

POLICY AND PROCEDURES

CHILD SAFETY AND MANDATORY REPORTING POLICY

Date Approved:	17/08/2020
Date Effective:	17/08/2020
Scheduled Review Date:	17/08/2021
Policy Category:	Educational
Policy Owner:	Principal

1. Context

This policy sets out staff obligations with respect to;

- Mandatory Reporting requirements, with respect to the *Children, Youth and Families Act 2005*
- Failure to Protect Obligations
- Failure to Act Obligations
- Child Protection Obligations
- *Wrongs Amendment (Organisational Child Abuse) Act 2017*

2. Definitions

The above legislation mandates that all VIT registered staff have obligations under Mandatory Reporting requirements, as do certain other staff as set out in Appendix 1 to this policy.

All other SEDA College (Victoria) ("SEDA College"/"the College") employees have obligations to either report or act to protect students at risk.

All SEDA College employees have expectations under the SEDA College Child protection guidelines.

3. Statement of Policy

All young people who come to SEDA College have a right to feel and be safe. SEDA College is committed to the safety and well-being of all children and young people accessing our services and the welfare of the children in our care will always be our first priority. The College has a commitment to a culture of child safety, and has zero tolerance of child abuse.

We have policy aimed to create a child safe and child friendly environment where all children are valued and feel safe, including the Working With Children's Check Policy.

We have the Student Connect Referral Service as a first point of contact to provide advice and support to children, parents/carers, employees and volunteers regarding the safety and well-being of children in SEDA College.

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing.

Types of child abuse include:

- physical abuse
- sexual abuse
- emotional abuse
- neglect
- medical neglect
- family violence
- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution).

A report should be made to DHHS Child Protection in circumstances where, for example:

- the child is engaging in risk-taking behaviour
- female genital mutilation has occurred, or there is a risk of it occurring
- there is a risk to an unborn child
- a child or young person is exhibiting sexually-abusive behaviours
- there are indications that a child is being groomed. For information see:
<https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/grooming-offence>

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert staff and volunteers to the possibility of child abuse and neglect. All staff and volunteers are required to actively listen to and empower children to feel safe raising a concern. It is not the staff members role to determine the truthfulness of an allegation made, it is incumbent on them to report this concern to the relevant authority as outlined in this policy.

Our commitment to child safety

SEDA College is committed to child safety.

We want children to be safe, happy and empowered. We support and respect all children, as well as our staff and volunteers.

We are committed to the safety, participation and empowerment of all children.

We have zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently with our robust policies and procedures.

We have legal and moral obligations to contact authorities when we are worried about a child's safety, which we follow rigorously.

SEDA College is committed to preventing child abuse and identifying risks early and removing and reducing these risks.

SEDA College has robust human resources and recruitment practices for all staff and volunteers.

SEDA College is committed to regularly training and educating our staff and volunteers on child abuse risks.

We support and respect all children, as well as our staff and volunteers. We are committed to the cultural safety of Aboriginal children, the cultural safety of children from a culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability.

We have specific policies, procedures and training in place that support our leadership team, staff and volunteers to achieve these commitments.

If you believe a child is at immediate risk of abuse phone 000.

Our children

This policy is intended to empower children who are vital and active participants in SEDA College. We involve them when making decisions, especially about matters that directly affect them. We listen to their views and respect what they have to say.

We promote diversity and tolerance in SEDA College, and people from all walks of life and cultural backgrounds are welcome. In particular we:

- promote the cultural safety, participation and empowerment of Aboriginal children
- promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds
- ensure that children with a disability are safe and can participate equally.

Our staff and volunteers

This policy, read in conjunction with our staff code of conduct guides our staff and volunteers on how to behave with children in SEDA College.

All of our staff and volunteers must agree to abide by our code of conduct which specifies the standards of conduct required when working with children.

Training and supervision

Training and education is important to ensure that everyone in SEDA College understands that child safety is everyone's responsibility.

SEDA College culture aims for all staff and volunteers (in addition to parents/carers and children) to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. We train our staff and volunteers to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse.

We also support our staff and volunteers through ongoing supervision to: develop their skills to protect children from abuse; and promote the cultural safety of Aboriginal children, the cultural safety of children from linguistically and/or diverse backgrounds, and the safety of children with a disability.

New employees and volunteers will be supervised regularly to ensure they understand SEDA College's commitment to child safety and that everyone has a role to play in protecting children from abuse, as well as checking that their behaviour towards children is safe and appropriate (please refer to this organisation's code of conduct to understand appropriate behaviour further). Any inappropriate behaviour will be reported through appropriate channels, including the Department of Health and Human Services and Victoria Police, depending on the severity and urgency of the matter.

Roles and responsibilities

All staff have a responsibility to be vigilant and make reports where required in line with this policy.

The Principal has responsibility for:

- monitoring overall school compliance with this policy and procedures and the legislation referred to
- reporting to the Board on compliance
- ensuring appropriate training and induction is provided to staff members and volunteers
- promptly managing the school's response to an allegation or disclosure of child abuse, and ensuring that the allegation or disclosure is taken seriously
- responding appropriately to a child who makes or is affected by an allegation of child abuse.

In the instance that the Principal cannot respond to an allegation or disclosure, the Board Chair will take responsibility.

Recruitment

We take all reasonable steps to employ skilled people to work with children. We develop selection criteria and advertisements which clearly demonstrate our commitment to child safety and an awareness of our social and legislative responsibilities. SEDA College understands that when recruiting staff and volunteers we have ethical as well as legislative obligations.

We actively encourage applications from Aboriginal peoples, people from culturally and/or linguistically diverse backgrounds and people with a disability.

All people engaged in child-related work, including volunteers, are required to hold a Working with Children Check and to provide evidence of this Check. Please see the website <www.workingwithchildren.vic.gov.au> for further information

We carry out reference checks and police record checks to ensure that we are recruiting the right people. Police record checks are used only for the purposes of recruitment and are discarded after the recruitment process is complete. We do retain our own records (but not the actual criminal record) if an applicant's criminal history affected our decision making process.

If during the recruitment process a person's records indicate a criminal history, then the person will be given the opportunity to provide further information and context.

Fair procedures for personnel

The safety and wellbeing of children is our primary concern. We are also fair and just to personnel. The decisions we make when recruiting, assessing incidents, and undertaking disciplinary action will always be thorough, transparent, and based on evidence.

We record all allegations of abuse and safety concerns using our incident reporting form Appendix 4, including investigation updates. All records are securely stored, as documented at Appendix 4.

If an allegation of abuse or a safety concern is raised, we provide updates to children and families on progress and any actions we as an organisation take.

Privacy

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be staff, volunteers, parents or children, unless there is a risk to someone's safety. We have safeguards and practices in place to ensure any personal information is protected. Everyone is entitled to know how this information is recorded, what will be done with it, and who will have access to it.

Legislative responsibilities

SEDA College takes our legal responsibilities seriously, including:

Failure to disclose: Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police.¹

Failure to protect: People of authority in SEDA College will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.²

Any personnel, such as Teachers, who are **mandatory reporters** must comply with their duties, see Appendix 1,2.

¹ A person will not commit this offence if they have a reasonable excuse for not disclosing the information, including a fear for their safety or where the information has already been disclosed. Further information about the failure to disclose offence is available on the [Department of Justice and Regulation website](https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence) <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>

² Further information about the failure to protect offence is available on the [Department of Justice and Regulation website](https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to) <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to>

Risk management

In Victoria, organisations are required to protect children when a risk is identified (see information about failure to protect above). In addition to general occupational health and safety risks, we proactively manage risks of abuse to our children.

We have campus specific risk management strategies in place to identify, assess, and take steps to minimise child abuse risks, which include risks posed by physical environments (for example, any doors that can lock), and online environments.

Allegations, concerns and complaints

SEDA College takes all allegations seriously and has practices in place to investigate thoroughly and quickly. Our staff and volunteers are trained to deal appropriately with allegations.

We work to ensure all children, families, staff and volunteers know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour.

We all have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place (see information about failure to disclose above).

If an adult has a **reasonable belief** that an incident has occurred, then they must report the incident. Factors contributing to reasonable belief may be:

- a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves)
- behaviour consistent with that of an abuse victim is observed³
- someone else has raised a suspicion of abuse but is unwilling to report it
- observing suspicious behaviour.

It is important to note that fulfilling the roles and responsibilities contained in the 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.

4. Procedures

4.1 All employees and volunteers are made aware of, and must abide by, SEDA College's Child Protection Code of Conduct Guidelines for employees and volunteers – see *Appendix 3*.

4.2 At least annually, the school's governing authority will ensure that appropriate guidance and training is provided to individual members of the school governing authority and school staff about;

- individual and collective obligations and responsibilities for managing the risk of child abuse
- child abuse risks in the school environment; and
- the school's current child safety standards.

³ For example behaviour, please see

https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_SchoolsGuide.pdf

The Principal's board report will update Board members on staff compliance.

4.3 Reporting child protection concerns

Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to Department of Health and Human Services (DHHS) Child Protection. Appendix 1 describes in more detail who is mandated to report.

All other school staff members who form a belief on reasonable grounds that a child or young person:

- is in need of protection, should report their concerns to DHHS Child Protection or Victoria Police.
- is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to DHHS Child Protection.

If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to DHHS Child Protection or Child FIRST.

In cases where staff have concerns about a child or young person, they should also discuss their concerns with the Principal or a member of the school leadership team. It is important to note that even if other staff members don't share the same view, the staff member is still required to make a report on each occasion they form a view that a young person is at risk. Where another mandated reporter undertakes to make the report, staff are required to confirm that the report is made.

4.4 Reporting criminal child sexual abuse - failure to disclose offence

Any staff member- (this includes nonteaching staff) who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

The offence applies to **all adults** in Victoria, not just professionals who work with children. To read more information about the 'failure to disclose' offence see the Department of Justice website;

<https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>

4.5 Duty of care

School staff have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care they should take immediate action.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, school staff can discharge this duty of care by taking action which includes the following:

- reporting their concerns to the DHHS Child Protection or another appropriate agency (as identified above) and;
- notifying the Principal or a member of the school leadership team of their concerns and the reasons for those concerns.

4.6 Protecting children from the risk of sexual abuse - failure to protect offence

Any staff member in a position of authority (this includes nonteaching staff), who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This will include, suspending the adult pending investigation, informing the police, the VIT, and the relevant SEDA College insurer. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

The offence applies only to **adults in a position of authority** within an organisation, including Principals, senior school staff and other senior managers.

To read more information about the 'failure to protect offence', see: Department of Justice and Regulations – Failure to protect offence

<https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to>

4.7 Forming a Belief

- A belief is considered to be more than a suspicion. A person may be considered to have formed a belief if they are more likely to accept rather than reject the suspicion that a child is at risk of harm from abuse and/or neglect.
- Proof is not required that abuse has occurred or is likely to occur. A belief is sufficient. It is the role of the Child Protection to determine whether that belief should be investigated.
- If one staff member has a different view from another staff member, (including their manager or Principal) about making a report and the staff member continues to hold the belief that a child is in need of protection, that person is still obliged to make a report to the relevant Child Protection Authority.

Reasonable grounds is the mechanism used for forming the belief. Examples are:

- a child tells a staff member they have been abused
- someone else tells a staff member (a relative, friend, neighbour or sibling) that a child has been abused or is at risk of abuse
- a child tells a staff member that they know someone who has been abused (often a child is referring to themselves)
- a staff member's own observation of a particular child's behaviour/injuries or their knowledge of children generally leads them to suspect that abuse is occurring

- other grounds that have led to the forming of a belief that a child is being abused.

4.8 Information required when making a report to Child Protection

The following information is required to make the report:

- name of family and children
- addresses, language spoken and student's date of birth
- factual and specific reason for concern
- the reporter's involvement with the family
- any other people or agencies involved
- concerns about a child protection workers safety in visiting the family
- best time to find the parents/carers at home
- if the family knows the report is being made.

Note: An inability to provide all of this information should not delay the making of the report. Further information can be provided after the initial report is made.

Appendix 2 gives a clear description of contact details for making a report

5. Related Policies and Procedures

Student Wellbeing Policy
Children Youth and Families Act 2005
http://www.austlii.edu.au/au/legis/vic/consol_act/cyafa2005252/

Regular review

This policy will be reviewed every year and following significant incidents if they occur. We will ensure that families and children have the opportunity to contribute. Where possible we do our best to work with local Aboriginal communities, culturally and/or linguistically diverse communities and people with a disability.

6. Policy History

Version	Policy Owner	Approval Date	Effective Date	Summary of Changes
V1	Principal	11/11/16	11/11/16	
V2	Principal	30/01/18	31/01/18	Appendix 4: Updated to reflect staff roles
V3	Principal	7/02/19	7/02/19	General formatting Reference to <i>Wrongs Amendment (Organisational Child Abuse) Act 2017</i> Section 4.5 adding an 'and' for the two dot points Stipulate that the policy will be reviewed every year Updated Appendix 5 Incident Report Form to include reference to Insurer Updated to provide more detail regarding annual training

				Clarify that risk management is campus specific
V4	Principal	10/01/20	10/01/20	<p>Remove original Appendix 4 and reference to Appendix 4</p> <p>Stipulate that the Child Protection Code of Conduct Guidelines for employees and volunteers takes into account professional codes.</p> <p>Update links</p> <p>Edit original Appendix 5 (now 4) to further clarify secure storage arrangements and process</p> <p>Clarify roles and responsibilities by inserting a new section.</p>
V5	Principal	17/08/20	17/08/20	Updated Appendix 1 definition of who is mandated to report, due to legislative change.

Appendix 1:

Mandatory Reporting Requirements applicable to SEDA College

	Who is mandated to report?	What must be reported?	Abuse and neglect types that must be reported	Legal Provisions
Victoria	Registered medical practitioners, nurses, midwives, a person registered as a teacher or an early childhood teacher under the <i>Education and Training Reform Act 2006</i> or teachers granted permission to teach under that Act; principals of government or non-government schools within the meaning of the <i>Education and Training Reform Act 2006</i> ; police officers, a person in religious ministry, out-of-home care workers (excluding voluntary foster and kinship carers), early childhood workers, youth justice workers, registered psychologists, and a person with a post-secondary qualification in youth, social or welfare work who works in the health, education or community or welfare services field.	Belief on reasonable grounds that a child is in need of protection on a ground referred to in Section 162(1)(c) or 162(1)(d), formed in the course of practising his or her office, position or employment	<ul style="list-style-type: none"> ▪ Physical injury ▪ Sexual abuse 	Sections 182(1), 184 and 162(1)(c)-(d) of the <i>Children, Youth and Families Act 2005</i> (Vic.)

Source: <http://www.aifs.gov.au/cfca/pubs/factsheets/a141787/index.html>

Appendix 2:

Relevant Authorities and Contact Details if you suspect a child may be experiencing maltreatment

	Reporting Authority	Further Services / Information	Contact Details
Victoria	Department of Human Services – Children, Youth and Families	<p>The Child Protection Service is specifically targeted to those children and young people at risk of significant harm. The main functions are to:</p> <ul style="list-style-type: none"> ▪ investigate matters where it is alleged that a child is at risk of significant harm; ▪ refer children and families to services that assist in providing the ongoing safety and well-being of children; ▪ take matters before the <u>Children’s Court</u>; ▪ supervise children on legal orders; and ▪ provide and fund out of home care services, specialist support services, and adoption and permanent care. <p>The Child and Family Information Referral and Support Teams (ChildFIRST) initiative provides access to integrated family services has ensured that vulnerable families and children receive early intervention and support services before statutory involvement.</p> <p>For further information about the process of reporting concerns about a child's welfare refer to the <u>About Child Abuse</u> page of the department's website.</p>	<p><u>Department of Human Services – Children, Youth and Families</u> Level 9, 50 Lonsdale St Melbourne VIC 3000</p> <p>To report instances of child abuse: Metropolitan Eastern: 1300 360 391 Southern: 1300 655 795 North & West: 1300 664 977</p> <p>Rural Barwon S/West: 1800 075 99 Gippsland: 1800 020 202 Grampians: 1800 000 551 Hume: 1800 650 227 Loddon Mallee: 1800 675 598</p> <p>All regions after hours Ph: 131 278</p>

Source: <http://www.aifs.gov.au/cfca/pubs/factsheets/a142843/index.html>

Appendix 3:

SEDA College's Child Protection Code of Conduct Guidelines for employees and volunteers

Caring for children and young people brings additional responsibilities for employees and volunteers of this organisation. This Code of Conduct is intended to complement child protection legislation, school policies and procedures and professional standards, codes or ethics as these apply to staff (employees) and other personnel such as volunteers.

All employees and volunteers of this organisation are responsible for promoting the safety and well-being of children and young people by following policies and procedures developed by SEDA College, including SEDA College's Child Safety and Mandatory Reporting Policy to ensure that:

- The safety and welfare of children and young people is paramount at all times.
- Children and young people are treated with dignity, equality and respect.
- The views and concerns of children and young people are listened and responded to appropriately within the organisation.
- All reasonable steps are taken to ensure the safety and protection of children and young people within the organisation.
- Children and young people understand their rights and have these explained to them in age-appropriate language as to what they can expect when participating in a service, activity or program offered by the organisation.
- Any serious complaints made by a child, young person or their parent/carer are responded to quickly, fairly and transparently via the Concerns, Complaints & Grievances Policy – Students.
- They as an employee notify the relevant Child Protection Agency:

VIC: Child Protection Emergency Service on **13 12 78**

as soon as practicable if they have awareness or a reasonable suspicion that a child has been, or is being, abused or neglected.

Employees/volunteers will not:

- Take part in any unnecessary physical contact with a child or young person.
- Discriminate against any child or young person because of age, gender, cultural background, religion, vulnerability or sexuality.
- Develop any 'special' relationships with children or young people outside of the professional relationship.

Appendix 4

Incident Report Form

All incident reports must be stored securely. A copy of this form and other related notes including the College's response to the incident are to be supplied to the Registrar, in a sealed envelope marked 'Confidential Principal only'. The Registrar will store this envelope in the student's hard copy file. Hard copy files are stored in locked cabinets, and upon student exit, stored securely off site indefinitely.

Incident details

Date of incident:	
Time of incident:	
Location of incident:	
Name(s) of child/children involved:	
Name(s) of staff/volunteer involved:	

If you believe a child is at immediate risk of abuse phone 000.

Does the child identify as Aboriginal or Torres Strait Islander?

(Mark with an 'X' as applicable)

No Yes, Aboriginal Yes, Torres Strait Islander

Please categorise the incident

Physical violence

Sexual offence

Serious emotional or psychological abuse

Serious neglect

Please describe the incident

When did it take place?	
Who was involved?	
What did you see?	
Other information	

Parent/carer/child use

Date of incident:	
Time of incident:	
Location of incident:	
Name(s) of child/children involved:	
Name(s) of staff/volunteer involved:	

Office use:

Date incident report received:	
Staff member managing incident:	
Follow-up date:	
Incident ref. number:	

Has the incident been reported?

Child protection	
Police	
Insurer	
Another third party (please specify):	

Incident reporter wishes to remain anonymous?

(Mark with an 'X' as applicable)

Yes No



ACKNOWLEDGEMENT

I _____ have read, understood and agree to comply with the terms of this Child Safety and Mandatory Reporting Policy.

Signed

Dated