

POLICY AND PROCEDURES

CHILD SAFETY RESPONDING AND REPORTING OBLIGATIONS POLICY

GRM 1.15.1

Date Approved:	22/06/2022
Date Effective:	1/07/2022
Scheduled Review Date:	30/06/2023
Policy Category:	Governance and Risk Management
Policy Owner:	Principal

1. Context

SEDA College (Victoria) has a duty of care and is committed to the safety and wellbeing of all children and young people, regardless of their age, culture, beliefs, socio-economic circumstances, disability, family living situation, child rearing practices or educational level. There is a culture of 'no tolerance' for child abuse.

The College is required in accordance with the mandatory reporting requirements of the Children, Youth and Families Act (2005), to take immediate action following a disclosure of, or concerns about, alleged child abuse or sexual assault.

The Child Safe Standards under Ministerial Order 1359 must be complied with to create and maintain a child safe organisation. All children have a right to feel safe and to be safe. As members of a community, we all have a moral obligation to protect any child under our care and supervision from foreseeable harm. Professionals who work with children play a vital role in protecting children from abuse by responding and reporting any incidents, disclosures or suspicions. They are often best placed to identify signs and behaviours that may indicate that a child has been subject to abuse, or that a school community member or a school staff member may be a perpetrator of abuse.

Staff have a legal responsibility to respond to serious incidences involving abuse and neglect and to report incidences.

2. Definitions

A reference or term included in this policy is defined as follows;

"SEDA College" or **"the College"** refers to SEDA College (Victoria).

"Staff" or **"staff member"** or **"employee"** in this policy includes all employees of SEDA College (Victoria).

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"VIT" is the Victorian Institute of Teaching; an independent statutory authority for the teaching profession, whose primary function is to regulate members of the teaching profession.

"Physical abuse" can consist of any non-accidental infliction of physical violence on a child by any person.

"Sexual abuse" is when a person uses power or authority over a child to involve them in sexual activity.

"Emotional abuse" occurs when a child is repeatedly rejected, isolated or frightened by threats, or by witnessing family violence.

"Grooming" is when a person engages in predatory conduct to prepare a child for sexual activity at a later time.

"Neglect" includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health or physical development of the child is significantly impaired or placed at serious risk.

"Family violence" is behaviour towards a family member that may include physical violence or threats of violence, verbal abuse, including threats, emotional or psychological abuse, sexual abuse or financial and social abuse.

3. Application

This policy applies to all school staff, volunteers and school community members. It also applies to all staff and students engaged in any school and school council-run events, activities and services, such as Outside School Hours Care.

All children and young people have the right to protection in their best interests. The College understands the important role our school plays in protecting children from abuse including:

- Physical abuse
- Sexual abuse (including sexual exploitation)
- Family violence
- Emotional abuse
- Neglect (including medical neglect)
- Grooming

4. Statement of Policy

The purpose of this policy is to ensure that all staff and members of our school community understand the various legal and other reporting obligations related to child safety that apply to the College. Specifically, this policy aims to ensure:

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- That children's rights to be safe are maintained and each child is protected against abuse and neglect.
- Defined roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people.
- Empowerment of children so they feel confident to report incidences.
- Staff and community members understand the specific procedures that are applicable at our school related to mandatory reporting
- Staff have the knowledge and skills to identify the indicators of a child or young person who may be in need of protection.³
- Staff take appropriate steps to make a report on a child or young person who may be in need of protection.
- The school is compliant with Ministerial Order 1359 related to the Child Safe Standards

5. Procedures

The Principal has the overall responsibility of implementing this policy, but all staff have a critical role to play in implementing this policy.

5.1 Mandatory reporting

A mandatory reporter must report to the Department of Health and Human Services (DHHS) Child Protection as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that:

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

It may be a criminal offence not to report in these circumstances.

Individuals who are required to report:

- Victorian Institute of Teaching (VIT) registered teachers, including principals
- school staff who have been granted permission to teach by the VIT
- registered doctors, nurses and all members of the police force
- registered psychologists
- people in religious ministry
- staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare officers, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff.

5.2 Failure to disclose

All adults must report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16.

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Failure to disclose the information may be a criminal offence unless you have a 'reasonable excuse' or have an 'exemption' from doing so.

If you are an adult that reasonably believes that a sexual offence has been committed against a child under the age of 16 by another adult, then you must call Victoria Police on 000 or your local police station.

For more information, visit the Department of Justice and Community Safety website: Failure to disclose offence.

5.3 Failure to protect

Principals or school leadership staff, who become aware that an adult associated with the school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse (including through grooming) to a child under the care, of the school, must take all reasonable steps to remove or reduce that risk.

This may include, for example, removing the adult from child-related work pending investigation. Failure to do so may be a criminal offence.

This applies to any staff member in a position of authority (e.g. principals, assistant principals and campus principals).

For more information, visit the Department of Justice and Community Safety website: Failure to protect offence.

5.4 Making a report or referral – the Four Critical Actions

School staff must be aware of and comply with their legal obligations with respect to reporting suspected child abuse and providing ongoing appropriate support.

School staff must follow the Four Critical Actions where there is an incident, disclosure or suspicion of child abuse.

i) Critical Action 1: Responding to an emergency

If there is not risk of immediate harm go to Action 2.

If a child is at immediate risk of harm school staff 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.

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School staff may also need to maintain the integrity of the potential crime scene and preserve evidence.

ii)Critical Action 2: Reporting to authorities/referring to services

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

If the source of suspected abuse comes from within the school

School staff must report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police (call 000 or your local police station). School staff must also report internally to:

- Principal and/or Executive Leadership Team

If the source of suspected abuse comes from within the family or community

School staff must report to 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 and the parents have not protected or are unlikely to protect the child.

School staff must also report all instances of suspected sexual abuse (including grooming) to Victoria Police (call 000 or your local police station).

School staff must also report internally to:

- Principal and/or Executive Leadership Team

Other concerns

If a school staff member believes that a child is not subject to abuse, but they still hold significant concerns for the child's wellbeing the school staff member must still act. This may include making a referral or seeking advice from:

- Child FIRST / the Orange Door (in circumstances where the school staff member believes the family is open to receiving support)
- The Lookout has a service directory, information, and guidance to help you respond to family violence
- family violence victims/survivors can be referred to 1800 Respect for counselling, information and a referral service: 1800 737 732
- Child Protection
- Victoria Police — call 000 or your local police station.

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iii) Critical Action 3: contacting parents/carers

The principal must consult with Child Protection or Victoria Police (call 000 or your local police station) to determine what information can be shared with parents/carers. They may advise:

- not to contact the parents/carers (for example, 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 parent/carer 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)
- how to communicate with all relevant parties with consideration for their safety.

iv) Critical Action 4: providing ongoing support

The school must provide support for children impacted by abuse. This can include the development of a student support plan in consultation with wellbeing professionals. This is an essential part of the school's duty of care requirements.

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

School staff 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.

5.5 Reporting obligations where there is a concern that a child is being abused

When making any report in regards to suspected child abuse, it is strongly recommended that you use the Responding to suspected child abuse template to keep clear and comprehensive notes.

Where a school staff member has reported a concern to Child Protection but they continue to have concerns for the child after Child Protection has closed the case, they may escalate the matter through Child Protection complaints management processes or reporting concerns to the Principal.

5.6 Child in need of therapeutic treatment

Any person who believes on reasonable grounds that a child over 10 but under 18 years of age has been exhibiting sexually abusive behaviours and may be in need of therapeutic treatment may make a report to Child Protection.

School staff must also report student sexual offending to the Victoria Police.

5.7 Significant concerns for the wellbeing of a child

All concerns about the wellbeing of a child (or unborn child) should be taken seriously and acted upon.

Any adult can make a referral to Child FIRST/The Orange Door if they:

- have a significant concern for a child's wellbeing
- the issue of concern has a low-to-moderate impact on the child

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- the child’s immediate safety is not compromised
- believe that the child and/or family will act on the referral and be supportive of it.

School staff must contact Victoria Police if:

- there is any concern for a child’s immediate safety and/or
- a child is partaking in any risk-taking activity that is illegal and extreme in nature or poses a high risk to the child or any other person.

School staff can contact Child Protection if:

- after consideration of all available information you form a view that the child is in need of protection and
- you believe that the child’s parents/carers will not be open to support from family services to address their child’s wellbeing.

For contact details visit:

- [Child FIRST Child and family services](#)
- [The Orange Door](#)
- [The Lookout service directory](#) – for information, and guidance to help you respond to family violence
- [1800 RESPECT](#)– for family violence victims/survivors to be referred to counselling and information
- Child Protection – visit [Making a report to child protection](#)
- Victoria Police – call [000](#) or your local police station.

6. Referenced Documents

The following documents should be considered when reading this policy:

- Ministerial Order 1359
- Child Wellbeing and Safety Act 2005 (Vic)
- Child Wellbeing and Safety (Information Sharing) Regulations 2018 (Vic)
- Child Safety and Wellbeing Policy
- Child Safety Code of Conduct
- Record Keeping and Information Management Policy

7. Policy History

Version	Policy Owner	Approval Date	Effective Date	Summary of Changes
V1	Principal	20/06/2022	01/07/2022	New Policy

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