



## **CHILD PROTECTION**

**POLICY NAME:** Child Protection – Reporting Obligations

**ADOPTED:** July 2016

**LAST AMENDED:** July 2016

### **Child Protection - Reporting Obligations**

#### **Procedures for Responding to and Reporting Allegations of Child Abuse**

Protection for children and young people is based upon the belief that each person is made in the image and likeness of God and that the inherent dignity of all should be recognised and fostered.

Kildare Ministries is the Catholic Church Authority of Kildare Education Ministries of which Killester College is a member of. Catholic schools are entrusted with the holistic education of the child in partnership with parents, guardians and caregivers, who are the primary educators of their children. Catholic school staff therefore have a duty of care to students by taking reasonable care to avoid acts or omissions, which they can reasonably foresee, would be likely to result in harm or injury to the student and to work for the positive wellbeing of the child.

The College will take appropriate, prompt action in response to all allegations or disclosures of abuse, neglect, inappropriate behaviour or concerns about child safety by reporting all matters to the Victorian Child Protection Service or the Police, depending on the allegation or disclosure made.

Killester College has established simple and accessible procedures for anyone to report a child abuse concern internally to one of the College's Child Safety Officers.

The College has developed and implemented procedures for Stewardship Council members, staff and Direct Contact Volunteers for responding to allegations and disclosures of child abuse, or suspected child abuse, including procedures for support following a disclosure by a student.

Reporting procedures for third party contractors, external education providers, indirect contact volunteers, parents/carers and other community members are also included in our Child Protection and Safety Policy.

Age appropriate reporting procedures for students are developed through our pastoral care program.

All of the College's procedures for reporting and responding to allegation of child abuse are designed and implemented taking into account the diverse characteristics of the College community.

The College will respond to all allegations of child abuse (Appendix 1) in an appropriate manner including:

- informing the appropriate authorities and fully cooperating with any resulting investigation;
- protecting any child connected to the allegation until it is resolved and providing ongoing support to those affected;
- taking particular measures in response to an allegation that concerns a culturally diverse child or a child with a disability; and
- securing and retaining records of the allegation and the College's response to it.

This policy must be read in conjunction with the Definitions (Appendix 1) and the Child Abuse Key Risk Indicators(Appendix 2).

### **Reporting a Child Abuse Concern Internally**

If you have a concern that a child may be experiencing abuse, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with one of the College's Child Safety Officers. The College's Child Safety Officers will be able to assist you in clarifying your concerns and managing the next steps.

Contact details for our Child Safety Officers are set out [here](#).

**Please note that reporting the matter internally does not release you from other legal and regulatory reporting obligations you may have, namely:**

- The Obligation to Report a Sexual Offence
- The Obligation to Act to Protect; and
- The Obligation to Make a Mandatory Report.

### **General Legal Obligations to Report Child Sexual Abuse and “Act to Protect”**

In Victoria there are specific criminal offences, which impose general obligations on persons:

- aged 18 years or over to report any belief that a sexual offence has been committed, against a child under the age of 16 years, by a person over the age of 18 years (Crimes Act (Vic) s327); and
- in authority within a school to act to remove or reduce a substantial risk that a sexual offence will be committed against a child (Crimes Act (Vic) s49C).

## **The Obligation to Report a Sexual Offence**

Under the Crimes Act 1958 (Vic) (s 327), anyone aged 18 years or over must make a report to the Police if they form a reasonable belief that a sexual offence has been committed against a child under the age of 16 years, by a person aged 18 years or over. Failure to make a report without reasonable excuse is an offence and carries a prison term.

If a report is made to the Department of Health and Human Services (DHHS) in accordance with mandatory reporting requirements, an additional report to the Police will not usually be required unless further information is obtained.

This obligation applies to anyone aged 18 years or over, including all non-teaching staff, volunteers (direct and indirect), and students aged 18 and over. The legislation also applies to teaching staff if not already covered by the mandatory reporting obligation.

### **What Must Be Reported?**

Any person aged 18 or over who forms a reasonable belief that a sexual offence has been committed by an adult (a person aged 18 years or over) against a child under 16 has an obligation to report that information to the Police.

### **What is a Sexual Offence?**

The Crimes Act sets out what constitutes a "sexual offence". This includes:

- rape;
- indecent assault;
- incest;
- sexual penetration; and
- grooming a child for sexual conduct.

A "sexual offence" includes an attempted sexual offence.

## **What is a Reasonable Belief?**

A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

- 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 the child states that the child has been sexually abused; and
- signs of sexual abuse leads to a belief that the child has been sexually abused.

## **Exceptions - Failure to Disclose**

If you fail to disclose a sexual offence against a child to the Police, you will not be held liable where your reason for not reporting is that:

- you fear on reasonable grounds for the safety of any person (other than the offender), and a failure to report is reasonable;
- the victim told you about the sexual offence (directly or indirectly), the victim was over 16 years old when he or she told you
- about the sexual offence, and the victim requested that the information not be disclosed (unless the victim has an intellectual
- disability and does not have the capacity to make an informed decision about this);
- you believe on reasonable grounds that the information has already been disclosed to the Police by another person (such as to the DHHS as part of mandatory reporting) and you have no further information.

Unacceptable reasons for not reporting include if you are concerned with the interests (including the reputation, legal liability or financial status) of:

- the person involved in the sexual offence; or
- any organisation (such as the College).

A report made under the Children, Youth and Families Act 2005 (Vic) mandatory reporting obligations may constitute a 'reasonable excuse' if you believe that you have no further information to provide to the Police.

## **The Obligation to Act to Protect**

### **Source of obligation**

Where a person in a position of authority at the College becomes aware that a staff member, volunteer (direct or indirect), contractor, or other person associated with the College poses a substantial risk of committing a sexual offence against a student or students, the person has a duty to take immediate action to ensure that the student or students are protected from that risk.

The College has a duty of care, which entails protecting all students from foreseeable risks while at school or engaging in College activities.

In addition, under section 49C of the Crimes Act 1958 (Vic) (Crimes Act) a person who:

- a) by reason of the position they occupy at the College, has the power or responsibility to reduce or remove a substantial risk that a relevant child (under the age of 16) 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 College; 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.

### **Who is responsible for acting to protect the student/s?**

The person responsible for taking steps to remove or reduce the risk to the student will depend upon the source of the risk. In a normal school context usually a member of the school leadership team would have the necessary degree of supervision, power and authority to remove or reduce the risk. On tours, excursions, or camps a teacher or a volunteer coach could have the requisite power and responsibility.

Examples of people in a position of authority include:

- Stewardship Council members;
- the Principal;
- members of the College leadership team;
- teachers; and
- volunteers where they are in a position of supervision.

### **When should action be taken?**

A person in a position of authority at Killester College is required to act if they know that there is a substantial risk that a student or students may become the victim of a sexual offence, and the risk is caused by a person associated with the College. Knowledge is more than holding a tentative belief or mere suspicion.

If a person in authority has a suspicion or belief that students are at risk of harm they must take steps to follow up on that suspicion or belief by investigating further and should raise the issue with a College Child Safety Officer.

The duty to act extends to situations where the students at risk or the person in authority is outside of Victoria.

### **What is a substantial risk?**

A risk will be a substantial risk if a reasonable person would have judged the risk of a **sexual offence (see below)** being committed against the student as being substantial.

It is not necessary to prove that a sexual offence was committed in order for the substantial risk to exist i.e. a person in a position of authority should not wait for a student to be harmed before acting.

A number of factors will contribute to determining if a risk is a substantial risk, including:

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

## **What is a sexual offence?**

Action must be taken where there is a substantial risk of sexual offences occurring, including:

- rape;
- indecent assault;
- incest;
- sexual penetration;
- grooming a child for sexual conduct; and
- an attempted sexual offence or an assault with intent to commit a sexual offence.

## **Procedure to reduce or remove a substantial risk**

Where any staff member, volunteer, or other person in a position of authority at the time, becomes aware of a risk of a sexual offence against a student or students under their care, they should immediately:

- take reasonable steps which would remove or reduce the risk to the student or students, which may include immediately
- removing the person from contact with the student or students;
- report the matter to a College Child Safety Officer, and the Principal, as soon as practicable;
- conduct an investigation unless this relates to a Mandatory Reporting situation; and
- make the appropriate report.

Appropriate action to be taken may include, for example:

- a current employee who is known to pose a risk to a student or students should be immediately removed from contact with students and reported to authorities and investigated.
- a parent who is known to pose a risk of sexual abuse to children in a school should not be allowed to attend overnight school camps as a parent helper.

**Whenever there are concerns that a child is in immediate danger call the Police on 000.**

## **Managing Your Initial Response to a Child Protection Incident**

The following sections outline the four ways that you may become aware that a child may be experiencing abuse and strategies for managing each situation, and supporting and assisting children involved in the disclosure or report.

## **Observation of Risk Indicators**

The different types of child abuse and their key risk indicators are set out in detail in the earlier section of this program Child Abuse – Definition and Key Risk Indicators.

The process of identifying child abuse purely through observation of risk indicators can be complex and may occur over time. The complexity is magnified by the fact that many of the key risk indicators described may also occur as a result of other factors, not related to child abuse.

If you form a concern that a child may be being abused you should make written notes of your observations recording both dates and times. You should also report the matter internally to a College Child Safety Officer.

## **Private Disclosure by a Child**

If a student discloses a situation of abuse or neglect to you privately, you should stay calm and not display expressions of panic or shock.

You should reassure and support the child. You can do this by:

- stating clearly that the abuse is not the child's fault;
- reassuring the child that you believe them; and
- telling the child that disclosing the matter is the right thing to do.

You should be patient, and allow the child to talk at their own pace. When responding you should use the child's language and vocabulary.

Sometimes a student may try to elicit a promise from you that you will not tell anyone about the allegation. You must not make this promise, as you are responsible for reporting the matter.

Finally remember that your role is not to investigate the allegation. You should not interrogate the child and pressure them to tell you more than they want to.

Once a disclosure is made you must report the matter internally to a Child Safety Officer as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.

Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the College's Support Following Disclosure policy.

### **Public Disclosure by a Child**

Public disclosure occurs where you observe a child disclosing abuse to another child, or group of children.

In this circumstance you should use a strategy of “protective interrupting”.

The aim of “protective interrupting” is to prevent a child from disclosing details of abuse in front of other children, whilst at the same time providing the child with the opportunity to disclose later, in a safe and confidential manner.

You can do this by:

- asking the child if you can talk privately; and
- moving the child away from the other students to a quiet space,

and then following the guidelines with respect to managing a private disclosure.

Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the College's Support Following Disclosure policy.

### **Third Party Disclosure**

A third party such as a friend of the child, a relative or another parent may provide you with information relating to child abuse.

In this situation you should:

- listen to the person's concerns seeking clarification where required;
- thank the person for raising their concern;
- advise the person that we have procedures for dealing with situations like this; and
- advise the person that you will discuss their concerns with the relevant authorities.

As with Private Disclosure you should reassure and support the person providing the information.

Sometimes a person may try to elicit a promise from you that you will not tell anyone about the allegation. You must not make this promise, as you are responsible for reporting the matter.

Finally remember that your role is not to investigate the allegation. You should not interrogate the third party and pressure them to tell you more than they want to.

Once a third party disclosure is made you must report the matter internally to a College Child Safety Officer as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.

## **Support Following Disclosure**

You should take the following steps to support and assist a child after a disclosure of child abuse or neglect is made.

The range of measures employed will depend on:

- the degree of severity of the situation;
- the risk of harm to the child; and
- the capability and willingness of the parent to protect the child from harm.

After a disclosure is made:

- do not promise the child that you will not tell anyone about the allegation;
- reassure the child that it was the right thing to do to tell an adult;
- tell the child what you plan to do next;
- do not confront the person believed to be the perpetrator;
- report the matter to one of the College's Child Safety Officers who will be able to assist you in developing additional support strategies; and
- whenever there are concerns that a child is in immediate danger the Police should be called on 000.

## **Mandatory Reporting**

### **Source of Obligation**

The Children, Youth and Families Act 2005 (Vic) (CYFA) requires that mandatory reporters must make a report to the Department of Health and Human Services (DHHS) Child Protection when they believe that a child (aged under 17) is in need of protection from significant harm from physical injury or sexual abuse.

If a report is made by mandatory reporters in accordance with CYFA mandatory reporting obligations, an additional report to the Police under s 327 Crimes Act may not be required unless you have further information.

This policy must be read in conjunction with the Child Abuse Key Risk Indicators (Appendix 2) and The Obligation to Report a Sexual Offence (p.3).

## **Who Must Make a Mandatory Report?**

Mandatory reporters are defined by the CYFA and include:

- teachers;
- the Principal;
- medical practitioners; and
- nurses.

It is the responsibility of other staff, volunteers or members of the school community to check whether they are Mandatory Reporters under child protection legislation.

**Reporting by Non-Mandated Staff** If you are not a Mandatory Reporter, you still have the option of making a report to DHHS under the CYFA if you believe on reasonable grounds that a child is in need of protection.

The CYFA states that any person who believes on reasonable grounds that a child is at risk of harm should report their concerns to DHHS Child Protection.

All College staff who have concerns that a student may be in need of protection or may have been the victim of a sexual offence, should notify a College Child Safety officer as soon as possible to discuss their concerns. Also refer to **The Obligation to Report a Sexual Offence (p.3)**.

## **What Gives Rise to a Mandatory Report?**

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

- physical injury; or
- sexual abuse;

and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

## **Reasonable Grounds**

The concept of 'reasonable grounds' requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well founded and based on information from a reliable source. There may be reasonable grounds for forming such a belief if:

- a child states they have been physically or sexually abused;
- a child states that they know someone who has been physically or sexually abused;
- someone who knows the child states that the child has been physically or sexually abused;
- a child shows signs of being physically or sexually abused;
- the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a child's safety, stability or development;
- the staff member observes signs of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision; or
- a child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child.

Grounds for belief include matters of which a person has become aware and any opinions based on those matters.

## **Significant**

'Significant' means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is 'significant' is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare or wellbeing.

Significant harm can result from a single act or omission or an accumulation of these.

To assist in identifying physical injury or sexual abuse, refer to the College's information relating to Child Abuse – Definitions (Appendix 1) and Key Risk Indicators (Appendix 2).

## **Parents Have Not Protected, or Are Unlikely to Protect, the Child From Harm of That Type.**

The meaning of this phrase is not defined by legislation, but some examples may assist.

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

It also includes a parent who has the means to protect his or her child from harm, but does not want to.

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

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

**'Parent'** includes:

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

### **What to Report and When**

A report becomes mandatory as soon as is practicable after forming the belief.

A report must include details of the belief, and the reasonable grounds of that belief.

Additional reports must be made on each occasion where you become aware of any further reasonable grounds for the belief.

Refer to the [Victorian Department of Education's Guide to Making a Report to Child Protection or Child FIRST](#) (Child and Family Information, Referral and Support Team) for further guidance on making a decision on whether to report.

### **Responding to Incidents, Disclosures and Suspicions of Child Abuse**

As a school staff member, you play a critical role in protecting children in your care.

- You must act, by following the 4 critical actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.
- You must act if you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).
- You must use the  [Responding to Suspected Child Abuse: Template](#) to keep clear and comprehensive notes.

## **ACTION 1: RESPONDING TO AN EMERGENCY**

If there is no risk of immediate harm go to ACTION 2.

If a child is at immediate risk of harm you must ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- **calling 000 for urgent medical and/or police assistance** to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

## **ACTION 2: REPORTING TO AUTHORITIES**

As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE SCHOOL:

VICTORIA POLICE

You must report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police.

You **must also** report **internally** to:

- School Principal and/or leadership team
- KEM

IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE FAMILY OR COMMUNITY

### **DHHS CHILD PROTECTION**

You **must** report to DHHS Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

## VICTORIA POLICE

You **must also** report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You **must also** report **internally** to:

### CATHOLIC SCHOOLS

- School Principal and/or leadership team
- KEM and Diocesan education office

## ACTION 3: CONTACTING PARENTS/CARERS

The Principal **will** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- **not to contact** the parents/carers (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parents/carers to be contacted)
- **to contact** the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

## ACTION 4: PROVIDING ONGOING SUPPORT

Killester College will provide support for children impacted by abuse. This will include the development of a Student Support Plan in consultation with wellbeing professionals. This is an essential part of our duty of care requirements.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals etc.

All staff members **must** follow the [Four Critical Actions](#) every time they become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act.

This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DHHS Child Protection or Victoria Police (see Appendix 3 Contact).

## **How is a Report/Referral Made?**

Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

A report to DHHS Child Protection should be considered if the staff member forms the view the child is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development;
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability and development; or
- the child's parents cannot or will not protect the child from harm.

To report concerns about the immediate safety of a child within their family unit, call the 24 hour Child Protection Crisis Line 1312 78.

Concerns that require immediate attention should be made to the local or regional Human Services Child Protection office, or the After Hours Child Protection Emergency Services on 131 278.

## **What If I Don't Have a Reasonable Belief?**

If you don't have a reasonable belief about a child, but still have concerns, you can refer the matter to a College Child Safety Officer.

There is also the option to refer the matter to Child FIRST.

A referral to Child FIRST should be considered if a staff member forms the view that the concerns have a low-to-moderate impact on the child and the immediate safety of the child is not compromised.

A referral can be made when the following factors may affect a child:

- significant parenting problems;
- family conflict;
- a family member's physical or mental illness, substance abuse, disability or bereavement;
- isolated or unsupported families; and
- significant social or economic disadvantage.

To contact Child FIRST, refer to their website.

## **What Happens After a Report/Referral is Made?**

After receiving a report, DHHS Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required. In most cases, DHHS Child Protection will inform the reporter of the outcome of the report.

After receiving a referral, Child FIRST may consult an experienced community-based Child Protection practitioner in their assessment. The assessment may lead to the involvement of a local family services organisation.

In most cases, Child FIRST will inform the referrer of the outcome of the referral.

Child FIRST must report the matter to DHHS Child Protection if they form the view the child is in need of protection.

Reports made to the Police will be dealt with in accordance with Police practice.

## **Conduct that is Reportable to the Victorian Institute of Teaching**

### **Reportable Conduct**

The College has a duty of care to investigate and act on allegations of employee misconduct or conviction, which relate to their ability to perform their functions.

Under the Education and Training Reform Act 2006 (Victoria), the College must notify the Victorian Institute of Teaching (VIT) once the College has taken action against a registered teacher. The VIT then has powers to investigate and take further action.

### **Reportable Conduct and Mandatory Reporting**

The Reportable Conduct obligation covered in this policy is separate and distinct from the Mandatory Reporting obligation under the Children, Youth and Families Act 2005 (Victoria) (refer to Mandatory Reporting).

### **Internal Reporting of Allegations of Staff Misconduct**

Any allegation of staff misconduct must be immediately reported to the Principal, or the Chair of the Stewardship Council should the allegation involve the Principal.

## **Internal Investigation of Allegations of Misconduct**

Once an allegation of misconduct has been made (which does not require reporting to Department of Health and Human Services (DHHS) Child Protection under the Mandatory Reporting obligations) an internal investigation, lead by the Principal, or the Chair of the Board if the allegation relates to the Principal, will be conducted in such a manner as the particular circumstances demand.

It is important to note that an internal investigation must not be conducted in relation to an allegation that is the subject of Mandatory Reporting until clearance is given by the relevant authorities (Police or DHHS Child Protection).

## **Reporting Obligation to the VIT**

The College must notify the VIT if the College has taken action against a registered teacher in response to:

- allegations of serious misconduct;
- serious incompetence;
- fitness to teach (which relates to character, reputation and conduct, and whether the teacher is physically and mentally able to teach); or
- a registered teacher's ability to practice as a teacher is seriously detrimentally affected or likely to be seriously affected because of an impairment.

The College must also notify the VIT if the College becomes aware that a teacher:

- has been charged with or committed for trial for a sexual offence, (including grooming and child pornography offences);
- has been convicted or found guilty of an indictable offence (offences detailed in the Crimes Act and the Wrongs Act, including offences which carry
- prison sentences of 5 years or more or penalties over a threshold level).

The College should also notify the VIT if a teacher takes action against them in another forum such as the Fair Work Commission.

## **What "Action" Must Be Reported**

"Actions" which will be reported by the College to the VIT include (but are not limited to):

- disciplinary action taken by the College; or
- where a teacher resigns after being advised by the College that it is inquiring into allegations.

## **When to Notify the VIT**

The VIT should be notified of the action taken against a teacher once the process initiated by the College has been initiated.

## **VIT Response**

On receiving the notification, the VIT has the power to:

- ensure that it has obtained all relevant information from the College, and may request further information;
- decide whether the matter does not reach the threshold required for it to proceed;
- conduct an investigation, an informal hearing, or a formal hearing; or
- summarily suspend the teacher on an interim basis pending an investigation, if the VIT forms a reasonable belief that the teacher poses an unacceptable risk of harm to children and believes that suspension is necessary to protect children.

A formal hearing may result in findings which can result in cautions, reprimands, conditions imposed including counselling and further education, suspension, cancellation of registration and/or a period of disqualification.

## **Impact on Working With Children Check**

Where an employee, volunteer, or contractor has been charged with or found guilty of a serious sexual, violent or drug-related offence (including grooming and child pornography offences) (Category 1 or Category 2 offence in the Working with Children Act 2005) their Working with Children card will be revoked and they will not be able to work, or volunteer to work with children.

## **Confidentiality & Privacy**

### **Confidentiality of Information Relating to Child Protection Matters**

Anyone who has access to information regarding a case of suspected child abuse must keep such information confidential and secure and must only disclose or discuss this information with those involved in managing the situation.

You must not provide undertakings that are inconsistent with their reporting obligations in the College's Child Protection Program. In particular, you must not promise a student that you will not tell anyone about the student's disclosure.

Students and any other parties who become involved in the investigation (this may include other students) should be informed of the reporting process and be required to maintain confidentiality.

Inappropriate disclosure will be subject to disciplinary action.

## **Protection of Reporter's Identity**

Reports or referrals made to DHHS Child Protection or Child FIRST are confidential and the reporter's identity is generally protected by law. Exceptions include if:

- the reporter chooses to inform the child or family of the report;
- the reporter consents in writing to their identity being disclosed;
- a court or tribunal decides it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child; or
- a court or tribunal decides the reporter is required to attend court to provide evidence.

The identity of the person who makes a report to the Police, including reports under s 327 of the Crimes Act (Obligation to Report a Sexual Offence), will remain confidential unless:

- the person themselves disclose their identity or they consent in writing to their identity being disclosed; or
- a court or tribunal decides that it is necessary in the interests of justice for the person's identity to be disclosed.

## **Reporter Liability**

The College will only be informed of whether an individual passes or fails the Check. None of the information gathered for the Check, such as criminal or professional records, will be passed on to Killester College.

## **Protection of Staff's WWCC Status**

The College will only be informed of whether an individual passes or fails the Check. None of the information gathered for the Check, such as criminal or professional records, will be passed on to Killester College.

## **Protection of Personal Information**

How Killester College handles the information we collect about individuals (referred to in the Privacy Act as personal information) is very important, as the people we deal with expect us to handle their personal information properly and we have a legal obligation to do so. Personal information is information, or an opinion, about an identified individual, or an individual who is reasonably identifiable:

- whether the information, or opinion, is true or not; and
- whether the information, or opinion, is recorded in a material form or not.

The Privacy Act only applies to personal information that is captured in a record.

## Record Keeping

### Documenting a suspicion or belief of abuse

Where a staff member, Stewardship Council member or Direct Contact Volunteer forms the belief on reasonable grounds that a student is in need of protection, written and dated notes of their observations and concerns should be recorded to assist in a referral/report of child abuse.

All verbal and written communications regarding child protection matters (including notes of observations, student disclosures, meetings and telephone calls) must be properly documented. The documented records should include dates and times and enough detail to record key conversations, especially those relating to the student's disclosure.

Staff must complete the  [Responding to Suspected Child Abuse: Template](#) to keep clear and comprehensive notes. Copies of documentation of any incident, disclosure or suspicion that a child has been, or is at risk of being abused must be kept in the student's file and forwarded to the Principal and the Child Safety Leader.

The records of child protection must be stored securely.

### Working with Children Check Documentation

It is the responsibility of Payroll/HR Officer to verify the status of all school staff and non-parent volunteers' Working with Children Checks (WWC Checks).

In line with the College's risk-based approach to child safety and protection, where parent volunteers are volunteering at large off-site activities, such as overnight excursions or camps, the College requires that these parent volunteers undergo a Working with Children Check clearance as a matter of best practice.]

Killester College maintains records (electronic or hard copy format) of child-related workers including:

- Full name;
- WWC Check Application Receipt Number;
- WWC Check Card Number;
- Date and outcome of WWC Check clearance;
- Notices sent by the Department of Justice; and
- Expiry date.

## **Disciplinary Procedures**

Where a staff member breaches any obligation, duty or responsibility within this Program, Killester College may take disciplinary action, including in the case of serious breaches, summary dismissal.

Where any other member of the College community breaches any obligation, duty or responsibility within this Program, Killester College

## **Continuous Improvement and Review**

Killester College is committed to continuous improvement in all its operations including this Child Protection Program.

It is the responsibility of the Child Safety Leader to regularly review our Child Protection Program to ensure that it is working in practice and that the College is meeting its legal and regulatory obligations relating to child protection.

## **Additional Resources**

The following resources provide further information on Child Protection matters.

### **The Victorian Child Safe Standards**

- Department of Health & Human Services, Child Safe Standards Home Page, 2015
- Department of Health & Human Services, Child Safe Standards Resources Page, 2015
- Minister for Education, Child Safe Standards – Managing the Risk of Child Abuse in Schools, Ministerial Order 870, Victorian Government Gazette, 7 January 2016

### **Mandatory Reporting**

- Department of Education and Early Childhood Development and Department of Human Services protocol, Protecting the safety and wellbeing of children and youngpeople
- Department of Education and Training, Child Protection – Reporting Obligations
- Victorian Institute of Teaching, Resources and support for principals
- Victorian Institute of Teaching, The Victorian teaching Profession Code of Conduct

### **Working with Children Checks**

- Department of Justice and Regulation, Working With Children Check website

### **General Obligation to Report**

- Department of Justice and Regulation, Failure to Disclose Offence Fact Sheet, 2015

### **Duty to Protect Students from Abuse**

- Department of Justice and Regulation, Failure to protect: a new criminal offence to protect children from sexual abuse, 2015

### **Child Related HR Practices**

- Department of Health & Human Services, Human resources practices for child safe organisations, 2016
- Department of Health & Human Services, Recruitment practices for child safe organisations, 2016

## Appendix 1 Definitions

### Child Abuse

Child abuse is defined in section 3 of the Child Wellbeing and Safety Act 2005 (Vic) as including:

- any act committed against a child involving a sexual offence or a grooming offence listed in the Crimes Act 1958 (Vic);
- the infliction of physical violence, serious emotional or psychological harm; and
- the serious neglect of a child.

A child is defined by the Act as a person who is under the age of 18 years.

### Family Violence

Whilst the term “family violence” does not form part of the official definition of “child abuse”, the impact of family violence on a child is commonly referred to as a form of child abuse.

In Victoria section 5 of the Family Violence Protection Act 2008 (Vic) defines “family violence” as behaviour by a person towards a family member that is:

- physically or sexually abusive;
- emotionally or psychologically abusive;
- economically abusive;
- threatening;
- coercive; or
- in any other way controlling or dominating the family member and causes them to feel fear for their own, or other family member’s safety or wellbeing.

Behaviour that causes a child to hear, witness or be exposed to the effects of such behaviour also falls within the definition of “family violence”.

### Sexual Offences

A sexual offence occurs when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child’s age and development. Children may be bribed or threatened physically and psychologically to make them participate in the activity.

Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution as well as **grooming behaviour**.

## **Grooming**

Grooming refers to predatory conduct undertaken to prepare a child for sexual activity at a later time. It is a sexual offence under section 49B of the Crimes Act 1958 (Vic) carrying a maximum 10 year term of imprisonment.

Grooming behaviour typically involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviour.

Grooming does not necessarily involve any sexual activity or even discussion of sexual activity. For example, it may only involve establishing a relationship with a child, a parent or carer for the purpose of facilitating sexual activity at a later time.

Certain behaviours or acts will not in isolation constitute grooming behaviour. However, where there is a repeating pattern of indicative behaviour, or several incidents of indicative behaviour, it may constitute grooming behaviour.

## **Physical Violence**

Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or using weapons (such as belts and paddles).

Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline.

## **Serious Emotional or Psychological Harm**

Serious emotional or psychological abuse may occur when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological harm could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

Psychological or emotional abuse may occur with or without other forms of abuse.

## **Serious Neglect**

Serious neglect is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life threatening situations.

## **Family Violence**

In Victoria "family violence" is a defined term under the Family Violence Protection Act 2008. It is a criminal offence.

When dealing with children it is important to remember that "family violence" extends to behaviour that causes a child to hear, witness, or be exposed to the effects of "family violence".

As family violence can result in one or more forms of child abuse (being sexual offences, physical violence, serious emotional or psychological harm or serious neglect) the physical and behavioural indicators of these types of abuse may also be indicative of a family violence situation.

## **Appendix 2 Child Abuse Key Risk Indicators**

### **Possible Physical Indicators of Sexual Abuse:**

- injury to the genital or rectal area, such as bruising or bleeding;
- vaginal or anal bleeding or discharge;
- discomfort in urinating or defecating;
- presence of foreign bodies in vagina and/or rectum;
- inflammation or infection of genital area;
- sexually transmitted diseases;
- pregnancy, especially in very young adolescents;
- bruising and other injury to breasts, buttocks or thighs;
- anxiety related illnesses such as anorexia or bulimia; or
- frequent urinary tract infections.

### **Possible Behavioural Indicators of Sexual Abuse:**

- the student discloses sexual abuse;
- persistent and age inappropriate sexual activity, including excessive masturbation, masturbation with objects, rubbing genitals against adults, playing games that act out a sexually abusive event;
- drawings or descriptions in stories that are sexually explicit and not age appropriate;
- a fear of home, a specific place, a particular adult, or excessive fear of men or of women;
- poor or deteriorating relationships with adults and peers;
- poor self-care/personal hygiene;
- regularly arriving early at Killester College and leaving late;
- complaining of headaches, stomach pains or nausea without physiological basis;
- frequent rocking, sucking or biting;
- sleeping difficulties;
- reluctance to participate in physical or recreational activities;
- regressive behaviour, such as bedwetting or speech loss;
- sudden accumulation of money or gifts;

- unplanned absences or running away from home;
- delinquent or aggressive behaviour;
- depression;
- self-injurious behaviour, including drug/alcohol abuse, prostitution, self-mutilation, or attempted suicide;
- sudden decline in academic performance, poor memory and concentration;
- wearing of provocative clothing, or layers of clothes to hide injuries; or
- promiscuity.

### **Indicators of Grooming Behaviours:**

- persuading a child or group of children that they have a special relationship;
- asking a child to keep the relationship to themselves;
- inappropriately allowing a child to overstep the rules;
- testing boundaries, for example by undressing in front of a child;
- manoeuvring to get or insisting on uninterrupted time alone with a student;
- buying a student gifts;
- insisting on physical affection such as hugging, wrestling or tickling even when the student clearly does not want it;
- being overly interested in the sexual development of a student;
- taking a lot of photos of a student;
- engaging in inappropriate or excessive physical contact with a student;
- sharing alcohol or drugs with a student;
- making inappropriate comments about a student's appearance or excessive flattery;
- using inappropriate pet names;
- making jokes or innuendo of a sexual nature;
- making obscene gestures or using obscene language;
- sending correspondence of a personal nature via any medium;
- inviting, allowing, or encouraging students to attend a staff member's home without parental/carer permission;
- entering change rooms or toilets occupied by students when supervision is not required or appropriate;
- communicating with a child's parent/step parent, legal guardian, teacher, religious official or spiritual leader with the intention of facilitating the child's involvement in sexualconduct;
- inappropriately extending a relationship outside of work; or
- photographing, audio recording, or filming students via any medium without authorisation or having parental consent to do so.

### **Possible Physical Indicators of Physical Violence:**

- unexplained bruises;
- bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms or inner thighs;
- any bruises or welts in unusual configurations, or those that look like the object used to make the injury, for example fingerprints, handprints, buckles, iron or teeth;
- burns that show the shape of the object used to make them, such as an iron, grill, cigarette, or burns from boiling water, oil or flames;
- fractures of the skull, jaw, nose or limbs, especially those not consistent with the explanation offered or with the type of injury probable/possible at the child's age and development;
- cuts and grazes to the mouth, lips, gums, eye area, ears or external genitalia;
- human bite marks;
- bald patches where hair has been pulled out; and
- multiple injuries, old and new.

### **Possible Behavioural Indicators of Physical Violence:**

- inconsistent or unlikely explanation for an injury;
- inability to remember the cause of an injury;
- fear of specific people;
- wearing clothes unsuitable for weather conditions (such as long sleeved tops) to hide injuries;
- wariness or fear of a parent/carer and reluctance to go home;
- no reaction or little emotion displayed when hurt;
- little or no fear when threatened;
- habitual absences from Killester College without explanations (the parent/carer may be keeping the child away until signs of injury have disappeared);
- overly compliant, shy, withdrawn, passive and uncommunicative;
- fearfulness when other children cry or shout;
- unusually nervous or hyperactive, aggressive, disruptive and destructive to self and/or others;
- excessively friendly with strangers;
- regressive behaviour, such as bed wetting or soiling;
- poor sleeping patterns, fear of dark, nightmares;
- sadness and frequent crying;
- drug or alcohol misuse;
- poor memory and concentration;
- suicide attempts; or
- academic problems.

### **Possible Physical Indicators of Serious Emotional or Psychological Harm:**

- speech disorders;
- delays in emotional, mental or even physical development; or
- physical signs of self-harming.

### **Possible Behavioural Indicators of Serious Emotional or Psychological Harm:**

- exhibiting low self-esteem;
- exhibiting high anxiety;
- overly compliant, passive or undemanding behaviour;
- extremely demanding, aggressive, or attention-seeking behaviour;
- anti-social, destructive behaviour;
- low tolerance or frustration;
- unexplained mood swings;
- self-harming;
- behaviours that are not age appropriate, for example, overly adult (parenting of other children), or overly infantile (thumb sucking, rocking, wetting or soiling);
- fear of failure, overly high standards and excessive neatness;
- depression, or suicidal thoughts;
- running away;
- violent drawings or writing; or
- contact with other students forbidden.

### **Possible Physical Indicators of Serious Neglect:**

- consistently dirty and unwashed;
- consistently inappropriately dressed for weather conditions;
- consistently without adequate supervision and at risk of injury or harm;
- consistently hungry, tired and listless, falling asleep in class, or malnourished;
- unattended health problems and lack of routine medical care;
- inadequate shelter and unsafe or unsanitary conditions;
- abandonment by parents; or poor hygiene.

### **Possible Behavioural Indicators of Serious Neglect:**

- begging or stealing food;
- gorging when food is available;
- inability to eat when extremely hungry;
- alienated from peers, withdrawn, listless, pale, and thin;
- aggressive behaviour;
- delinquent acts, for example, vandalism, drug or alcohol abuse;
- little positive interaction with parent/carer;
- appearing miserable or irritable;
- poor socialising habits;
- poor evidence of bonding, or little stranger anxiety;
- indiscriminate with affection;
- poor, irregular or non-attendance at Killester College or kindergarten/child care;
- staying at Killester College long hours;
- self-destructive;
- dropping out of Killester College;
- taking on an adult role of caring for a parent;
- misusing alcohol or drugs; or
- academic issues.

## **Appendix 3 Contact**

### **DHHS CHILD PROTECTION**

#### **AREA**

North Division 1300 664 9777

South Division 1300 655 795

East Division 1300 360 391

West Division (Rural) 1800 075 599

West Division (Metro) 1300 664 9777

#### **AFTER HOURS**

After hours, weekends, public holidays 13 12 78

### **CHILD FIRST**

[www.dhs.vic.gov.au](http://www.dhs.vic.gov.au)

### **VICTORIA POLICE**

000 or contact your local police station

### **DET SECURITY SERVICES UNIT**

**(03) 9589 6266**

### **STUDENT INCIDENT AND RECOVERY UNIT**

(03) 9637 2934

### **EMPLOYEE CONDUCT BRANCH**

(03) 9637 2595

### **KEM OFFICE**

(03) 9682 2973

### **DIOCESAN OFFICE**

Melbourne (03) 9267 0228