount, and will apply the College's Child Safety Procedure.

#### Investigation

The College will appropriately investigate all allegations relating to an incident of abuse in accordance with its obligations and to the extent reasonably practicable. In some circumstances, it may be necessary for the College to conduct an investigation in addition to any investigation conducted by authorities (e.g. the police).

The Principal will conduct an independent investigation into the allegation to the extent that it will not interfere with investigations by DHHS or the police, and will co-operate with the authorities as required.

If an allegation is made against an employee, director, volunteer or contractor, the Principal will follow the reporting procedure and take all steps to ensure that safety of the child is paramount. During the investigation it may be necessary to withdraw the accused person from active duty, which could entail standing down, reassignment to a role without direct contact with children, working under closer supervision during the investigation, working from home, or any other measures deemed appropriate depending on the seriousness of the allegation.

All people covered by the Child Safety Policy, Code of Conduct and Procedure must co-operate fully with any investigation by DHHS, the police or the College.

The Principal will make every effort to keep any such investigation confidential; however, from time to time other employees, directors, volunteers and contractors may need to be consulted in conjunction with the investigation (e.g. to provide witness statements).

An investigation conducted by the College will be conducted in accordance with procedural fairness to protect the integrity of the investigation and the interests of all the participants involved in the investigation. The College will also handle the allegations in a confidential manner to the greatest extent possible.

In some circumstances, it may be appropriate for the College to engage a person (or persons) from outside the College to conduct an independent investigation in relation to

allegations.

The outcome will depend on the findings of the investigation, but may include withdrawal from active duty, re-assignment to duties with no contact with children, increased supervision, disciplinary action, dismissal or criminal prosecutions.

### **11) Support**

It is essential that reports are managed in a caring, supportive and confidential manner. Support for the victim, and any staff member, director, volunteer and contractor affected by the inappropriate conduct, should be arranged as soon as possible.

Access to the College's Chaplain will be promoted and Heads of School shall monitor the wellbeing of the responding staff member and any other affected staff member, director, volunteer or contractor of the College.

### **12) Record keeping**

All reports of alleged abuse or harm, or risk thereof, must be recorded in the form of a Child Welfare Reporting Record (see the College's Child Safety Procedure). Places, times, dates, names of people, observable behaviours or evidence of harm are what is recordable. Reports must be securely stored by the Head of Student Wellbeing.

### **13) Privacy and Confidentiality**

The College will collect, use, disclose and hold personal information in accordance with the *Privacy Act 1988* (Cth) and the Privacy Policy.

#### **Principles**

There are two guiding principles in respect to a child's privacy.

- First, the College will operate on the best interests principle. All employees, directors, volunteers and contractors will do what they believe to be in the best interest of the child. This principle supersedes all others.
- Second, the College will respect a child's confidentiality, except in situations where it conflicts with the best interests principle.

As much as is reasonably possible, an individual's confidentiality is to be protected. Both those who are making reports and those about whom accusations are being made are entitled to confidentiality. Where there is suspected abuse or misconduct, employees, directors, volunteers and contractors must not disclose or make use of the information in a manner that breaches confidentiality, other than to report and act consistent with the Child Safety Policy, Code of Conduct and Procedure, and relevant statutory requirements.

### **14) Further Information**

Further information concerning any aspect of Mandatory Reporting obligations may be directed to the College's Child Protection Workers. The Staff Handbook has information about Child FIRST.

Copies of *Responding to Child Abuse* - a booklet that has been developed to assist those professionals whose work brings them into contact with children and young people, is available via the Department of Human Services (children youth & families) website [www.cyf.vic.gov.au](http://www.cyf.vic.gov.au). Other Child Protection Publications are also available via this link.

The Department of Education and Early Childhood Development's *Student Safety section* also includes information on child protection and mandatory reporting.



## **15) Responsibilities**

### Committee of Management

The Committee of Management of Northside Christian College has ultimate responsibility for the detection and prevention of child abuse and is responsible for ensuring that appropriate and effective internal control systems are in place. The Committee of Management is also responsible for ensuring that appropriate policies and procedures and a Child Safety Code of Conduct are in place.

### Principal

The Principal of Northside Christian College is responsible for:

- Dealing with and investigating reports of child abuse;
- Ensuring that all staff, contractors, and volunteers are aware of relevant laws, College policies and procedures, and the College's Child Safety Code of Conduct;
- Ensuring that all adults within the Northside Christian College community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures;
- Ensuring that all staff, contractors and volunteers are aware of their obligation to observe the Code of Conduct (particularly as it relates to child safety);
- Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.

### Heads of School / Directors of Learning

All Heads of School / Directors of Learning must ensure that they:

- Promote child safety at all times;
- Assess the risk of child abuse within their area of control and eradicate / minimise any risk to the extent possible;
- Educate employees about the prevention and detection of child abuse; and
- Facilitate the reporting of any inappropriate behaviour or suspected abusive activity.

The Executive Team should be familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct.

### Child Safety Officer

The primary purpose of the position is to manage the implementation of the Child Safety Policy (Policy No. 1), especially in relation to training and educating staff and students and to manage any incidents of reporting to ensure Northside Christian College is compliant with all legislation around such reporting. The Child Safety Office may be supported by the Deputy Principal in training and educating staff.

The Child Safety Officer is a contact person for children, young people, parents, employees and volunteers to seek advice and support regarding the safety and wellbeing of children and young people within our College.

The role requires the officer to take action when child protection concerns are reported, including the provision of support to those within the community who have been affected, with an understanding and respect for cultural diversity.

Northside Christian College has appointed Ms Fiona Dumitrache as the College's Child Safety Officer.

### Child Protection Workers

The Child Protection Workers have the specific responsibility for responding to any complaints made by staff, volunteers, parents or students in relation to Child Safety. The Child Protection Workers at Northside Christian College will always work concurrently with the Principal and other College leaders.

The College's Child Protection Workers are Ms Fiona Dumitrache, Head of Student Wellbeing and Mr Jared Stocks, College Chaplain.

### All Staff / Volunteers / Contractors

All staff / volunteers / contractors share in the responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with the relevant laws, the Code of Conduct, Northside Christian College's policy and procedures in relation to child protection, and comply with all requirements;
- Report any reasonable belief that a child's safety is at risk to the relevant authorities (such as the police and / or the state- based child protection service) and fulfill their obligations as mandatory reporters;
- Report any suspicion that a child's safety may be at risk to their supervisor (or, if their supervisor is involved in the suspicion, to a responsible person at the College); and
- Provide an environment that is supportive of all children's emotional and physical safety.

### **16) Review**

This policy will be reviewed as part of the College's three-year review cycle. Following every reportable incident, a review shall be conducted to assess whether the College's child protection policies or procedures require modification to better protect the children under the College's care.

### **17) Related Documents**

- Child Safe Standards - Document Quick Reference Guide
- Supervision Policy (Policy No. 22)
- Staff Contact with Students Policy (Policy No. 11)
- Student Travel in Staff Cars Policy (Policy No. 38)
- Staff Induction Policy (Policy No. 9)
- Employment Policy (Policy No. 2)
- Working with Children Check Policy (Policy No. 40)
- Police Checks Policy (Policy No. 31)
- Visitors to the College (Policy No. 3)
- Volunteers Policy (Policy No. 32)
- Grievance and Complaints Management Policy (Policy No. 14)
- Whistle Blower Policy (Policy No. 39)
- Reportable Conduct Policy (Policy No. 49)
- Social Media Policy (Policy No. 51)
- Parent Code of Conduct (Policy No. 56)

- Restrictive Intervention Policy (Policy No. 64)

Prescriptive legal and regulatory requirements include:

- Ministerial Order 870
- Children, Youth and Families Act 2005
- Child Wellbeing and Safety Act 2005 (Vic)
- Education and Training Reform Act 2006
- Crimes Act 1958 (Vic)
- Working with Children Act 2005
- Family Violence Protection Act 2008
- Victorian Institute of Teaching Act 2001

#### Grooming Offence

The *Crimes Amendment (Grooming) Act 2014* (Vic) amended the Crimes Act from 1 July 2014 by inserting the following section:

- s.49B – Grooming for sexual conduct with child under the age of 16 years

Under s.49B(2), the criminal offence is as follows:

*“A person of or over the age of 18 years must not communicate, by words or conduct, with a child under the age of 16 years or a person under whose care, supervision or authority the child is (whether or not a response is made to the communication), with the intention of facilitating the child’s engagement in or involvement in a sexual offence with that person or another person who is of or over the age of 18 years”.*

This offence carries a penalty of imprisonment for up to 10 years.

The Principal will ensure that Senior School students who are 18 years of age or over who may be appointed to coach sport teams, be involved in peer support programs or assist with out-of-school programs, will also be made fully aware of the Grooming Offence.

For further information, refer to Appendix A – Betrayal of Trust Factsheet: The new “Grooming” Offence produced by the Department of Justice.

#### Failure to Protect Offence

The *Crimes Amendment (Protection of Children) Act 2014* (Vic) amended the Crimes Act from 27 October 2014 by inserting:

- s.49C Failure by person in authority to protect child from sexual offence.

This section was intended to be operative from 1 July 2015 but, on 7 October 2014, the Victorian Government announced its commencement from 27 October 2014.

Under s.49C, it is now a criminal offence for a person who:

*“(a) by reason of the position he or she occupies within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the relevant organisation; and*

*(b) knows that there is a substantial risk that the person will commit a sexual offence against a relevant child - must not negligently fail to reduce or remove that risk”.*

This offence carries a penalty of imprisonment for up to 5 years.

As soon as any person in authority within Northside Christian College becomes aware of a risk of child sexual abuse, the person will be under a duty to take steps to remove or reduce that risk.

For further information, refer to Appendix B – Betrayal of Trust Factsheet: The new ‘failure to protect’ Offence produced by the Department of Justice.

#### Failure to Disclose Offence

The *Crimes Amendment (Protection of Children) Act 2014* (Vic) amended the Crimes Act from 27 October 2014 by inserting:

- s.327 Failure to disclose sexual offence committed against a child under the age of 16 years
- s.328 Protection of those who disclose under section 327
- s.329 Evidence and legal proceedings
- s.330 Confidentiality.

These sections were intended to be operative from 1 July 2015 but, on 7 October 2014, the Victorian Government announced their commencement from 27 October 2014.

Reporting child sexual abuse is regarded as a community-wide responsibility. Section 327 of the Crimes Act imposes a clear legal duty upon all adults to report information about child sexual abuse to police.

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years of age has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence, with a penalty of imprisonment for up to three years.

This obligation is different to mandatory reporting obligations under child protection laws and applies to all adults, not just the professionals currently subject to mandatory reporting (i.e. registered teachers, principals and nurses).

For further information, refer to Appendix C – Betrayal of Trust Factsheet: The new ‘failure to disclose’ Offence produced by the Department of Justice.

#### **Additional Support**

Department of Health and Human Services Child Protection  
– North Division Intake: Telephone: 1300 664 977.

Child Protection Crisis Line – 24 Hours, seven days a week.  
Telephone: 13 12 78

#### **Document History**

- Document first published and approved: November 2016
- Updated by the Deputy Principal on the 25<sup>th</sup> January 2017 in preparation for publishing on the College website.
- Updated by the Deputy Principal in the 2<sup>nd</sup> June 2017 providing greater clarity of roles and responsibilities.

- Updated by the Deputy Principal in February 2020 to reflect Mandatory Reporting changes in 2020.

## **2. CODE OF CONDUCT**

### **2.1 Introduction**

Staff, directors, volunteers and contractors at the College are required to abide by this Code.

The purpose of this Code is to promote child safety within all College Environments.

The following list of behaviours includes examples of what is acceptable and not acceptable behaviour.

### **2.1 Acceptable Behaviours**

All people involved in the care of children on behalf of, or in connection with, the College must:

- a) contact the police if a child is at immediate risk of abuse (telephone '000');
- b) adhere to the Child Safety Policy and Procedure and uphold the College's statement of commitment to child safety at all times;
- c) take all reasonable steps to protect children from abuse;
- d) conduct themselves in a manner consistent with their position as a staff member, director, volunteer or contractor of the College and as a positive role model to children and young people;
- e) work towards the achievement of the aims and purposes of the organisation;
- f) be responsible for relevant administration of programs and activities in their area;
- g) maintain a duty of care towards others involved in these programs and activities;
- h) establish and maintain a child-safe environment in the course of their work;
- i) be fair, considerate and honest with others;
- j) treat children and young people with respect and value their ideas, opinions and backgrounds;
- k) promote the cultural safety, participation and empowerment of Aboriginal and Torres Strait Island children (for example, by never questioning an Aboriginal and Torres Strait Island child's self-identification);
- l) promote the safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination);
- m) promote the safety, participation and empowerment of children with a disability;
- n) listen and respond to the views and concerns of children, particularly if they are telling you that they are or another child has been abused or that they are worried about their safety/the safety of another child;
- o) ensure (as far as practicable) that adults are not alone with a child;
- p) comply with all reporting obligations as they relate to mandatory reporting and reporting under the *Crimes Act 1958* (Vic);
- q) raise concerns about suspected abuse with the Head of Student Wellbeing, Chaplain, Deputy Principal or Principal as soon as possible;

- r) record and act upon all allegations or suspicions of abuse, discrimination or harassment;
- s) if an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe;
- t) be professional in their actions;
- u) maintain strict impartiality;
- v) comply with the College's guidelines on contact with children, including via social electronic media;
- w) respect confidentiality when sharing information about children in accordance with the Child Safety Policy and Procedure and your reporting obligations;
- x) maintain a child-safe environment for children and young people; and
- y) operate within the policies and guidelines of the College.

## **2.2 Unacceptable Behaviour**

All people involved in the care of children on behalf of the College must not:

- a) ignore or disregard any suspected or disclosed child abuse;
- b) put a child at risk of abuse (for example, by locking doors for an improper reason);
- c) speak to a child in a way that is or could be construed by any observer as harsh, threatening, intimidating, shaming, derogatory, demeaning, or humiliating. Some examples are:
  - i. swearing or using inappropriate language in the presence of a child;
  - ii. yelling at a child, except in an emergency situation where the child's safety may be in danger;
  - iii. use of hurtful sarcasm.
- d) discuss sexual activities with a child unless it is a specific job requirement and the person is trained to discuss these matters, or the child is a member of your family;
- e) have contact with a student outside of the College without the consent of their parent or carer and, if the contact involves after hours tutoring, private instrumental/other lessons or sport coaching of a student (other than a member of your family), with the prior consent of the College. Accidental/incidental contact, such as:
  - i. attending a friend's BBQ in which students are attending;
  - ii. attending church and/or church activities in which students are attending; and
  - iii. any other incidental contact that is outside of your professional relationship with the child and that is not for an improper purpose,
 is appropriate;
- f) have any online contact with a child or their family outside of necessary contact, e.g. by providing e-newsletters, assisting students with their school work, on Schoology or by email;

- g) use any personal communication channels/devices such as a personal email account to communicate with a child (unless the child is a member of your family);
- h) exchange personal contact details such as phone number, social networking sites or email addresses with a child (unless the child is a member of your family);
- i) use, possess, or be under the influence of alcohol while in the presence of or while supervising a child (unless the child is a member of your family or your contact with the child is accidental/incidental and you are not performing your professional obligations);
- j) use, possess, or be under the influence of illegal drugs while in the presence of or while supervising a child;
- k) provide or allow a child to consume alcohol or illegal drugs
- l) initiate unnecessary physical contact with a child or young person, or do things of a personal nature for them that they can do for themselves
- m) engage in rough physical games;
- n) hold, massage, kiss, cuddle or touch a child in an inappropriate and or/culturally insensitive way
- o) engage in any sexual contact with a child. For the purposes of this Code, sexual contact is defined as vaginal intercourse, anal intercourse, oral intercourse or the touching of an erogenous zone of another (including but not limited to the thighs, genitals, buttocks, pubic region or chest) for the purpose of sexually arousing or gratifying either person;
- p) take a child to their home or encourage meetings outside program activities (unless the child is a member of your family or written parental permission has been provided);
- q) be naked in the presence of a child (unless the child is a member of your family);
- r) possess sexually explicit printed materials (magazines, cards, videos, films, clothing, etc.) in the presence of children;
- s) sleep in the same beds, sleeping bags, rooms or tents with a child (unless the child is a member of your family);
- t) discriminate against any child, including because of age, gender identity, sex, race, culture, sexuality, or disability;
- u) engage in any activity with a child that is likely to physically or emotionally harm them;
- v) be alone with a child unnecessarily and for more than a very short time
- w) develop a 'special' relationship with a specific child for their own needs
- x) show favouritism through the provision of gifts or inappropriate attention
- y) photograph or video a child without the consent of the child and his/her parents or guardians;
- z) do anything in contravention of the College's policies, procedures or this Code of Conduct.



### **2.3 Physical Contact / Touching**

All teachers are also required to follow the Victorian Institute of Teaching's ("VIT") Code of Conduct. Example:

- a) *Principle 1.2: Teachers treat their students with courtesy and dignity:*
  - i. work to create an environment which promotes mutual respect;
  - ii. model and engage in respectful and impartial language;
  - iii. protect students from intimidation, embarrassment, humiliation or harm.

Staff members, directors, volunteers, and contractors are prohibited from using physical discipline in any way for behaviour management of children. This prohibition includes spanking, slapping, pinching, hitting, or any other physical force as retaliation or correction for inappropriate behaviours by children.

Physical contact may be required in an emergency situation to remove children quickly from danger or threat of danger.

Appropriate contact between staff members, directors, volunteers, contractors, and children is part of normal human relationships. Some considerations and guidelines include the following:

- a) consider the child's age, developmental level, maturity and level of care required, for example, touching a child to gain their attention, guiding or comforting a distressed child;
- b) work in an open environment; for example, in confidential interviews or a one-to-one meeting, the door should be open with visual access. Exceptions apply for professions with strict confidentiality requirements;
- c) be alert to cues from children about how comfortable they are in your proximity and respect their need for personal space;
- d) be sensitive when interacting with children who may misinterpret your actions, such as those who may have been traumatised by abuse or adolescents seeking attention from a member of the opposite sex;
- e) be aware of cultural norms that may influence the interpretation of your behaviour;
- f) be cautious about physical contact in games or practical instruction. If you need to make physical contact for demonstrations, explain the activity and what you will do, maintain a safe and appropriate distance;
- g) physical contact should be made in a way that makes children feel comfortable, for example, shaking hands, a congratulatory pat on the back or rub on the side of their arm for reassurance. Massaging a child or allowing a child to massage you is inappropriate physical contact (unless the child is a member of your family and you comply with all relevant legislation).

Physical contact with a child should be avoided where possible.

### **2.4 Transportation and off-site events**

Other than in an emergency or other abnormal situation where no other option could be reasonably foreseen, it is not acceptable to transport children without written permission of their parent, carer or guardian.

It is prohibited to have unnecessary and/or inappropriate physical contact with children while in vehicles.

Children should be transported directly to their destination. No stops should be made other than those that are reasonably scheduled for meals or comfort stops. This obligation does not apply to children that are a member of your family.

It is prohibited to have children spend the night at the residence of a staff member, director, volunteer or contractor without parental/guardian prior approval.

Changing and showering facilities or arrangements for adults must be separate from facilities or arrangements for children (unless the child is a member of your family).

## **2.5 Pastoral Care**

Subject to the above restraints, pastoral care of students at the College takes place within the context of relationships. The College values each person, without discrimination, and seeks to provide an environment of acceptance, encouragement, challenge, safety and care.

Teachers seek to develop strong relationships with students and their families, in order to provide emotional support and spiritual care. This is enabled in the classroom, in homeroom groups and during extra-curricular activities, such as whole school activities, camps, excursions, sporting events and information/parent evenings.

Teachers, acting in support of parents, seek to discipline students towards genuine Christ-like behaviour, modelling and encouraging mutual respect, integrity and accountability.

Students are given clear guidelines regarding behaviour and are expected to contribute towards a positive learning and social community. Guidance, correction and restoration are a part of pastoral care, and contribute to the development of community and good citizenship. In the terminology of Christian community, students are encouraged to become followers of Christ in His life and teaching.

### **1. Secondary Students**

Secondary students are grouped in year levels. On Monday and Friday mornings, Assembly and Chapel are held in the Middle School Building. On Tuesday, Wednesday and Thursday mornings homegroup is held, where teachers and students share devotions, reflective of the College's Biblical Christian Worldview and core values, inclusive of life stories, anecdotes and strategies, in order to encourage further development of students' sense of value, reiterating the importance of being a part of the community. Home Group teachers mark rolls and check for uniform compliance.

### **2. Primary Students**

Primary students meet with their classroom teachers during the first session of the day to mark rolls, for devotions and for both personal and group connections.

They also participate in specific skill and strategy development for social and emotional learning through the "You Can Do It! Program".

All homeroom and classroom teachers may refer students to the College's Head of Student Wellbeing the Chaplain or the Director of Primary Learning for additional pastoral care. Weekly e-newsletters are sent home by either the class teacher to keep families in touch with coming events and where outstanding achievements can be noted and celebrated.

In both the Primary and Secondary schools, classroom teachers are available for communication with parents in order to support the student and to build strong connections

between home and the College. At times where students or parents are not happy with the pastoral support pathways for student complaint or grievances are outlined in the Grievance and Complaint Management Policy.

## **2.6 Confidentiality**

### *Disclosing information to staff, directors, volunteers and contractors*

When children are having a written or verbal interaction with staff, directors, volunteers and/or contractors of the College, that interaction is confidential to the organisation not to the individual. This means that a staff member, director, volunteer or contractor is able to talk to the Principal in a way that identifies the child. The guiding principle is, that where possible, the privacy of the child should be respected at all times. When considering breaching their privacy who and how many people are told should be based on what is believed to be in the best interests of the child.

### *Disclosing information to people external to the organisation*

Staff, directors, volunteers and contractors should not discuss confidential matters about children with people outside the organisation in a way that identifies that child except when they have the express permission of the child or it complies with the College's Child Safety Policy, Code of Conduct and Procedure. In circumstances where staff, directors, volunteers and/or contractors believe that there is not enough knowledge within the organisation to provide the best possible assistance to a child, they are able to seek expertise external to the College. When communicating with people outside the College the child's identity should be protected.

### *Informing children*

It is the responsibility of the College to communicate the limits of confidentiality in the College to children who are likely to have an ongoing relationship with the College. These guidelines should be published in an accessible place for children.

### **3 CHILD SAFETY PROCEDURE**

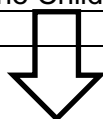
This Procedure applies to all employees, directors, volunteers and contractors of the College, whether they work face-to-face, online or remotely with children. It should be read in accordance with the Child Safety Policy and Code of Conduct.

#### **Step 1:**

When a “Mandatory Reporter” forms a belief, on reasonable grounds, that a child is in need of protection because they have suffered, or are likely to suffer, significant harm due to physical injury or sexual abuse, they must make a report to the Department of Health and Human Services (“**DHHS**”) as soon as practicable.

The individual employee, director, volunteer, contractor of the College should discuss these observations and concerns with the Child Protection Worker/s and/or the Principal, who can assist the person to make the report to DHHS as required.

**Any person** that forms a belief on reasonable grounds that a child is in need of protection from child abuse (physical, sexual, emotional, psychological or neglect), **may** disclose that information to the Police or the DHHS. The College encourages all persons with concerns to raise this directly with the Child Protection Worker.



#### **Step 2:**

It may be that, following the previous step, a person decides to make a report to DHHS with the support of the Child Protection Worker/s and/or the Principal.

#### **Making a report:**

Ring DHHS at the North Division Intake on 1300 664 977. Ask for Child Protection.

#### **Information for making a report:**

- name, age and address of student;
- the reason for suspecting that the behaviour or injury is a result of abuse;
- an assessment of the immediate danger to the student;
- a description of the injury or behaviour observed;
- the current whereabouts of the student;
- any other information about the family; and
- any specific cultural details, e.g. English speaking, disability, etc.

Ask that the College be informed of each step of the procedure.

Request that if an interview is to take place at the College the visiting police officers are in plain clothes and the time of the interview is specified so that appropriate arrangements for a meeting room can be organized.

When the person informs the Child Protection Worker that he/she is to make/has made

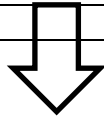
a report, a Case Management Group that may consist of the Child Protection Workers will be set up to discuss the matter and to offer support to the student and reporter.

If the complainant alleges that a crime has been committed by an employee, director, volunteer or contractor, that person will be stood down, pending investigation) immediately.

The Principal will conduct an independent investigation into the allegation to the extent that it will not interfere with investigations by DHHS or the police, and will co-operate with the authorities as required.

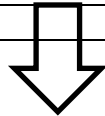
Where an allegation has been made, the College will make, secure, and retain records of the allegation of child abuse and the College's response to it.

Fulfilling the roles and responsibilities contained 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 child abuse.



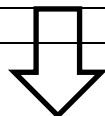
**Step 3:**

If the student is agreeable to be interviewed by DHHS or the police, the Head of Student Wellbeing and/or Chaplain should be present at the interview to give support to the student.



**Step 4:**

Following a report, DHHS may need to contact the Principal about the notification. It would be a matter of courtesy to inform the Principal that a report has been made, or is about to be made.



**Step 5:**

Following a report, it is important to protect confidentiality and the interests of the child and family at all times.

**Special comments:**

- DHHS will only interview the student if he/she is agreeable;
- the family will not be contacted until it is believed there is a case and the student is at risk;
- if the incident which caused the report to be made has occurred in the past - the student may be seen to be no longer at risk and no further action may be taken;
- the identity of the person making a notification will be kept confidential (except when that information is required in a court case) unless that person gives permission for the information to be divulged.

- throughout the entire process of observation, discussion and reporting, the interests of the student and their family should be protected from unnecessary disclosure of information concerning abuse; and
- following the making of a report to the DHHS, any investigation that takes place is the responsibility of DHHS.

## Attachment A - Child Welfare Reporting Record

Students Name		
Date of Birth and Age		
Year Level		
Staff Member's description of the injury, observed behaviour or disclosure		
What gives you reasonable grounds for believing that the injury, observed behaviour or disclosure is the result of child abuse or neglect and if so, by whom? (add more pages if required, attach any written evidence and include quotes from the student if applicable)		
What actions have been taken to date about this matter?		
Date of DHS Notification		
Name of Child Protection Intake Worker		
Response or Recommendation from Child Protection Worker		
Action taken by the College		
Name of Staff Member Who Made Notification	Signature of Staff Member Who Made Notification	
Today's Date		

**This form must be passed on to the Head of Student Wellbeing, Chaplain  
and/or Principal immediately**

## Appendix B

# BETRAYAL OF TRUST: FACTSHEET

## The new 'grooming' offence

The *Crimes Amendment (Grooming) Act 2014*, which commenced in Victoria on 9 April 2014, introduces the offence of Grooming for sexual conduct with a child under the age of 16 years. This offence targets predatory conduct designed to facilitate later sexual activity with a child.

The Betrayal of Trust report recommended the grooming offence, given the way in which many sex offenders target their victims. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

Many perpetrators of sexual offences against children purposely create relationships with victims, their families or carers in order to create a situation where abuse could occur. For this reason, parents, carers or other family members who have been targeted by perpetrators in order to gain access to a child are also victims.

The *Victim's Charter Act 2006* was amended to expressly provide that a child and a family member of that child are victims of a grooming offence and are entitled to provide a victim impact statement to a court.

### GROOMING IS NOW A CRIMINAL OFFENCE

#### 1. What is grooming?

- The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.
- The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.
- Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.
- The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as upskirting and indecent behaviour in public.

#### 2. Who can commit the offence?

The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.

#### 3. What age are the children who are protected by the offence?

The offence applies to communication with children under 16 years, but not communication with 16 and 17 year old children. This distinction between children aged below 16 and those aged 16 or 17 reflects the general age of consent (16 years) recognised by the criminal law in relation to sexual offences.



## BETRAYAL OF TRUST: FACTSHEET

#### **4. What are the key differences between the Victorian grooming offence and the grooming offences that have been implemented in New South Wales and by the Commonwealth?**

The New South Wales grooming offence is confined to circumstances in which an adult engages in conduct that exposes a child to indecent material or provides the child with an intoxicating substance with the intention of making it easier to procure the child for sexual activity. The Victorian offence is broader than this and prohibits an adult from engaging in any form of communication with the intention of facilitating sexual conduct. This is not limited to exposing the child to indecent material or providing them with an intoxicating substance and may include such acts as inappropriately giving them gifts or favours with the intention of engaging in later sexual activity.

The offence is similar to the Commonwealth grooming offence. The key distinction is that the Commonwealth offence is limited to grooming via a communication transmitted through a carriage service. The Victorian offence applies to any form of communication between the adult and child, including communication that occurs in person.

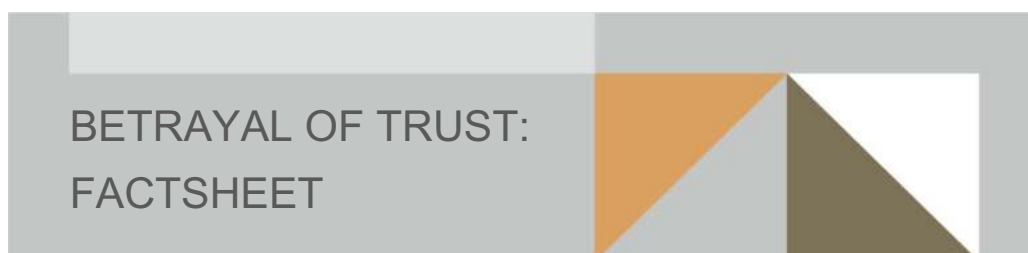
#### **5. What is the purpose of amending the *Victim's Charter Act 2006*?**

Amending the *Victim's Charter Act 2006* to expressly include a family member of the child as a victim of a grooming offence (eg. the child's parents) entitles the parents, or another family member, to provide a victim impact statement to the court.

#### **6. What is the penalty for grooming?**

The maximum penalty is 10 years imprisonment.

## Appendix C



# The new 'failure to protect' offence

## Failure to protect a child from abuse – organisations

A new criminal offence has been created in Victoria for failing to protect a child under the age of 16 from criminal sexual abuse. The offence will apply where there is a substantial risk that a child under the care, supervision or authority of an organisation will become a victim of a sexual offence by an adult associated with that organisation. The person in a position of authority will be guilty if they knew of the risk of abuse and had the authority to reduce or remove the risk, but negligently failed to do so.

### 1. What is the offence of failing to protect a child from sexual abuse?

If a person in authority knows that someone within their organisation poses a risk of committing a sexual offence against a child and they fail to remove that person who poses the risk, they will themselves be guilty of a criminal offence.

As soon as a person in authority becomes aware of a risk of child sexual abuse, they will be under a duty to take steps to remove or reduce that risk.

### 2. Will this criminalise mistakes made by organisations who are working to protect children?

An individual who falls short of the standard of care that a reasonable person would exercise in the circumstances will be found guilty of the offence.

For example, a person in authority who knows someone poses a risk to children and moves them from one location in an organisation to another location where they still have contact with children would be committing an offence.

It will not apply where a person takes reasonable steps to protect a child from the risk of abuse, for example, where the allegation is reported and the person removed from any child-related role pending an investigation.

### 3. Will the offence criminalise individuals who fail to protect a child from abuse, for example, a non-offending parent?

No. The failure to protect offence is limited to people in positions of authority within organisations that exercise care, supervision or authority over children. This includes churches, schools, child-care centres and residential care homes. It does not apply to parents or other individuals.

The separate offence, the new failure to disclose offence, will apply to any individual with information about the criminal abuse of a child who fails to report their knowledge to police.

### 4. What is the penalty for failing to protect a child?

The maximum penalty is five years' imprisonment.

### 5. When will the failure to protect offence take effect?

This offence will commence by 1 July 2015 but may come into effect sooner.

## Appendix D

# BETRAYAL OF TRUST: FACTSHEET

## The new 'failure to disclose' offence

Reporting child sexual abuse is a community-wide responsibility. Accordingly, a new criminal offence has been created in Victoria that imposes a clear legal duty upon all adults to report information about child sexual abuse to police.

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

### 1. What is a 'reasonable belief'?

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

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

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

### 2. Are there any excuses for not reporting child sexual abuse to police?

A person will not be guilty of the offence if he or she has a **reasonable excuse** for not disclosing the information. A reasonable excuse includes:

- fear for safety
- where the information has already been disclosed.

#### ➤ Fear for safety

A reasonable excuse exists in cases where a person has a reasonable fear for their own safety or the safety of another person (such as a child or another family member) and they do not report to police due to those circumstances.

This defence may apply, for example, if a mother decides not to disclose information about her partner sexually abusing her child due to fear of violence to her or her child.

The person's fear must be subjectively reasonable, that is, it must be reasonable from the perspective of that person in those circumstances. This recognises that the person in question is best placed to judge whether their safety is in danger.

The court or jury will consider whether it was reasonable for the person not to report in the circumstances.

#### ➤ Where the information has already been disclosed

It is a reasonable excuse to not disclose where a person believes on reasonable grounds that the information has already been disclosed to police and they have no further information to add.

## BETRAYAL OF TRUST: FACTSHEET

An important example of this exception is where the person has already made a report under the mandatory reporting obligation specified in the *Children, Youth and Families Act 2005*. This obligation requires teachers, doctors and other professionals to report concerns about child welfare to child protection authorities within the Department of Human Services (DHS).

Under the existing mandatory reporting system, DHS already passes on all allegations of child sexual abuse to police, so it will be a reasonable excuse for not reporting to police if a person has made a report to DHS or reasonably believes a report has been made to DHS. This ensures that people are not required to make multiple reports to different agencies.

### 3. What is not a reasonable excuse?

A person does not have a reasonable excuse for failing to disclose sexual abuse if they are only concerned for the perceived interests of the perpetrator or any organisation. 'Perceived interests' includes reputation, legal liability or financial status.

For example, a principal's concern for the reputation of a school, or a clergyman's concern for the reputation of a church where the abuse happened will not be regarded as a reasonable excuse.

### 4. Are there any other exemptions to the offence?

There are a number of other exemptions, which include:

- the victim requests confidentiality
- the person is a child when they formed a reasonable belief
- the information would be privileged
- the information is confidential communication
- the information is in the public domain
- where police officers are acting in the course of their duty.

#### ➤ The victim requests confidentiality

The new offence respects the position of a victim who does not want the offending disclosed and who is sufficiently mature to make that judgment. The obligation to report therefore does not apply where the information comes from a person aged 16 or over and this person requests that the offence not be reported. The law recognises that a child under 16 is not able to make this kind of decision and sometimes lacks the capacity to fully understand the effects of sexual abuse.

A person will still be required to disclose information to police if:

- the victim who requested confidentiality has an intellectual disability, and
- the victim does not have the capacity to make an informed decision about a disclosure, and
- the person who received the information is aware or should be reasonably aware of those facts.

#### ➤ The person is a child when they formed a reasonable belief

If a person was under the age of 18 when they formed a reasonable belief, they will not be obliged to make a disclosure when they turn 18. This protects children from the burden of knowing that they will have to disclose to police when they turn 18.

#### ➤ The information would be privileged

People will not be required to disclose where the information would be privileged. This includes:

## BETRAYAL OF TRUST: FACTSHEET

- client legal privilege
- journalist privilege
- religious confessions.

For example, if a priest obtains information made in good faith through a rite of confession (as long as the admission is not given for a criminal purpose), the priest is exempt from disclosing.

### ➤ The information is confidential communication

A registered medical practitioner or counsellor is not required to disclose information to police if the information is obtained from a child whilst providing treatment and assistance to that child in relation to sexual abuse. However, under the mandatory reporting obligations, a registered medical practitioner would still be required to report to DHS if they form a reasonable belief that a child has been sexually abused and is in need of protection. This exemption is not designed to prevent the reporting of child sexual abuse, but rather to protect the registered medical practitioner or counsellor from criminal liability.

If an adult provides information to a medical practitioner or counsellor regarding the sexual abuse of a child, the medical practitioner or counsellor would be required to disclose that information to police unless another exemption applies.

### ➤ The information is in the public domain

A person does not have to disclose to police if they get the information through the public domain, or form the belief solely from information in the public domain such as television or radio reports.

### ➤ Where police officers are acting in the course of their duties

A police officer acting in the course of their duty in respect of a victim of child sexual abuse is exempt from the offence.

## 5. If it is going to be compulsory for everyone to report child sexual abuse, why are there exemptions?

We need to ensure that in creating this legal obligation, we do not put children and their families at even greater risk of harm, especially those who may be experiencing family violence.

## 6. Won't child sexual abuse continue to occur if exemptions are allowed?

There is currently no requirement for people to report child sexual abuse to police, so introducing this new legal obligation is a big step towards preventing child sexual abuse in our community and ensuring people understand that it is a community-wide responsibility.

Certain exemptions are required to avoid any unintended consequences of this new obligation. It is not intended, for example, that this offence criminalise victims of family violence who don't report due to fear for their own or someone else's safety.

For example, women in family violence situations may have a reasonable fear for the safety of their child or another family member, especially in cases where threats have already been made. They may fear that making a report to police will escalate the situation, putting their child or another family member at even greater risk of harm – or even death.

Preventing the sexual abuse of children is a community responsibility. Other people connected with the child will still be required to make a report, unless they have a reasonable excuse not to do so.

## BETRAYAL OF TRUST: FACTSHEET

### **7. Won't this offence discourage people from seeking help where they have experienced child sexual abuse?**

The law will not require a medical practitioner or counsellor to disclose information to police when it has been obtained from a victim during treatment for sexual abuse.

Disclosures for the purpose of obtaining legal advice will also be protected by client legal privilege. There are also other exemptions which have been listed above.

### **8. The offence requires 'any adult' to report suspected child sexual abuse. Isn't this too broad? Won't it lead to people reporting unfounded suspicions?**

The offence requires a person to report to police where they have information that leads them to form a 'reasonable belief' that a sexual offence has been committed against a child under 16. Under the offence, people will not be expected to disclose unfounded suspicions as a suspicion does not constitute a 'reasonable belief'.

The failure to disclose offence is a big step towards preventing child sexual abuse in our community and ensuring people understand that protecting children and preventing sexual abuse is a community-wide responsibility.

### **9. How will I be protected if I make a disclosure to police?**

Your identity will remain confidential unless:

- you disclose it yourself or you consent in writing to your identity being disclosed
- a court or tribunal decides that it is necessary in the interests of justice for your identity to be disclosed.

### **10. Will any person who knows of child sexual abuse happening in the past be required to report?**

A person who knows of child sexual abuse having occurred in the past will not have to report to police unless the victim is still a child when the offence comes into effect.

### **11. What is the penalty for failing to disclose child sexual abuse?**

The maximum penalty is three years imprisonment.

### **12. When will the failure to disclose offence take effect?**

27 October 2014.

### **13. How do I contact Victoria Police to make a report?**

If you want to report a child in immediate risk or danger of sexual abuse please call [Triple Zero \(000\)](tel:000). Alternatively, you can [contact your local police station](#).

If you or someone you know has experienced child sexual abuse in an institutional context, we encourage you to contact Victoria Police's Sano Taskforce via email at [sanotaskforce@police.vic.gov.au](mailto:sanotaskforce@police.vic.gov.au)

# Mandatory reporting to Child Protection

## School counsellor's fact sheet

### What is mandatory reporting?

Mandatory reporting refers to the legal requirement of certain groups of people to report a reasonable belief of child physical or sexual abuse to child protection authorities.

### Who is mandated to report in Victoria?

The following are mandatory reporters in Victoria:

- registered medical practitioners
- nurses
- midwives
- registered teachers and early childhood teachers
- school principals
- school counsellors
- police officers
- out of home care workers (excluding voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- registered psychologists
- people in religious ministry.

### How is a school counsellor defined?

A 'school counsellor' is defined as "a person employed or engaged (other than on a voluntary basis), to provide direct support to school students, at or directly connected with a school, for mental, emotional or psychological wellbeing."

A school counsellor includes the following:

- Student Support Service staff
- Primary Welfare Officers
- Mental health practitioners in secondary schools

- Student Wellbeing Coordinators
- Chaplains
- School-based health and wellbeing staff, including allied health staff, such as social workers, speech pathologists, youth workers and school counsellors

The definition captures some professionals who are currently mandated reporters such as doctors, nurses, registered teachers and registered psychologists. The definition does **not** capture a registered home school, TAFE institution or University.

The above list is not exhaustive. You must consider the definition of school counsellor and determine whether your work could mean you are a school counsellor.

### What am I required to do?

In Victoria, under the *Children, Youth and Families Act 2005*, mandatory reporters must make a report to child protection, if:

- in the course of practising their profession or carrying out duties of their office, position or employment
- they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

### When do I have to report?

Make a report to Child Protection as soon as practicable after forming your belief. Make a report each time you become aware of any further reasonable grounds for your belief.

The penalty for failing to make mandatory report is 10 penalty points<sup>1</sup>.

If you are worried about a child's wellbeing but do not believe they are in need of protection, refer to the below section on how to make a referral to Child FIRST or The Orange Door.

<sup>1</sup> For further information, see the [Department of Treasury and Finance Indexation of fees and penalties](https://www.dtf.vic.gov.au/financial-management-government/indexation-fees-and-penalties) <<https://www.dtf.vic.gov.au/financial-management-government/indexation-fees-and-penalties>>

## What is a belief on reasonable grounds?

A belief is a belief on reasonable grounds if a reasonable person, doing the same work, would have formed the same belief on those grounds.

Grounds for forming a belief are matters of which you have become aware, and any opinions in relation to those matters.

## When is a child in need of protection?

A child may be in need of protection if they have experienced or are at risk of significant harm, and their parents have not protected, or are unlikely to protect them from that harm. Significant harm may relate to:

- physical injury
- sexual abuse
- emotional or intellectual development
- physical development or health
- abandonment or parental incapacity.

Mandatory reporters are required to report in relation to significant harm as a result of physical injury or sexual abuse. They may choose, as can anyone, to report in relation to other types of significant harm.

## What will Child Protection do?

The best interests of the child are the paramount consideration. Child Protection will decide when follow up is required and how to classify the report. This may mean providing advice to the reporter, progressing the matter to an investigation, referring the family to support services in the community, or taking no further action.

## Contact Child Protection

To make a report, you should contact the child protection intake service covering the local government area (LGA) where the child normally resides. Telephone numbers to make a report during business hours (8.45am-5.00pm), Monday to Friday, are listed below.

North Division intake: 1300 664 977

South Division intake: 1300 655 795

East Division intake: 1300 360 391

West Division intake - metropolitan: 1300 664 977

West Division intake - rural and regional: 1800 075 599

If you are not sure which number to call, check the following website for details on the LGAs covered by each intake service at [Child protection contacts](https://services.dhhs.vic.gov.au/child-protection-contacts) <<https://services.dhhs.vic.gov.au/child-protection-contacts>>

Mandatory reporting to child protection – school counsellor fact sheet  
Version 12 February 2020

*Please note, child protection reports cannot be made via the department's website or email.*

## For immediate help

To report concerns that are life threatening, contact Victoria Police: 000

To report concerns about the immediate safety of a child outside of normal business hours, contact the After Hours Child Protection Emergency Service on 13 12 78.

## What if I'm worried about a child's wellbeing, but I don't believe the child is in need of protection?

### Child FIRST or The Orange Door

If you have significant concerns for the wellbeing of a child, but do not believe they are at risk of significant harm, and where the immediate safety of the child will not be compromised, a referral to Child FIRST or The Orange Door may be appropriate.

Child FIRST, as the access point for family services, is progressively transitioning to The Orange Door. The Orange Door is the new access point for families who need assistance with the care and wellbeing of children, including those experiencing family violence, to contact the services they need to be safe and supported.

Referring to Child FIRST or The Orange Door would be appropriate where families:

- are experiencing significant parenting problems that may be affecting the child's development
- are experiencing family conflict, including family breakdown
- are under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- are young, isolated or unsupported
- are experiencing significant social or economic disadvantage that may adversely impact on a child's care or development.

Contact numbers to make a referral in each local government area are listed at the [Child and family services information, referral and support teams](https://services.dhhs.vic.gov.au/referral-and-support-teams) <<https://services.dhhs.vic.gov.au/referral-and-support-teams>>

Child FIRST and The Orange Door	
Barwon	1800 312 820
Bayside Peninsula	1800 319 353
Brimbank Melton	1300 138 180
Central and Upper Hume	1800 705 211



Colac-Otway, Corangamite	(03) 5232 5500
East Gippsland	(03) 5152 0052
Goulburn Valley - Seymour	1800 663 107
Goulburn Valley - Shepparton	1300 854 944
Hume Moreland	1300 786 433
Inner East	1300 762 125
Latrobe & Baw Baw	1800 319 354
Lower Hume	1800 663 107
Mallee	1800 290 943
North Central	1800 260 338
North East	1800 319 355
Outer East	1300 369 146
South Coast	1800 319 354
South East	(03) 9705 3939
South West	1300 543 779
Wellington (Sale)	(03) 5144 7777
Western Melbourne	1300 775 160
Wimmera	1800 195 114

- a court or tribunal decides it needs this information in order 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.

It is often considered best practice to inform the family that you have made a report or referral, where appropriate. Being transparent about your concerns and making a report to child protection or referral to Child FIRST or The Orange Door, in circumstances where it is safe and appropriate to do so, can be beneficial for the young person, the family and your ongoing role with them.

However, in some circumstances, discussing your concerns may increase risk of harm for a child, or may compromise a child protection or police investigation. As such, seek advice at the time of making the report or referral.

### For more information

For more information refer to the Department of Health and Human Services 'services' and 'providers' websites:

<https://services.dhhs.vic.gov.au/reporting-child-abuse>

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

<https://services.dhhs.vic.gov.au/family-support>

<https://services.dhhs.vic.gov.au/child-protection>

### Will the family know I have made a report or referral?

The identity of a reporter to Child Protection or a referrer to Child FIRST or The Orange Door must remain confidential, unless:

- the reporter or referrer chooses to inform the child or family of the report or referral
- the reporter or referrer consents in writing to their identity as the reporter being disclosed

To receive this publication in an accessible format email [mandatoryreporting@dhhs.vic.gov.au](mailto:mandatoryreporting@dhhs.vic.gov.au), using the National Relay Service 13 36 77 if required.

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Where the term 'Aboriginal' is used it refers to both Aboriginal and Torres Strait Islander people. Indigenous is retained when it is part of the title of a report, program or quotation.

Available from the [Mandatory reporting page](https://providers.dhhs.vic.gov.au/mandatory-reporting) <<https://providers.dhhs.vic.gov.au/mandatory-reporting>>

# Mandatory reporting to child protection in Victoria

Expansion of mandatory reporter groups – fact sheet  
People in religious ministry

## What is mandatory reporting to child protection?

Mandatory reporting refers to the legal requirement of certain professional groups to report a reasonable belief of child physical or sexual abuse to child protection authorities.

In Victoria, under the *Children Youth and Families Act 2005*, mandatory reporters must make a report to child protection, if:

- in the course of practising their profession or carrying out duties of their office, position or employment
- they form a reasonable belief that a 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.

The report must be made as soon as practicable after forming the belief and after each occasion on which they become aware of any further reasonable grounds for the belief.

The penalty for failing to report is 10 penalty points<sup>1</sup>.

## What is a reasonable belief?

A reasonable belief is formed if a reasonable person, doing the same work, would form the same belief on those grounds, based on the same information.

Grounds for forming a belief are matters of which the person has become aware and any opinions in relation to those matters.

Reporters are not expected to have evidence or to be certain. Child Protection is responsible for assessing reports and deciding how to respond.

## Who is already a mandatory reporter?

In Victoria, police officers, registered medical practitioners, nurses, midwives, registered teachers (including kindergarten teachers), school principals, out of home care workers, early childhood workers, registered psychologists and youth justice workers are currently mandated to report physical or sexual abuse to child protection authorities.

School counsellors will commence as mandatory reporters on 31 January 2020.

## Why expand mandatory reporting requirements?

Victoria is implementing the Royal Commission into Institutional Responses to Child Sexual Abuse recommendation to achieve national consistency in mandatory reporting by expanding mandatory reporter groups to include the identified minimum set of professional groups who should be mandated in all jurisdictions.

## When will people in religious ministry become mandatory reporters?

People in religious ministry will commence as mandatory reporters on 17 February 2020<sup>2</sup>.

This is when amendments passed by the Victorian parliament on 10 September 2019 to include people in religious ministry as mandatory reporters, without

<sup>1</sup> For further information, see the Department of Treasury and Finance Indexation of fees and penalties  
<<https://www.dtf.vic.gov.au/financial-management-government/indexation-fees-and-penalties>>

<sup>2</sup> subject to proclamation of sections 3(2), 9 and 10 of the *Children Legislation Amendment Act 2019*, amending the Children, Youth and Families Act.

exemption for religious confessions, will come into force.

### **How will people in religious ministry be defined?**

The term ‘person in religious ministry’ means a person appointed, ordained or otherwise recognised as a religious or spiritual leader in a religious institution.

For example:

*Church elder, deacon, granthi, imam, religious minister, monk, nun, pastor, priest, pujari, rabbi, religious brother or sister and Salvation Army officer*

A religious institution means an entity that operates under the auspices of any faith; and provides activities, facilities, programs or services of any kind through which adults interact with children.

Examples may include dioceses, mosques, parishes, synagogues, local religious congregations, schools, post-secondary institutions and religious institutes that may provide activities, facilities, programs or services such as chaplaincy services, early childhood services, outreach support or care services or residential facilities.

### **Will I have to report concerns I had before becoming a mandatory reporter?**

Reporting requirements will apply to people in religious ministry even if a reasonable belief was first formed prior to commencement of the legislation provided they continue to hold the belief. If you still believe the child is in need of protection, you will be required make a report.

The purpose of reporting child abuse is to enable authorities to assess if the child is in need of protection and take action to protect the child where necessary.

### **Will I need to report information received during religious confession?**

Victoria is implementing the Royal Commission recommendation that people in religious ministry should be mandated to report to child protection authorities without exemption for knowledge or suspicions formed, in whole or in part, on the basis of information disclosed in or in connection with a religious confession.

All mandatory reporters in Victoria are required to report when a belief is formed in the course of practising their profession or carrying out the duties of their office, position or employment. There is no exemption for doctors or other professionals on the basis of their usual legal or ethical confidentiality obligations. Likewise, there is no exemption for religious confessions.

People in religious ministry who are found to have failed to make a mandatory report could face prosecution.

### **Who can I consult?**

Your religious organisation may offer options to consult with someone if you are concerned about a child’s safety or wellbeing. Check your organisation’s policies.

The legislation requires you to make a report to child protection as soon as practicable after forming the belief and after each occasion you become aware of any further grounds for the belief.

Child protection staff are experienced practitioners skilled in receiving reports and discussing concerns about a child with reporters.

### **Definition of a child**

In this context, a child is defined as a person who is under the age of 17 years, unless they are subject to a child protection order or interim order granted by the Children’s Court of Victoria Family Division that continues in force until they turn 18 years of age.

### **What if I’m worried about a child’s wellbeing, but I don’t believe the child is in need of protection?**

#### **Child FIRST or The Orange Door**

If you have significant concerns for the wellbeing of a child, but do not believe they are at risk of significant harm, and where the immediate safety of the child will not be compromised, a referral to Child FIRST or The Orange Door may be appropriate.

Child FIRST, the access point for family services, is progressively transitioning to The Orange Door. The Orange Door is the new access point for families who need assistance with the care and wellbeing of children, including those experiencing family violence, to contact the services they need to be safe and supported.

to establish whether the child is in need of protection (as defined in law).

### Will the family know I have made a report?

The identity of a reporter must remain confidential, unless:

- the reporter chooses to inform the child or family of the report
- the reporter consents in writing to their identity as the reporter being disclosed
- a court or tribunal decides it needs this information in order 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.

It is often considered best practice to inform the family that you have made a report, where appropriate. Being transparent about your concerns and making a report to child protection, in circumstances where it is safe and appropriate to do so, can be beneficial for the child or young person, the family and your ongoing role with them.

However, in some circumstances, discussing your concerns may increase risk of harm for a young person, or may compromise a child protection or police investigation. As such, seek advice from child protection at the time of making a report.

### What if I have information about a sexual offence against a child?

Any adult who has information about a sexual offence against a child under 16 years by another adult must report that information to police, unless they have a reasonable excuse or an exemption applies, under the failure to disclose offence.

If you believe the child is currently in need of protection and have reported your concerns to Child Protection, this is a reasonable excuse for not reporting the sexual offence to police.

The current exemption for religious confessions from the failure to disclose offence will be removed on 17 February 2020<sup>3</sup>.

In addition, from that date<sup>4</sup>, the religious confessions privilege will no longer apply in proceedings for the failure to disclose offence (under the *Crimes Act 1958*) or the offence of failing to make a mandatory report (under the Children, Youth and Families Act).

### For more information

For more information about reporting child abuse refer to the [Department of Health and Human Services at Reporting child abuse](https://services.dhhs.vic.gov.au/reporting-child-abuse) <https://services.dhhs.vic.gov.au/reporting-child-abuse>.

For more information about the failure to disclose offence go to the [Department of Justice and Community Safety](https://www.justice.vic.gov.au/) website and search 'failure to disclose'.

<https://www.justice.vic.gov.au/>

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Available at [www.dhhs.vic.gov.au](http://www.dhhs.vic.gov.au)

<sup>3</sup> subject to proclamation of part 4 of the *Children Legislation Amendment Act 2019*, amending the *Crimes Act 1958*

<sup>4</sup> subject to proclamation of part 5 of the *Children Legislation Amendment Act 2019*, amending the *Evidence Act 2008*

# PROTECT



## Feeling Safe: For Primary School Students

### Get the facts

This fact sheet is about making sure you know how to keep safe. It gives you the facts about what to do if someone is hurting you or your friends or making you feel unsafe.

### What are your rights?

- Everyone has the right to feel safe and be protected.
- No one is allowed to threaten you, hurt you or touch you in a way that makes you feel uncomfortable.
- No one should behave in a way that makes you feel unsafe or afraid, including anyone in your family, anyone at school or anywhere else in the community.



### How do I know if something is wrong?

- Every relationship should be respectful.
- It is wrong for anyone to hurt you or make you feel unsafe, uncomfortable or afraid.
- Remember a person doesn't have to physically hurt or touch you to be doing the wrong thing.
- Even if you are not sure, if something doesn't feel right you should tell an adult who can help you.

### What should I do if I feel unsafe?

- Tell an adult you trust – telling someone won't get you in trouble.
- If you feel threatened, unsafe, or if you feel uncomfortable about how someone is touching you, talking to you, or treating you, you should tell a trusted adult.
- You can tell a teacher or any adult at your school. They will be able to help you.
- You can also tell your parent, carer, or any family member or adult you trust.
- Even if the person who is making you feel like this has asked you not to tell anyone, you should still talk to an adult. It is more important that you are safe and protected.

### What should I do if I am worried that someone I know is unsafe?

- Tell an adult you trust.
- You can tell a teacher or any adult at your school.
- They will be able to help your friend or the person you are worried about.
- You can also tell your parent, carer, or any family member or adult that you trust.
- Even if the person who you are worried about has asked you not to tell anyone, you should still talk to an adult. It is more important to make sure that your friend is safe and protected.

**What will happen if I tell an adult at the school that I feel unsafe, or that I think my friend is unsafe?**

- Adults at your school must listen to your concerns and help.
- In some cases the adult at school may need to tell another adult about your concerns so that you, or the person you know can be protected.
- Adults at your school can provide you with support and make sure you don't have to deal with this alone.

**What if I don't feel like I can talk to anyone at my school**

- If you don't feel like you can talk to an adult at your school, you can talk to your parent or carer.
- If you don't feel like you can talk to your parent or carer, you can talk to another adult within your family. This may be an aunt, uncle, a step-parent, or a grandparent.
- If you don't feel like you can talk to any of these adults, you should still try and find an adult that you can trust, and that you can talk to.
- You don't need to deal with things on your own.

**There are many people who can help you. Here are some other suggestions:**

- visit eHeadspace (which provides an online and a 9am-1am telephone support service) [www.eheadspace.org.au](http://www.eheadspace.org.au) or **1800 650 850**.
- call KidsHelp Line on **1800 55 1800** or visit [www.kidshelpline.com.au](http://www.kidshelpline.com.au) for 24 hour support
- call or visit your local police station or call **000**.



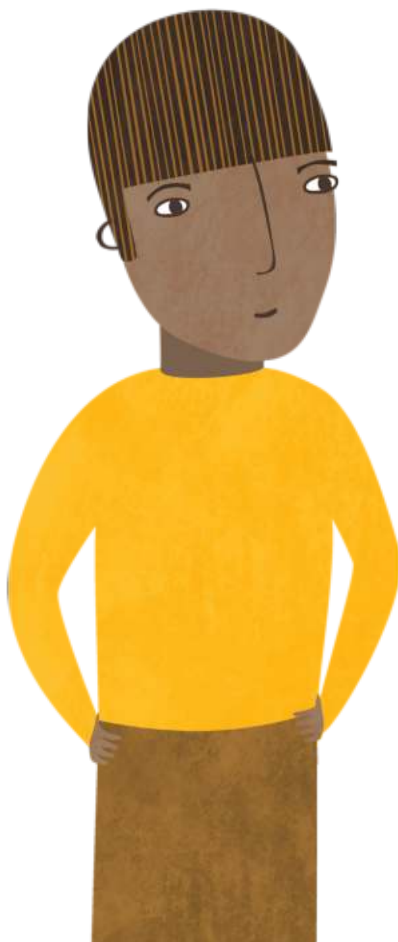
# PROTECT



## Feeling Safe: For Secondary School Students

### Get the facts

This fact sheet has been designed to give you the facts about child abuse. It includes advice on what to do if you have been abused, are being abused, or are at risk of being abused. This fact sheet also provides you with advice if you know someone who has been abused, or is at risk of being abused.



### What are your rights?

- Everyone has the right to feel safe and be protected from abuse.
- No one is allowed to threaten you, hurt you, or touch you in a way that makes you feel uncomfortable, unsafe or afraid.
- This includes all adults, other teenagers and children – it includes everyone from family members, coaches, teachers, to friends and strangers.
- Every relationship should be respectful.
- No one should ever involve you in sexual activity without your consent, and no one should behave in a way that makes you feel unsafe or afraid.
- You don't have to deal with abuse on your own. Talk to a trusted adult. Teachers and other adults at your school can support you to get help.

### What is child abuse?

- Child abuse includes physical abuse, sexual abuse, emotional or psychological harm, neglect, and family violence.
- Child abuse can also include grooming. This is behaviour where an adult tries to establish a relationship or other emotional connection with a child, to prepare them for a sexual relationship.
- Child abuse does not have to involve physical contact or force. It can include:
  - controlling a child through threats
  - exposing a child to sexual material and sexual acts
  - exposing a child to family violence.
- Child abuse can be perpetrated by any member of a community or a family member. Abuse can impact anyone and it is never the victim's fault.

For more information on sexual abuse and sexual assault visit Youth Central:  
<http://www.youthcentral.vic.gov.au/know-your-rights/sexual-assault>.



### **What should I do if I have been abused or I feel unsafe?**

- You should talk to an adult you trust.
- If you have been abused, or feel unsafe or threatened in any way you don't have to deal with this on your own.
- Abuse is never your fault and you should tell a trusted adult so you can get the help and support you need to feel safe and protected. Talking to someone won't get you in trouble.
- You can tell a teacher or any adult at your school. They will be able to help you.

### **What should I do if I think someone I know has been abused or is unsafe?**

- You should talk to an adult you trust. Any staff member at your school will be able to help.
- You can also help your friend by encouraging them to tell a trusted adult.

### **What if my friend doesn't want to tell an adult?**

- You should still tell an adult you trust on your friend's behalf.
- Even if your friend has specifically asked you not to tell an adult, you still should. It is more important to make sure that your friend is helped and feels protected.

### **What will happen if I tell an adult at the school that I feel unsafe, or that I know someone who is unsafe?**

- You will be helped.
- Teachers and other adults at your school must listen to your concerns and help you.
- The information will not be shared with the person who is making you feel unsafe.
- Information will only be shared with people who can support and protect you.
- In some cases the people helping you are required by law to tell the police, the Department of Health and Human Services' Child Protection services and/or your family to prevent any further abuse, or risk of abuse.

### **What if I don't feel like I can talk to anyone at my school?**

- You should still find a trusted adult to talk to.
- Abuse or feeling uncomfortable is too big to deal with on your own.

### **There are many people who can help you. Here are some other suggestions:**

- visit eHeadspace (which provides an online and a 9am-1am telephone support service) [www.eheadspace.org.au](http://www.eheadspace.org.au) or **1800 650 850**.
- call KidsHelp Line on **1800 55 1800** or visit [www.kidshelpline.com.au](http://www.kidshelpline.com.au) for 24 hour support)
- call or visit your local police station or call **000**
- Talk to your doctor, psychologist, social worker, welfare officer, or another trusted adult.





# PROTECT



## Spotting the Warning Signs of Child Abuse: For School Staff

### A REASONABLE BELIEF

What do I do if I suspect (form a reasonable belief) a child is being abused?

You **MUST** take action as soon as you witness an incident, receive a disclosure or suspect that a child has been, or is at risk of being abused. You **MUST** act whenever you form a reasonable belief which means acting even if you are unsure and have not directly observed the abuse. Failure to act can be a criminal offence.

You **MUST** follow the **Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse**

### When should I act?

You **MUST** act even if you are unsure and have not observed the abuse.

You **MUST** follow the **Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse**. Failure to act can be a criminal offence.

### What is child abuse?

Child abuse can include physical abuse, sexual abuse, grooming, emotional or psychological harm, neglect or family violence.

It doesn't have to involve physical contact or force. Child abuse can include:

- talking to a child in a sexually explicit way
- grooming a child for future sexual activity
- forcing a child to watch pornography
- being witness to family violence
- failing to provide a child with an adequate standard of nutrition, supervision or medical care to the extent that the development of the child is placed at serious risk, or is significantly impaired.

### Who is most likely to be impacted by child abuse?

Any child can be victim to child abuse, however children who are vulnerable, isolated and/or have a disability are disproportionately abused.

Abuse is often committed by someone the child knows well such as a family member or someone within the school setting. In fact, child abuse can be committed by any member of the community.

Regardless of who the perpetrator or victim is the trauma of child abuse can have devastating impacts upon a child's wellbeing and development that can last for the rest of their life.

This is why it is critical that we respond immediately to any form of suspected abuse within our school communities.



### What are the signs that a child has been abused?

The most common physical and behavioural indicators of child abuse are outlined below. This is not an exhaustive list.

If you feel uncomfortable about a child's physical presentation or behaviour, but have not directly witnessed or been told about abuse, or risk of abuse, you should still act.

You can seek further advice and if you form a reasonable belief that a child has been abused, is being abused, or is at risk of abuse then you **MUST** follow the **Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse**.

#### Common PHYSICAL indicators of child abuse

- bruises, welts, cuts/grazes or burns (especially those on back, bottom, legs, arms and inner thighs or in unusual configurations and may resemble an object)
- internal injuries and bone fractures not consistent with the explanation offered
- any injury to the genital or rectal area (e.g. bruising, bleeding, infection or anything causing pain to go to the toilet)
- wearing clothes unsuitable for weather conditions to hide injuries
- sexually-transmitted diseases and/or frequent urinary tract infections
- appearing consistently dirty and unwashed and/or inappropriately dressed for weather conditions
- being consistently hungry, tired and listless
- having unattended health problems and lack of routine medical care
- internal injuries.

#### Common BEHAVIOURAL indicators of child abuse

- disclosure of abuse and/or drawings or writing which depicts violence and abuse
- habitual absences from school without reasonable explanation
- significant and unexplained delays in emotional, mental or physical development
- regressive or unusual changes to behaviour (e.g. sudden decline in academic performance, nervousness, depression, withdrawal, hyperactivity, aggression, bedwetting)
- drug or alcohol misuse, suicide or self-harm, harm to others or animals
- an inconsistent or unlikely explanation for an injury, or inability to remember the cause
- reluctance to go home and/or a wariness or fear of a parent/carer
- unusual fear of physical contact with adults
- persistent and age-inappropriate sexual activity (e.g. excessive masturbation or rubbing genitals against adults, promiscuity)
- poor self-care or personal hygiene
- an unusually close connection with an older person
- possessing expensive gifts or money (e.g. a new mobile phone given to them by a "friend")
- taking on a caretaker role prematurely, trying to protect other family members.

### What are the signs that an adult is perpetrating abuse?

The most common indicators that an adult is abusing a child are outlined below. This is not an exhaustive list.

If you feel uncomfortable in any way about a relationship between an adult and a child (or inappropriate relationships between children such as siblings) you **MUST** still act by following the **Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse**.

### Common indicators of adults abusing children

#### Family members (parents, siblings, extended family)

- attempts by one parent to alienate their child from the other parent
- overprotective or volatile relationships
- reluctance by the child to be alone with one or more of their family members
- a child and a sibling behaving like boyfriend and girlfriend (embarrassment if they are found alone together).

#### Other adults (e.g. school staff member, volunteers, coaches)

- touching a child inappropriately
- bringing up sexual material or personal disclosures into conversations with a child
- inappropriate contact with the child (e.g. calls, emails, texts, social media)
- obvious or inappropriate preferential treatment of the child (making them feel "special")
- giving inappropriate/expensive gifts to a child
- having inappropriate social boundaries (e.g. telling the child about their own personal problems)
- offering to drive a child to or from school
- inviting themselves over to their homes, calling them at night
- befriending the parents/carers of the child and making visits to their home
- undermining the child's reputation (so that the child won't be believed).

### Where to go for further advice?

- Your Principal or a member of the leadership team
- DHHS Child Protection on **131 278**
- Your local police station

In addition, Catholic school staff can contact their local diocesan education office:

- Archdiocese of Melbourne: Student Wellbeing Information Line on **(03) 9267 0228**
- Diocese of Sale: Senior Education Consultant on **(03) 5622 6600**
- Diocese of Ballarat: Student Wellbeing on **(03) 5337 7135**
- Diocese of Sandhurst: Team Leader Pastoral Wellbeing on **(03) 5443 2377**.

### Want to know more?

The advice contained within this factsheet is drawn from *Identifying and Responding to All Forms of Abuse in Victorian Schools* which can be found at [www.education.vic.gov.au/protect](http://www.education.vic.gov.au/protect)

You must refer to this guidance to ensure you meet your obligations to protect children.

To familiarise yourself with this policy and to consider how it applies in different scenarios, visit [www.education.vic.gov.au/protect](http://www.education.vic.gov.au/protect).



# PROTECT



## Protecting Children from Abuse: For Parents and Carers

### GET THE FACTS

As adults we all play a critical role in protecting children from harm.

As a parent or carer you have the primary responsibility for protecting and caring for your own children and supporting them to build relationships that are safe and respectful.

You also play a critical role in identifying and responding to suspected abuse within the community. In fact it may amount to a criminal offence if you fail to report suspected child sexual abuse.

- Parents and carers are also often in a position to protect the friends of their children. This is because children are most likely to disclose their experiences of abuse to their peers, who in turn may share this with their own parents and carers.
- If your child talks to you about their friend, and you suspect that the child is being abused or is at risk of being abused, you should act. You may be the only adult in a position to act and your response may be critical in protecting that child's safety.

### REPORTING ABUSE

#### **What should I do if I suspect that *my child* has been abused?**

If you believe your child has been abused, or is at risk of being abused contact Victoria Police immediately via the local police station or on 000 if it's an emergency.

#### **What should I do if I suspect that *another child* has been abused?**

If you suspect a child has been abused, or is at risk of abuse (such as physical abuse, family violence or neglect) you should report immediately to the Department of Health and Human Services (DHHS) Child Protection (see contact details at the end of this fact sheet).

- If you suspect a child has been sexually abused, you must also report your concerns to the Victoria Police. You may be committing a criminal offence if you fail to do so
- You should report even if you're not sure. It is the role of authorities to investigate your concerns and determine if any further action needs to be taken.

#### **What should I do if I suspect that a child is being abused and authorities have previously investigated and dismissed my report?**

If you have new grounds for believing that a child is being abused, you should make another report to DHHS Child Protection or Victoria Police. Every report is critical to protecting a child as it builds evidence and helps authorities to gain a clearer understanding of risks to the child.

#### **What happens to my child if someone at the school suspects that my child has been abused?**

All staff members at your child's school are required to report suspected child abuse to DHHS, Child Protection and, in some circumstances, to Victoria Police.

Your child's school will contact you as soon as possible, unless they have been advised not to do so by DHHS, Child Protection and/or Victoria Police.

Where appropriate the school will work with you to ensure your child is provided with support, which may include referring them to wellbeing professionals.

### When is it a criminal offence to not report suspect abuse?

Any adult may face criminal charges if they believe that another adult has committed a sexual offence against a child under 16 years of age and does not report this information to the police.

## FACTS ON CHILD ABUSE

### What is child abuse?

Child abuse:

- can include physical abuse, sexual abuse, grooming, emotional or psychological harm, neglect or family violence
- does not have to involve physical contact or force (e.g. child sexual abuse can include talking to a child in a sexually explicit way)
- can be committed by any member of the community, including someone within a child's family or someone within the school setting.

The trauma associated with child abuse can significantly impact upon the wellbeing and development of a child. This is why it is critical that we all respond immediately to any form of suspected abuse.

### What are the signs that a child has been abused?

There are a range of physical and behavioural indicators of child abuse.

Most importantly you should act if you notice anything that causes you to form a reasonable belief that a child has been, or is at risk of being abused, including (but not limited to):

- a change in a child's behaviour (e.g. withdrawal, regressive behaviour, or non-age appropriate sexual behaviours)
- physical indicators of abuse (e.g. unexplained bruises, welts, signs of malnutrition)
- an inappropriate relationship between an adult and a child (e.g. inappropriate physical contact, unexplained gifts or phone/email contact).

## THE SCHOOL'S ROLE

### How must schools respond to suspected child abuse?

All staff in Victorian schools are obligated to respond to any incident or suspicion of child abuse as outlined below:

#### 1. Respond to the emergency

Address any immediate health and safety needs (e.g. administer first aid or contact emergency services).

#### 2. Inform authorities

Report any reasonable belief that a child has been, or is at risk of being abused to the DHHS Child Protection or Victoria Police.

#### 3. Contact parents/carers when appropriate

Contact parents/carers once authorities advise that it is safe and appropriate to do so.

Ideally parents/carers will play a central role in providing support for their children, however schools will be instructed not to contact parents/carers in circumstances where this may impede an investigation or place the child at greater risk.

#### 4. Provide ongoing support for all children impacted by the abuse

Provide appropriate support for all children impacted by abuse. This will likely include ongoing counselling from professionals. The child's ongoing support will be documented in a *Student Support Plan*.

These actions are outlined in further detail in *Identifying and Responding to All Forms of Abuse in Victorian Schools*.

### Are the staff at my child's school required to report child abuse?

Yes – all staff at your child's school are required by law to report any reasonable belief that a child has been abused, or is at risk of abuse.

In some circumstances, it may be a criminal offence for school staff to fail to report child abuse to the authorities.

## PROTECTING MY CHILD

### What can I do to help educate and protect my child from abuse?

Have a chat to your child and make sure that he or she knows that no one is allowed to threaten, hurt or touch them in a way that makes them feel uncomfortable.

Every relationship should be respectful and no one should behave in a way that makes them feel unsafe or afraid.

Your child's school will also be supporting your child in learning about their rights to be safe and respected. Victorian government schools are teaching the *Respectful Relationships* program which promotes positive attitudes and behaviours and is aimed at preventing family violence.

### What should I talk about when I explain safety to my child?

There are some things you can do at home to build your child's understanding of safe and respectful relationships including:

- talking openly with your child about their feelings and relationships
- being sure that they understand you will listen and act if they are concerned about how anyone is treating them
- using the correct names for body parts and having age-appropriate conversations about touching and sexual activity
- letting your child know that adults should never harm or act in a sexual way with any child.

### Keeping children safe outside of the home or school

You play a critical role in ensuring your children are spending time in safe places.

In Victoria all people who are working with your children such as coaches and music teachers need to have a current Working With Children Check.

You may like to check that any staff and volunteers spending time with your child after school hours and on weekends have a valid Working With Children Check.

If you think that you may need some help to keep your children safe from harm and support their healthy development, it is important you find some help. Visit the Victorian Government's Better Health Channel for information on seeking support. See [www.betterhealth.vic.gov.au](http://www.betterhealth.vic.gov.au).





## FURTHER INFORMATION

### Where can I go for more information and support?

You can contact DHHS Child Protection and Victoria Police directly to discuss any concerns you may have for the wellbeing of a child (see contact details on the next page)

If you have any concerns about your child or another child at your child's school talk to the principal or another staff member at the school about your concerns. You can also raise this matter with DHHS Child Protection and the Victoria Police.

For further information on where to go for support to keep your children safe from harm visit the Victorian Government's Better Health Channel: [www.betterhealth.vic.gov.au](http://www.betterhealth.vic.gov.au)

For more information on:

- your child's school's role in preventing and managing child abuse: [www.education.vic.gov.au/protect](http://www.education.vic.gov.au/protect)
- indicators of abuse, visit [www.education.vic.gov.au/protect](http://www.education.vic.gov.au/protect)

If you are concerned or unsure about your school's response and/or would like to talk to someone outside of the school please contact:

- Victorian government schools Regional Office: [www.education.vic.gov.au/about/contact/Pages/regions.aspx](http://www.education.vic.gov.au/about/contact/Pages/regions.aspx)
- Catholic Schools local Diocesan education office: [www.cecv.catholic.edu.au/About-Us/Dioceses](http://www.cecv.catholic.edu.au/About-Us/Dioceses)
- Independent Schools Victoria: [www.is.vic.edu.au/who-we-are/contact-us/](http://www.is.vic.edu.au/who-we-are/contact-us/)

## CONTACT INFORMATION

### 24 Hour Services

Victoria Police	000
Department of Health and Human Services Child Protection	131 278
Department of Education and Training Security Services Unit	(03) 9589 6266

### Department of Education and Training

Security Services Unit	(03) 9589 6266
Student Incident and Recovery Unit	(03) 9637 2934 or (03) 9637 2487
Legal Division	(03) 9637 3146
Employee Assistance Program	1300 361 008
Employee Health	(03) 9637 2395
Employee Conduct Branch	(03) 9637 2595
Privacy Unit	(03) 9637 3601
International Division	(03) 9651 3976
Communications Division	(03) 9637 2871

### Catholic Education

Archdiocese of Melbourne: ■ Office of Professional Conduct, Ethics & Investigation ■ Legal Services ■ Student Wellbeing Information Line ■ Communications & Marketing Unit (Media Advisor)	(03) 9267 0228
Diocese of Sale	(03) 5622 6600
Diocese of Ballarat	(03) 5337 7135
Diocese of Sandhurst	(03) 5443 2377

### Independent Schools

Independent Schools Victoria	(03) 9825 7200
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### Regional

<b>North Eastern Victoria</b>	
General enquiries	1300 333 231
Benalla office	(03) 8392 9500
Glen Waverley office	(03) 8392 9300
<b>North Western Victoria</b>	
Bendigo office	(03) 5337 8444
Coburg office	(03) 9488 9488
<b>South Eastern Victoria</b>	
Dandenong office	(03) 8765 5600
Moe office	(03) 5127 0400
<b>South Western Victoria</b>	
General enquiries	1300 333 232
Ballarat office	(03) 5337 8444
Footscray office	(03) 8397 0300
Geelong office	(03) 5225 1000
Horsham office	(03) 5310 5300
Warrnambool office	1300 333 232



## Department of Health and Human Services Child Protection

Region	Local Government Areas (LGAs)	Phone No
Northern and western suburban LGAs	Banyule, Brimbank, Darebin, Hobsons Bay, Hume, Maribyrnong, Melbourne, Melton, Moonee Valley, Moreland, Nillumbik, Whittlesea, Wyndham, Yarra.	1300 664 977
Eastern suburban LGAs	Boroondara, Knox, Manningham, Maroondah, Monash, Whitehorse, Yarra Ranges.	1300 360 391
Southern suburban LGAs	Bayside, Cardinia, Casey, Frankston, Glen Eira, Greater Dandenong, Kingston, Mornington Peninsula, Port Phillip, Stonnington.	1300 655 795
West Rural and Regional LGs	Ararat, Ballarat, Golden Plains, Hepburn, Hindmarsh, Horsham, Moorabool, Northern Grampians, Pyrenees, West Wimmera, Yarriambiack, Colac-Otway, Corangamite, Glenelg, Greater Geelong, Moyne, Queenscliffe, Southern Grampians, Surf Coast, Warrnambool.	1800 075 599
North-western rural and regional LGAs	Buloke, Campaspe, Central Goldfields, Gannawarra, Greater Bendigo, Loddon, Macedon Ranges, Mildura, Mount Alexander, Swan Hill.	1800 675 598
North-eastern rural and regional LGAs	Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta, Wodonga.	1800 650 227
Eastern and south-eastern rural and regional LGAs	Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland, Wellington.	1800 020 202

## Child First

Alpine	1800 705 211
Ararat	1300 783 341
Ballarat	1300 783 341
Banyule	(03) 9450 0955
Bass Coast	(03) 5662 5150
Baw Baw	1800 339 100
Bayside	1300 367 441
Benalla	1800 705 211
Boroondara	1300 762 125
Brimbank	1300 138 180
Buloke	1300 665 218
Campaspe	1800 260 338
Cardinia	(03) 9705 3939
Cardinia - Aboriginal children and families	(03) 9794 5973
Casey	(03) 9705 3939
Casey - Aboriginal children and families	(03) 9794 5973
Central Goldfields	1800 260 338
Colac-Otway	(03) 5232 5500
Corangamite	(03) 5232 5500
Darebin	(03) 9450 0955
East Gippsland	(03) 5152 0052
Frankston	1300 721 383
Gannawarra	1300 665 218
Glen Eira	1300 367 441
Glenelg	1300 543 779
Golden Plains	1300 783 341
Greater Bendigo	1800 260 338
Greater Dandenong	(03) 9705 3939
Greater Dandenong - Aboriginal children and families	(03) 9794 5973
(Greater Geelong	1300 551 948
Greater Shepparton	1300 854 944
Hepburn	1300 783 341
Hindmarsh	1800 195 114
Hobson's Bay	1300 775 160
Horsham	1800 195 114
Hume	1300 786 433
Indigo	1800 705 211
Kingston	1300 367 441
Knox	1300 369 146
La Trobe	1800 339 100
Loddon	1800 260 338
Macedon Ranges	1800 260 338

Manningham	1300 762 125
Mansfield	1800 705 211
Maribyrnong	1300 775 160
Maroondah	1300 369 146
Melbourne	1300 775 160
Melton	1300 138 180
Mildura	1300 625 533
Mitchell	1800 663 107
Moir	1300 854 944
Monash	1300 762 125
Moonee Valley	1300 775 160
Macedon Ranges	1300 783 341
Moorabool	1300 786 433
Moreland	1300 721 383
Mornington Peninsula	1800 260 338
Mount Alexander	1300 543 779
Moyne	1800 663 107
Nillumbik	(03) 9450 0955
Northern Grampians	1800 195 114
Port Phillip	1300 367 441
Pyrenees	1300 783 341
Queenscliff	1300 551 948
South Gippsland	(03) 5662 5150
Southern Grampians	1300 543 779
Stonnington	1300 367 441
Strathbogie	1300 854 944
Surf Coas	1300 551 948
Swan Hill	1300 665 218
Towong	1800 705 211
Wangaratta	1800 705 211
Warrnambool	1300 543 779
Wellington	(03) 5144 7777
West Wimmera	1800 195 114
Whitehorse	1300 762 125
Whittlesea	(03) 9450 0955
Wodonga	1800 705 211
Wyndham	1300 775 160
Yarra	(03) 9450 0955
Yarra Ranges	1300 369 146
Yarriambiak	1800 195 114

### Other Services

Centres Against Sexual Assault (CASA) – Emergency Counselling & Support Line 1800 806 292	1800 806 292
Australian Childhood Foundation	1800 176 453
Children's Protection Society	(03) 9450 0900
Child Wise	(03) 9695 8900
Vic Aboriginal Education Association	(03) 9481 0800
Child Safety Commission	1300 782 978
Office of the Children's eSafety Commissioner	1800 880 176
Victorian Aboriginal Child Care Agency (VACCA)	(03) 9287 8800
Victorian Aboriginal Community Controlled Health Organisation (VACCHO)	(03) 9411 9411

### Sexually Abusive Behaviour Treatment Services Providers:

Aust Childhood Foundation	(03) 9874 3922
Children's Protection Society	(03) 9450 0900
Berry St	(03) 5822 8100
Mallee Sexual Assault	(03) 5025 5400
South Eastern CASA	(03) 9928 8741
Ballarat CASA	(03) 5320 3933
Barwon CASA	(03) 5222 4318
Campaspe CASA	(03) 5441 0430
Gippsland CASA	(03) 5134 3922
Goulburn Valley CASA	(03) 5831 2343
Upper Murray CASA	(03) 5722 2203
Wimmera CASA	(03) 5381 9270



## Appendix K

### CHILD SAFE STANDARDS – DOCUMENT QUICK REFERENCE GUIDE

Classification	Note	Policy / Agreement	Northside Child Safety Code of Conduct	Organisations CS Policy / Statement of Commitment	VIT Registration	WWCC	Photo ID (if 100 Points is not required)	100 Points Identification	National Police History Check	Other	Responsibility
Camp / Excursion / Outdoor Activity Provider		A, E	Yes	Yes (if applicable)	N/A	Yes	No	No	No	Insurance; Qualifications/ Registrations; Risk Assessments	Lead Teacher / Director of Learning
Contractors – One-off (short term / day)	1	B	No	No	N/A	No	No	No	No		Admin/ Property Mgr/ Business Mgr
Contractors – Ongoing (long term / repeat)	1	B	Yes	Yes (if applicable)	N/A	Yes	No	No	No	Insurance; Qualifications/ Registrations; Work Plan	Acc Payable/ Admin/ Property Mgr/ Business Mgr
Non-Staff Workers Engaged by College	5, 7	G	Yes	Yes (if applicable)	Yes (if applicable)	Yes / No (Note 8)	Yes / No (Note 8)	Yes / No (Note 8)	Yes / No (Note 8)		Teacher/ Director of Learning/ Admin
Non-Staff Workers Engaged by Parents	6, 7	H	Yes	Yes (if applicable)	Yes (if applicable)	Yes / No (Note 8)	Yes / No (Note 8)	Yes / No (Note 8)	Yes / No (Note8)		Teacher/ Director of Learning / Admin
Pre-Service Teacher	2	C	Yes	Yes (if applicable)	N/A	Yes	N/A	Yes	No		Admin/ Pre-Service Teacher Coordinator / Director of Learning
Staff – Non-Teaching		D	Yes	N/A	N/A	Yes	Yes	Yes	Yes	Medical Info	Business Mgr
Staff – Teachers		D	Yes	N/A	Yes	No	N/A	Yes	No	Medical Info	Business Mgr
Visitors – One-off	3		No	No	N/A	No	No	No	No		Admin
Volunteers	2	E	Yes	N/A	N/A	Yes	N/A	Yes	No	Medical Info	Admin/ Director of Learning
Workplace Learning – Employer	4	F	Yes	Yes (if applicable)	N/A	No	No	No	No		Careers Coordinator

(Notes and Agreements are over page)

**Notes**

1. Property-related contractors to remain under the direct supervision of Property Management staff members at all times
2. To remain under the supervision of teaching staff at all times
3. To remain under the supervision of an appropriate staff member at all times
4. Follow the Workplace Learning guidelines
5. Includes Book Week authors / illustrators, Bus drivers, Camps staff, Exam supervisors, Guest speakers, Occupational therapists, Speech therapists, Sport coaches
6. Includes Music examiners and accompanists, Occupational therapists, Speech therapists, Subject Tutors
7. College to provide Child Safety Policy, Vision and Mission Statement, Our Values, Objectives, Philosophy, Dress Code, List of '100 Points' identity documents
8. Visiting Northside on 5 or less occasions pa:
  - VIT Card or WWCC + Photo ID requiredVisiting Northside on more than 5 occasions pa:
  - VIT Card + 100 Points ID or
  - WWCC + 100 Points ID + NPHC

**Other Related Policies, etc**

- Child Safety Policy Code of Conduct and Procedure (Policy No. 1)
- Child Safe Code of Conduct
- Engagement of Non-Staff Workers Policy
- Camps and Excursions Policy (Policy No. 44)
- Non-Staff Workers Engaged by Parents Policy
- Visitors to the College Policy (Policy No. 32)
- Volunteers Policy (Policy No. 29)
- Workplace Learning Guidelines

**Policy / Agreement**

- A. Outdoor Activity Provider Questionnaire and Declaration Policy
- B. Occupational Health and Safety Policy – see contractor induction
- C. Pre-Service Teacher Agreement
- D. Employment Policy / Offer of Employment
- E. Volunteer Policy / Volunteer Agreement
- F. Work Experience Arrangement Form
- G. Memorandum of Understanding – Non-Staff Workers
- H. Written proposal by Parent (which must be approved by Principal or delegate)