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# **VIC-EDU-P-003 Child Safety Responding and Reporting Obligations Policy and Procedure**

December 2022



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# VIC-EDU-P-003 Child Safety Responding and Reporting Obligations Policy and Procedure

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## 1. Introduction

Protection for children and young people is based upon the belief that each person is sacred, and that the inherent dignity of all should be recognised and fostered.

Catholic schools are entrusted with the holistic education of the child, in partnership with parents/guardians/carers, who are the primary educators of their children. Catholic school staff therefore have a duty of care to students to take reasonable care to avoid acts or omissions that 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.

Under the *National Framework for Protecting Australia's Children 2009-2020*, protecting children is everyone's responsibility – parents/guardians/carers, communities, governments and businesses all have a role to play.

In Victoria, a joint protocol, *PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools*, involving the Victorian Department of Education and Training (DET), the Catholic Education Commission of Victoria Ltd (CECV) and Independent Schools Victoria (ISV) exists to protect the safety and wellbeing of children and young people.

The DET has also produced *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse (Appendix I)* and *PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools*, both of which are referred to in the joint protocol.

*Ministerial Order No. 1359: Implementing the Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises* was made under the Education and Training Reform Act 2006 (Vic.) and sets out the specific actions that all Victorian schools must take to meet the requirements in the Child Safe Standards for registration.

## 2. Scope

All staff, volunteers, contractors and other service providers of MacKillop Family Services Limited (**MacKillop Family Services**) that provide education services in the State of Victoria (**MacKillop Education**) including MacKillop Family Services' Board Directors, must understand and abide by the professional, moral, and legal obligations to implement child abuse and child safety policies, protocols and practices.

The relationship outlined here between MacKillop Family Services and MacKillop Education, will be hereafter referred to as MacKillop Education.

### 3. Purpose

This policy applies to complaints and concerns relating to child abuse made by or in relation to a child or student, school staff member, volunteer, contractor, service provider, visitor or any other person while connected to the school environment. This policy also applies to complaints or concerns relating to student sexual offending.

This policy assists MacKillop Education staff (which includes contractors, other service providers and religious leaders including clergy) and volunteers to:

- identify the indicators of a child or young person who may be in need of protection;
- understand how a suspicion or reasonable belief is formed;
- make a report about a child or young person who may be in need of protection;
- respond to concerns or complaints relating to student sexual offending;
- comply with obligations under the Victorian Reportable Conduct Scheme;
- comply with mandatory reporting obligations under child protection law; and
- comply with legal obligations relating to criminal child abuse and grooming under criminal law.

Where possible, MacKillop Education staff and volunteers should refer to the principles of the Victorian Charter of Human Rights and Responsibilities as best practice in respecting and protecting the basic rights, freedoms and responsibilities of members of the school community.

### 4. Legislative and regulatory requirements

MacKillop Education must comply with the legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005* (Vic.), the *Crimes Act 1958* (Vic.), the *Child Wellbeing and Safety Act 2005* (Vic.), the *Education and Training Reform Act 2006* (Vic.), the *Education and Training Reform Regulations 2017* (Vic.) and the *Family Violence Protection Act 2008* (Vic.).

The *Child Wellbeing and Safety Act 2005* (Vic.) introduced the Victorian Child Safe Standards, in January 2016. Following a review, changes have been made to those standards, with effect from 1 July 2022. The new Victorian Child Safe Standards set out minimum requirements and outline the actions organisations must take to keep children and young people safe.

Child abuse reporting obligations fall under six separate pieces of legislation with differing reporting requirements:

- the *Children, Youth and Families Act 2005* (Vic.);
- the *Education and Training Reform Act 2006* (Vic.);
- the *Education and Training Reform Regulations 2017* (Vic.);
- the *Crimes Act 1958* (Vic.);
- the *Family Violence Protection Act 2008* (Vic.); and
- the *Wrongs Act 1958* (Vic.).

These legislative obligations exist in addition to moral and duty of care obligations, which require school community members to protect any child under their care and supervision from foreseeable harm.

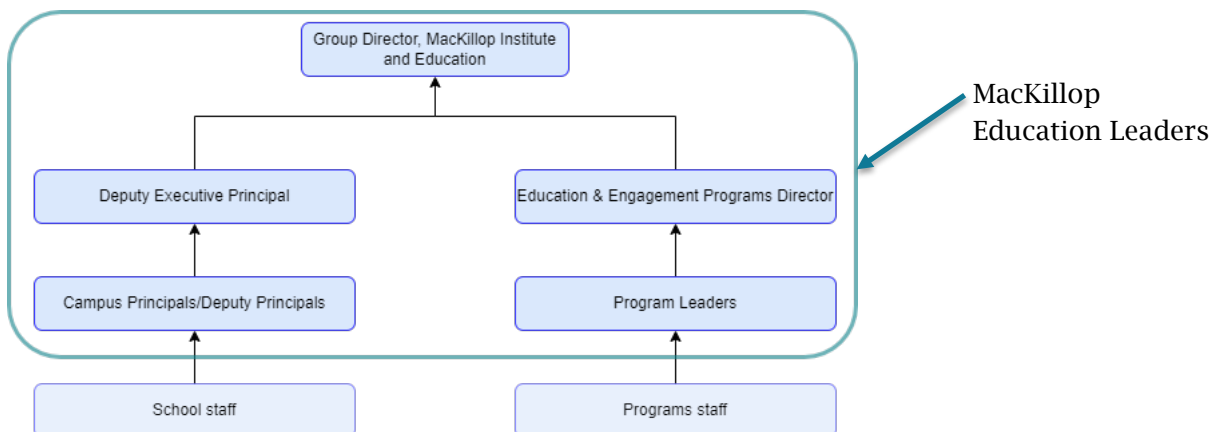
MacKillop Education is a prescribed Information Sharing Entity (ISE) meaning that, where legislated requirements are met, it is able to share confidential information with other ISEs to promote child wellbeing or safety under the Child Information Sharing Scheme (CISS) or the Family Violence Information sharing Scheme (FVISS).

## 5. Definitions and obligations

### MacKillop Education Leaders

MacKillop Education staff members should report concerns regarding child safety or abuse, or student sexual offending to a MacKillop Education Leader. The MacKillop Education Leaders are identified in Figure 1.

Figure 1. MacKillop Education Leaders



### Types of child abuse and indicators of harm

Child abuse can take many forms. The perpetrator may be a parent/guardian/carer, school staff member, volunteer, another adult or even another child. The nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect. Therefore, the legal obligations for reporting allegations of child abuse can vary depending on the circumstances of the incident.

Child abuse is defined in the *Child Wellbeing and Safety Act 2005* (Vic.) to include:

- sexual offences;
- grooming offences under section 49M(1) of the *Crimes Act 1958* (Vic.);
- physical violence;
- serious emotional or psychological harm; and
- serious neglect.

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. Sexual offences are governed by the <i>Crimes Act 1958</i> (Vic.). 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.
Grooming	Grooming refers to predatory conduct undertaken by an adult (18 years or over) to prepare a child for sexual activity at a later time. It is a sexual offence under section 49M of the <i>Crimes Act 1958</i> (Vic.) carrying a maximum 10-year term of imprisonment. Under section 49M, the adult's words or conduct must be intended to facilitate the child engaging or being involved in the commission of, or attempt to commit, a sexual offence by the adult or another adult.

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 harm may also be caused during student fights.
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.
Serious neglect	Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. Significant neglect causes harm to a child that is more than trivial or temporary. Serious neglect is when the child is exposed to an extremely dangerous or life-threatening situation and there is a continued failure to provide a child with the basic necessities of life.

Family violence is defined under the *Family Violence Protection Act 2008* (Vic.) to include behaviour that causes a child to hear, witness or be exposed to the effects of family violence such as abusive, threatening, controlling or coercive behaviour. While family violence does not form part of the official definition of ‘child abuse’ in the *Child Wellbeing and Safety Act 2005* (Vic.), the impact of family violence on a child can be a form of child abuse, for example, where it causes serious emotional or psychological harm to a child. A child can also be a direct victim of family violence.

Child abuse can have a significant effect on a child’s physical, social, psychological or emotional health, development and wellbeing. The younger the child, the more vulnerable they are to abuse and the more serious the consequences are likely to be.

There can be physical or behavioural indicators of child abuse and neglect, or a combination of both. While the presence of a single indicator, or even several indicators, does not necessarily prove that abuse or neglect has occurred, the repeated occurrence of either a physical or behavioural indicator, or the occurrence of several indicators together, should alert school staff to the possibility of child abuse or neglect.

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

For further definitions of all types of child abuse, a comprehensive list of the indicators of harm and advice on identifying perpetrators of child sexual abuse, refer to the protocol *PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

### **Mandatory reporting**

Mandatory reporting is a legal requirement under the *Children, Youth and Families Act 2005* (Vic.) to protect children from harm relating to physical injury and sexual abuse. A child, for the purpose of the relevant parts of this Act, is any person who is under the age of 17 years. In Victorian schools, registered teachers, school principals, early childhood workers, registered psychologists, school counsellors and all people in religious ministry are mandated to report a reasonable belief of child physical or sexual abuse to child protection authorities. The report must be made as soon as practicable after forming the belief.

At MacKillop Education, all staff and volunteers are expected to report a reasonable belief of child physical or sexual abuse regardless of whether or not they are identified as a mandatory reporter.

The threshold for reporting child abuse incidents, disclosures, concerns or suspicions has been set deliberately low by the joint protocol *PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools*. This protocol focuses on *Four Critical Actions* that all our school staff must take if they form a suspicion or reasonable belief that child abuse has occurred, or that a child is at risk of suffering abuse.

A subsequent report must be made on each occasion on which the mandatory reporter becomes aware of further reasonable grounds for the belief and even if the reporter knows that another report has been made concerning the same child and suspected abuse.

### **Reasonable belief**

Where MacKillop Education staff members and volunteers are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. If a staff member or volunteer has witnessed potentially abusive behaviour, has a suspicion or has received a disclosure of child abuse, they must determine whether these observations or receipt of such information have caused the staff member or volunteer to form a reasonable belief.

A reasonable belief or a belief on reasonable grounds is not the same as having proof but is more than rumour or speculation. 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 if:

- a child states that they have been physically or sexually abused
- any person tells you that they believe someone has been abused; this may include a child who is talking about themselves
- you observe physical or behavioural indicators of abuse, as described in *PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools*
- a child or young person exhibits sexually abusive or age-inappropriate behaviour(s)
- professional observations of the child's behaviour or development cause you to form a belief that the child has been physically or sexually abused, or is likely to be abused.

While any indicators of possible child abuse or neglect are concerning, it is important to understand that the presence of several indicators that suggest either physical or sexual abuse of a child may be sufficient to form a reasonable belief in a mandatory reporter's mind, which must be reported.

### **Reportable conduct**

The Reportable Conduct Scheme was created under the *Child Wellbeing and Safety Act 2005* (Vic.) and requires the head of entity, to notify the Commission for Children and Young People (CCYP) if an allegation of reportable conduct (a reportable allegation) is made against people employed by or engaged by the organisation. This includes: employees, volunteers, contractors, office holders, ministers of religion, officers of a religious body

Reportable allegation	A reportable allegation means any information that leads a person to form a reasonable belief that an employee has committed reportable conduct or misconduct that may involve reportable conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.
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Reportable conduct	<p>As per the Children Legislation Amendment (Reportable Conduct) Act 2017, Reportable Conduct, as overseen by the CCYP, is based on a ‘reasonable belief’ or suspicion or knowledge that there has been:</p> <ul style="list-style-type: none"> <li>▪ a sexual offence (against, with, or in the presence of a child);</li> <li>▪ sexual misconduct (against, with, or in the presence of a child);</li> <li>▪ physical violence (against, with, or in the presence of a child);</li> <li>▪ behaviour causing significant emotional or psychological harm to a child; and/or</li> <li>▪ significant neglect of a child.</li> </ul> <p>Reportable conduct may involve:</p> <ul style="list-style-type: none"> <li>• activities outside of work hours within the employee’s private or family life.</li> </ul> <p>An allegation of reportable conduct is an allegation against a person, or an allegation of misconduct that may involve reportable conduct.</p> <p>From CCYP, <i>Information Sheet 2 – What is Reportable Conduct under the Reportable Conduct Scheme</i></p>
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The Reportable Conduct Scheme imposes obligations on the head of entity (governing authority). For MacKillop Education the Chief Executive Officer of our governing body through our Group Director, Campus Principals or Program Leaders, will:

- have in place systems to prevent reportable conduct and, if reportable conduct is alleged, to ensure allegations are brought to the attention of the Chief Executive Officer at the earliest opportunity for investigation and response;
- ensure that the CCYP is notified and given updates on the organisation’s response to an allegation ;
- report to Victoria Police as soon as they become aware that a reportable allegation may involve suspected child abuse or criminal conduct.

The Reportable Conduct Scheme does not change mandatory reporting or other reporting obligations, including internal reporting and reporting criminal behaviour to Victoria Police. Reportable conduct reporting should be done in addition to these other reporting obligations.

The *VIC-EDU-P-007 Reportable Conduct Policy* outlines the procedures and the responsibilities of MacKillop Education leaders for responding to allegations of reportable conduct.

School staff and volunteers are required to notify the Campus Principal/Program Leaders. If the Group Director, Campus Principal or Program Leaders are involved in the allegation, notify another MacKillop Education Leader or MacKillop’s Chief Executive Officer.

### Information sharing

The *Child Wellbeing and Safety Act 2005* (Vic.) also enables a school, as a prescribed Information Sharing Entity (ISE) to share confidential information with other ISEs to promote child wellbeing or safety, where legislated requirements are met.

### Failure to disclose

Any staff member or volunteer at MacKillop Education 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 Victoria Police.

Failure to disclose the information to Victoria Police is a criminal offence under section 327 of the *Crimes Act 1958* (Vic.) and applies to all adults (18 years and over) in Victoria, not just professionals who work with children.

The obligation is to disclose that information to Victoria Police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DFFH Child Protection.

For further information about the failure to disclose offence, see the Department of Justice and Community Safety's 'Failure to disclose offence' webpage and *Betrayal of Trust: Fact Sheet*.

### **Failure to protect**

Any staff member at MacKillop Education in a position of authority who has the power or responsibility to remove risk and becomes aware that an adult associated with a school (such as an employee, contractor, volunteer, sport coach or visitor) poses a risk of sexual abuse to a child under 16 who is in the care or supervision of a school, must take all reasonable steps to reduce or remove that risk. At MacKillop Education, this will include the MacKillop Education Leaders: Group Director, Deputy Executive Principal, Program Leaders and Campus Principals.

Failure to take reasonable steps to protect a child in the school from the risk of sexual abuse from an adult associated with the school is a criminal offence under section 49(1) of the *Crimes Act 1958* (Vic.).

For further information about the failure to protect offence, see the Department of Justice and Community Safety's 'Failure to protect' webpage and *Betrayal of Trust: Fact Sheet*.

### **Grooming**

The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in section 49M (1) of the *Crimes Act 1958* (Vic.). The offence applies to communication with children under 16 years.

Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.

For further information about the grooming offence, see the Department of Justice and Community Safety's 'Grooming offence' webpage and *Betrayal of Trust: Factsheet*.

For more information about managing and responding to the risk of abuse, see the DET's '*Student Sexual Offending and Problem Sexual Behaviour*' and '*Risk Management - Schools*' webpages.

### **Organisational duty of care**

The *Wrongs Act 1958* (Vic.) creates an organisational liability for child abuse for organisations that exercise care, supervision or authority over children. This is colloquially referred to as an 'organisational duty of care'.

We and our governing body owe a duty to take reasonable precautions to prevent the abuse (sexual or physical) of a child (under 18) by an individual associated with the school while the child is under the care, supervision or authority of the school.

Individuals associated with the school can include employees, volunteers, office holders, contractors, ministers of religion and religious leaders.

Reasonable precautions that a school could take are not defined in the *Wrongs Act 1958* (Vic.) but, as examples, the following measures are what courts have previously considered to be reasonable precautions in the context of organisational child abuse:

- conducting employment screening and reference checking;
- providing supervision and training;

- implementing systems to provide early warning of possible offences;
- performing random and unannounced inspections to deter misconduct;
- encouraging children and adults to notify authorities or parents about any signs of aberrant or unusual behaviour.

### School staff duty of care

School staff have a duty to take reasonable steps to protect children and young people under their care and supervision from harm that is reasonably foreseeable (this duty applies to all school staff). The question of what constitutes reasonable steps will depend on the individual circumstances of each case.

A staff member may breach their duty of care towards a student if they fail to act in the way a reasonable or diligent professional would have acted in the same situation.

For more information on the scope of staff duty of care obligations and examples of reasonable steps they can take in relation to suspected child abuse, refer to the protocol *PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

### Victorian Charter of Human Rights and Responsibilities

While Victorian Catholic schools are not bound by the *Charter of Human Rights and Responsibilities Act 2006* (Vic.), the following principle should be noted:

*School staff are required to respond to suspected child abuse with proper consideration for human rights and, when making decisions and taking actions in response to suspected child abuse, to act compatibly with human rights. This means that school staff should take into account the right to protection without discrimination, the right to protection from torture and cruel, inhuman or degrading treatment, and the right to privacy when responding to suspected child abuse.*

### Responding to Sexual Behaviour in Children and to Student Sexual Offending

If school employees become aware of, or suspect student sexual offending, or that a student is at risk of perpetrating or suffering student sexual offending they must follow the procedures outlined in *PROTECT: Identifying and Responding to Student Sexual Offending*. The Campus Principal or Program Leaders, or if they are unavailable, a member of the Local Leadership Team should also be informed.

### Recognising and responding to sexual behaviour in children

MacKillop Education uses the Centres Against Sexual Assault (CASA) Framework to recognise and respond to all forms of sexual behaviour.

The table below outlines how sexual behaviours are categorised and responded to:

Age appropriate	Concerning	Very concerning
Normal, developmentally expected sexual behaviours	Sexual behaviours outside normal in terms of persistency, frequency or inequality.	Harmful or problem sexual behaviours.
The appropriate response is to provide opportunities to give information and feedback relevant to the child's age	These require further observation and targeted support	These behaviours indicate a need for immediate protective intervention and intensive follow up support

Most 'Very concerning' sexual behaviour by a student aged 10 or over that is directed at another person would be considered as student sexual offending. Some 'Concerning' behaviours could also be student sexual offending.

### **Responding to sexual offending**

Student sexual offending refers to sexual behaviour that:

- is led by a student aged 10 or over;
- is directed at another person; and
- amounts to a sexual offence (refer to definition of sexual offence on p 7).

The *PROTECT: Four Critical Actions for Schools: Responding to Student Sexual Offending* in Appendix II summarises the procedure.

## **6. Required actions under this Policy**

Our governing body and every person involved in MacKillop Education has a responsibility to understand the important and specific role they have individually and collectively, to ensure that complaints and concerns relating to child abuse are taken seriously, and to ensure that the wellbeing and safety of all children and young people are at the forefront of all they do and every decision they make.

It is our governing body's policy that all schools display the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* diagram in staffrooms and other strategic areas of the school to ensure all school staff are aware of the actions to take as soon as they witness a child abuse incident, receive a disclosure or form a reasonable suspicion or belief that a child has been, or is at risk of being, abused.

### **Staff awareness and training**

At least annually all MacKillop Education staff engaged in child-connected work will receive training and information on the procedures for responding to complaints or concerns relating to child abuse. This will include guidance on:

- Recognising indicators of child harm including harm caused by other children and students.
- Responding effectively to issues of child safety and wellbeing and supporting colleagues who disclose harm.
- Information sharing and recordkeeping obligations.

Where appropriate to the nature and responsibilities of their role, volunteers will receive training and information on the procedures for responding to complaints or concerns relating to child abuse as outlined above.

Mandatory reporters will receive training in relation to their mandatory reporting obligations.

### **Responding to and reporting child abuse concerns**

The approach to responding to and reporting child abuse concerns in the joint protocol incorporates *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*.

At MacKillop Education a staff member must take any complaint or concern relating to child abuse seriously. They must act, and follow the *Four Critical Actions*, as soon as they become aware of a child abuse incident – that is, when a child is experiencing, or is at risk of experiencing, abuse. The staff member must ensure that they act promptly and thoroughly in their response.

## **Becoming aware of a child abuse incident**

There are four main ways in which a school staff member may become aware that a child is experiencing, or is at risk of experiencing, abuse and are required to act immediately:

1. Witnessing an incident where you believe a child has been subjected to, or may be at risk of, abuse, including exposure to family violence.
2. Forming a suspicion or reasonable belief that a child has been, is being or is at risk of being abused must be taken seriously, including suspicions that the abuse is taking or may take place outside school grounds or areas.
3. Receiving a disclosure about or from a current student.
4. Receiving a disclosure about or from a former student about historical abuse, you must act.

If the former student is currently of school age and attending a Victorian school, you must immediately refer to *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*.

If the former student is no longer of school age or attending a Victorian school, you must still report the disclosure to DFFH Child Protection.

## **Notes and records**

MacKillop Education staff members are to keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse. The *PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools* should be referred to for guidance on the information to be recorded.

Even if a MacKillop Education staff member decides not to make a report, they must still accurately document their notes relating to the incident, disclosure or allegation of child abuse.

Notes and records must be kept securely on school grounds and must not be destroyed as they may be needed, at a later time.

## **Reporting to MacKillop Board**

In addition to the required notifications, as outlined in this policy, the MacKillop Board will be notified, by MacKillop's Chief Executive Officer, of any serious reportable behaviours or breaches of the *VIC-EDU-P-002 Code of Conduct*. This information will also be included in the ongoing quarterly reports to the Board, provided by the Group Director.

## **Disclosures**

It is the role of MacKillop Education staff members to reassure and support a child or young person who makes a disclosure of abuse, and to ensure that the disclosure is taken seriously. However, school staff members should never promise to keep any disclosures confidential, as all disclosures of abuse must be reported.

The role of MacKillop Education staff remains the same if disclosures are made by a parent/guardian/carer or a sibling, or if disclosures involve family violence.

For strategies on how to manage a disclosure, refer to *PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

## **The Four Critical Actions**

There are Four Critical Actions which must be taken when responding to and reporting a child abuse incident, disclosure or suspicion:

1. Responding to an Emergency.

2. Reporting to Authorities/Referring to services.
3. Contacting Parents/Carers
4. Providing Ongoing Support.

The poster *PROTECT: Four Critical Actions for Schools Responding to Incidents, Disclosures and Suspicions of Child Abuse* summarises the actions to be undertaken. When responding to and reporting a child abuse incident, disclosure or suspicion staff should refer to the more detailed description in the *PROTECT: Four Critical Actions* procedure.

### **Principal's obligation to ensure compliance**

Where a staff member witnesses a child abuse incident, receives a disclosure or develops a suspicion of child abuse (including exposure to family violence), they must inform the Campus Principal/Program Leader, as soon as possible.

If, for some reason, the staff member who has witnessed a child abuse incident, received a disclosure or developed a suspicion of child abuse is unable to perform their role in responding to and/or reporting the matter, the staff member must inform the Campus Principal/Program Leader. The Campus Principal/Program Leader will then identify an appropriate alternative person and will allocate responsibility for responding to and/or reporting the matter to that person.

The Group Director of MacKillop Education must put in place steps to monitor overall compliance of MacKillop Education with this Policy.

### **Other obligations relating to concerns regarding child abuse**

If a staff member has an obligation under this Policy to fulfill a particular role or responsibility, this does not displace or discharge any other obligations that may exist where a person reasonably believes that a child is at risk of child abuse.

### **Responding to complaints or concerns**

MacKillop Education may receive complaints or concerns about MacKillop Education staff management of a child abuse incident. These complaints or concerns may be voiced by parents/guardians/carers or others within the school community.

MacKillop Education should follow its internal complaints-handling procedure and process to ensure that all complaints, concerns or feedback on school policies, procedures or processes are effectively captured and appropriately managed.

It is important that, as a first step, MacKillop Education ensures that the complaint does not raise concerns that child abuse or a risk of child abuse has gone unreported.

If this is the case, MacKillop Education staff should follow *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* to ensure that any new information received through a complaint or concern from a member of the school community is reported to authorities where required.

## **PROTECT: Four Critical Actions Procedure**

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At MacKillop Education a staff member must take any complaint or concern relating to child abuse seriously. They must act, and follow the Four Critical Actions, as soon as they become aware of a child abuse incident – that is, when a child is experiencing, or is at risk of experiencing, abuse. The staff member must ensure that they act promptly and thoroughly in their response.

MacKillop Education staff must also take seriously any complaint or concern relating to student sexual offending and follow the Four Critical Actions.

If an 'employee'\* is the alleged perpetrator of the abuse, then the procedures outlined in the *VIC-EDU-P-007 Reportable Conduct Policy* must also be followed.

\*employee - For the purposes of the *Child Wellbeing and Safety Act 2005* (Vic.), employee is defined as a person aged 18 years or over who is either:

- employed by MacKillop Education whether or not that person is employed in connection with any work or activities of MacKillop Education that relate to children; or
- engaged by MacKillop Education to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to children.

Volunteers at MacKillop Education must also take any complaint or concern relating to child abuse or student sexual offending seriously. Volunteers must act immediately and take reasonable steps to protect the child and report the complaint or concern to the Campus Principal/Program Leader or the Group Director/Deputy Executive Principal.

### **Procedure**

There are Four Critical Actions which must be taken:

- 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; and
- as soon as you witness an incident, receive a disclosure or form a suspicion that a student is victim of a student sexual offending and/or a student has engaged in sexual offending.

\*\* Refer to page 9 for an explanation of a 'reasonable belief'

### **Four Critical Actions**

1. Responding to an Emergency.
2. Reporting to Authorities/Referring to services.
3. Contacting Parents/Carers.
4. Providing Ongoing Support.

## **Critical Action 1: Responding to an Emergency**

This first step is only applicable if:

- a child has just been abused or is at risk of immediate harm; or
- a student sexual offending is happening now, or has just happened and the student offender may still be in the area.

If this is not the case, go straight to Critical Action 2: Reporting to Authorities/Referring to Services.

If the child has just been abused or is at risk of immediate harm, or the student sexual offending has just happened you must take reasonable steps to protect the child, including:

- separating the alleged victim and others involved, ensuring that if the parties involved are all present at the school, they are supervised separately by a school staff member;
- administering first aid;
- calling 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns; and
- identifying a contact person at the school for future liaison with Police.

If the child abuse or student sexual offending incident has occurred at MacKillop Education, staff should also ensure that reasonable steps are taken to preserve the environment, the clothing and other items, and to prevent any potential witnesses (including school staff members, volunteers and contractors) from discussing the incident until Victoria Police or relevant authorities arrive on the premises.

## Critical Action 2: Reporting to Authorities/Referring to Services

Once immediate health and safety concerns have been addressed, the MacKillop Education staff member must take steps to report the incident, suspicion or disclosure of child abuse or student sexual offending as soon as practicable.

### Mandatory Reporting to DFFH Child Protection

A Mandatory Report must be made by a Mandatory Reporter if they form a reasonable belief:

That a child who is aged under 17 (or who is aged 17 but is under a child protection order) is 'in need of protection' because:

- the child has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse; and
- the child's parents have not protected or are unlikely (including if they are unable) to protect the child from the harm.

Mandatory Reporters must make their report to DFFH Child Protection as soon as practicable after forming their belief on reasonable grounds. Failure to report physical and sexual child abuse may amount to a criminal offence.

### Non-Mandatory Reporting to DFFH Child Protection

Under the law, **anyone** can report the following to DFFH Child Protection:

- significant concerns for the wellbeing of a child aged under 17 (wellbeing reports\*\*\*);
- a child aged under 17 who the person believes on reasonable grounds to be in need of protection (protective intervention reports);
- a child (aged under 18 who the person believes on reasonable grounds is in need of therapeutic treatment because they are exhibiting sexually abusive behaviours (therapeutic treatment reports).

\*\*\*For example, persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a student's safety, stability or development.

MacKillop Education staff members, volunteers, contractors and other service providers who are not mandatory reporters nevertheless have professional and moral (and sometimes legal) obligations to report a child abuse incident, disclosure or suspicion. MacKillop Education staff members (including those who are not Mandatory Reporters) must make wellbeing reports, protective intervention reports and therapeutic treatment reports to DFFH Child Protection (or, in some circumstances, to the Police or Child First/the Orange Door).

### Reporting to the Campus Principal/Program Leaders

In all cases of suspected or alleged child abuse, MacKillop Education staff members must report internally to the Campus Principal/ Program Leader. If the Campus Principal/Program Leader is unavailable or involved in the allegation, notify another MacKillop Education leader (Group Director or Deputy Executive Principal).



All cases of suspected or alleged student sexual offending must also be reported to the Campus Principal/ Program Leader Coordinators or another MacKillop Education leader (Group Director or Deputy Executive Principal).

All MacKillop Education staff are required to report regardless of whether they are a Mandatory Reporter and regardless of whether it is required by law.

Appendix III summarises the reporting required if a MacKillop Education staff member is concerned about child safety and wellbeing or student sexual offending.

### Additional information regarding reporting

#### Making a mandatory report

The table below describes the information to include when making a **mandatory report** about child abuse or child abuse concerns. **If a child is at immediate risk of harm, contact Victoria Police immediately.**

If you are making a mandatory report, you will be supported by a member of the Local Leadership Team or a Program Leader.

### Making a Mandatory Report

#### Step

#### Description

1. Keep notes	<p>Keep comprehensive case notes that are dated and include the following information:</p> <ul style="list-style-type: none"> <li>▪ a description of the concerns (e.g. physical injuries, student behaviour);</li> <li>▪ the source of those concerns (e.g. observation, report from child or another person);</li> <li>▪ the actions taken as a result of the concerns (e.g. consultation with the Campus Principal/ Program Leader, report to DFFH Child Protection).</li> </ul> <p>Refer to the <i>PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</i> for guidance on information to be recorded in case notes.</p>
2. Discuss concerns	<p>Due to the complexity of child abuse incidents, disclosures and suspicions, it is recommended that concerns and observations regarding suspected physical or sexual abuse of a child are discussed with the Group Director, Deputy Executive Principal, Education &amp; Engagement Programs Director, Campus Principal/Program Leaders or a member of the Local Leadership Team. Advice may also be sought from the Melbourne Archdiocese of Catholic Schools (MACS) Regional General Manager.</p> <p>This is not a legal requirement; however, it will help to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.</p> <p>You should then make your own assessment about whether you are required to make a report about the child or young person and to whom the report should be made.</p> <p>It is important to remember that the duty to report abuse or suspicions of abuse exists even if the MacKillop Education Leader, member of the Local Leadership Team or a representative of MACS advises you not to proceed with reporting suspected abuse.</p>
3. Gather and document information	<p>Gather and case note the relevant information necessary to make the report. This should include the following:</p> <ul style="list-style-type: none"> <li>▪ full name, date of birth and residential address of the child or young person;</li> <li>▪ details of the concerns and the reasons for those concerns;</li> <li>▪ your involvement with the child or young person;</li> <li>▪ details of any other agencies which may be involved with the child or young person.</li> </ul>

## Making a Mandatory Report

### Step

### Description

It is critical that completing the case notes does not impact on reporting times - if a child is in immediate danger, report the matter to Victoria Police immediately.

#### 4. Make the report

**To report concerns which are life-threatening, phone 000 or the local police station.**

Where the source of the abuse comes from within MacKillop Education, that is, the suspected or alleged abuse involves a MacKillop Education staff member, volunteer, allied health practitioner, officer/office holder, contractor, or visitor at the school:

- contact Victoria Police, which will contact DFFH Child Protection when appropriate;
- report internally to:
  - a MacKillop Education Leader; and
  - the Chief Executive Officer, MacKillop Family Services.
- The MacKillop Education Leader will report the allegation to the MACS Safeguarding and Standards Team.

Where the source of the suspected or alleged abuse comes from within the child's family or community, you must:

- report sexual abuse and grooming to Victoria Police;
- report the matter to DFFH Child Protection if you consider the child to be in need of protection due to child abuse, or that they have been, are being or are at risk of being harmed due to any form of abuse, including family violence. If after hours, call the Child Protection Emergency Service on 13 12 78;
- report internally to:
  - a MacKillop Education Leader; and
  - the Chief Executive Officer, MacKillop Family Services.

#### 5. Document written records of report

Record the Mandatory Report as an incident in Family Journey, including the following information:

- the date and time of the report, and a summary of what was reported;
- the name and position of the person who made the report, and the person who received the report.

The reference number of the Family Journey incident report should be added to the case notes.

The information initially recorded in case notes, the incident report in Family Journey and any additional information provided to either Victoria Police or DFFH Child Protection are to be stored securely and maintained indefinitely by MacKillop Education. These records may be accessed upon request by external authorities investigating the matter.

## Reporting an allegation of reportable conduct

If the source of the alleged abuse involves a MacKillop Education staff member, volunteer, allied health practitioner, officer/office holder, contractor or visitor at the school this is considered an allegation of reportable conduct.

The MacKillop Education Leader and Chief Executive Officer, MacKillop Family Services will respond to allegations of reportable conduct in accordance with the *VIC-EDU-P-007 Reportable Conduct Policy*.

## Reporting concerns for a child's wellbeing to Child FIRST/The Orange Door

If you believe that a child is not subject to abuse, including family violence, but you still hold significant concerns for their wellbeing (e.g., risk-taking behaviour, parenting difficulties, isolation from family or lack of support), you must still act.

If you are unsure of what action to take in response to your concerns about a child, speak to the Campus Principal/Program Leader or a member of the school's Local Leadership Team, or contact the Group Director/Deputy Executive Principal or DFFH Child Protection, Child FIRST/The Orange Door for further advice. Additional information on Child FIRST/The Orange Door is provided in Appendix IV.

## **Making additional reports**

After you have made a report, you may continue to suspect that a child is at risk and in need of protection. Any further observations should continue to be recorded and a report made on each separate occasion where a belief has been formed – on reasonable grounds – that a child is likely to be at risk and in need of protection. Additional reports should use the same format outlined above in this Policy at Critical Action 2: Reporting to Authorities/Referring to Services.

### **Other staff or volunteers forming a reasonable belief about the same child**

If you are aware that another school staff member has formed a reasonable belief about the same child on the same occasion, or based on the same indicators of abuse, and has made a report to the appropriate authority, you need not make a further report.

However, if you form a reasonable belief of abuse or significant risk of abuse to the child based on different observations, further indicators or additional information, a further report must be made to the appropriate authority detailing this additional information.

### **Sexual offences**

If there is any suspicion that the abuse relates to a sexual offence involving a person over 18 and a child under 16, then it must be reported to Victoria Police. For more information, refer to the Failure to disclose section of the *VIC-EDU-P-003 Child Safety Responding and Reporting Obligations Policy and Procedure*.

## **Critical Action 3: Contacting Parents/Guardians/Carers**

Where it is suspected that a child at MacKillop Education has been or is at risk of being abused, it is critical that parents/guardians/carers of the child are notified as soon as practicable after a report is made to the authorities.

MacKillop Education must always seek advice from Victoria Police or DFFH Child Protection to ensure that it is appropriate to contact the parents/guardians/carers.

In circumstances of family violence, MacKillop Education should:

- take care not to inadvertently alert the alleged perpetrator by notifying parents/guardians/carers as it could increase risk of harm to the child, other family members or school staff;
- seek advice from DHHS Child Protection or Child FIRST/The Orange Door before alerting parents/guardians/carers about safe strategies for communicating with a parent/guardian/carer who is experiencing family violence and on recommending family violence support services.

Advice from **Victoria Police or DFFH Child Protection** will depend on several factors, including whether:

- the parents/guardians/carers of the child are alleged to have engaged in the abuse (including in circumstances of suspected family violence);
- a disclosure to the parents/guardians/carers may result in further abuse to the child;
- the child is a mature minor (at least 17 years of age and assessed to be sufficiently mature and intelligent to make decisions for themselves) and has requested that their

parents/guardians/carers not be notified – the school should insist that another responsible adult is notified in lieu of the parents/guardians/carers;

- the notification of parents/guardians/carers would adversely affect an investigation of the matter by external authorities.

Where the suspicion of abuse or risk of abuse has not yet warranted a reasonable belief, parents/guardians/carers should also be notified promptly after the school has carefully considered the factors listed above.

In some circumstances, a child may have returned to the care of their parent/guardian/carer before advice has been received from Victoria Police or DFFH Child Protection. In these circumstances, MacKillop Education should not share any information with the parent/guardian/carer that may place the child or any other person at risk, or where the child is a mature minor.

For detailed guidance on how to have this conversation with a parent/guardian/carer, refer to *PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

## Critical Action 4: Providing Ongoing Support

If you who witness a child abuse incident, receive a disclosure, or develop a suspicion of child abuse (including exposure to family violence) you have a critical role to play in supporting students impacted by the child abuse matter to ensure that they feel supported and safe at the school.

MacKillop Education also plays a critical role in building students' resilience and protective factors, which can reduce the long-term impacts of child abuse by providing them with the opportunity to be supported and heard by a school staff member they trust.

### Support for students and parents/guardians/carers

Support provided to students at MacKillop Education includes:

- regularly communicating with the student or students and their parents/guardians/carers where appropriate;
- convening a Student Support Group of school wellbeing staff and teachers to plan, support and monitor affected students;
- developing Student Support Plans for students impacted by the incident to ensure appropriate levels of care and support are provided depending on their involvement.

The MACS Regional General Manager may also be contacted for a description of the range of school-based support services that may be available, including SAFEMinds and referrals to Family Violence Services, CASA or Headspace.

Where external authorities are investigating a report of abuse or risk of abuse, it is the role of the Campus Principal/Program Leaders to ensure that students are supported throughout interviews at the school. For more information on this topic, refer to Catholic Education Melbourne *School Guidelines: Police and DFFH Interview Protocols*.

### Support for staff members

MacKillop Education and our governing body have a duty to provide support to school staff members who have witnessed an incident or disclosure, or who have made a report to external authorities about a reasonable belief of child abuse. We acknowledge that staff members may have also experienced child abuse (including family violence) or be experiencing family violence and abuse in their own lives.

You are encouraged to contact the school's Employee Assistance Provider (EAP) for wellbeing support.

Information to support schools in understanding their obligation to employees and to provide suggestions of how to assist employees experiencing family and domestic violence may be found in the Catholic Education Commission of Victoria Ltd's *Family and Domestic Violence: A Guide to Supporting Staff*.

## 7. Recordkeeping requirements

### Case notes

A staff member who:

- witnesses an incident, receives a disclosure or forms a reasonable belief that a child has or is at risk of being abused;
- witnesses an incident, receives a disclosure or forms a suspicion that a student is a victim of student sexual offending and/or a student has engaged in sexual offending; or
- holds significant concerns for a child's wellbeing which do not appear to be the result of child abuse,

should record comprehensive notes.

The notes should be dated and include the following information:

- a description of the concerns (e.g. physical injuries, student behaviour);
- the source of those concerns (e.g. observation, report from child or another person); and
- the actions taken as a result of the concerns.

Case notes are recorded in Synergetic (MacKillop Education CRM).

### Family Journey

If an incident is witnessed, a disclosure is received, or a suspicion forms regarding child abuse or student sexual offending involving a MacKillop Education student then an incident report should be completed in Family Journey.

### RiskMan

RiskMan is used to record any feedback/complaints made by/on behalf of service users (i.e. students and their parents/guardians/carers), volunteers or community members. If the substance of the complaint relates to an allegation of harm experienced then the complaint will be transferred to Family Journey.

A summary of MacKillop Education's internal process for documenting child safety concerns is provided in Appendix V.

### Reviewing the Reporting Process

A review of the reporting process will be conducted, four to six weeks after a report has been made, to identify if any follow-up support actions are needed. Refer to *PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools* for more information.

### Potential consequences of making a report

Appendix VI contains an overview of the potential consequences, for an individual and MacKillop Education, of making a report.

## 8. Related legislation, policy, guidelines and resources

### Legislation

Charter of Human Rights and Responsibilities Act 2006 (Vic.)

Child Wellbeing and Safety Act 2005 (Vic.)

Children, Youth and Families Act 2005 (Vic.)

Crimes Act 1958 (Vic.)

Education and Training Reform Act 2006 (Vic.)

Education and Training Reform Regulations 2017 (Vic.)

Family Violence Protection Act 2008 (Vic.)

Ministerial Order 1359 *Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises*, 31 January 2022

Wrongs Act 1958 (Vic.).

### MacKillop Education

VIC-EDU-P-003 Child Safety Code of Conduct

VIC-EDU-P-007 Reportable Conduct Policy

### Resources

Catholic Education Commission of Victoria Ltd *Family and Domestic Violence: A Guide to Supporting Staff*

Catholic Education Melbourne *2.19a School Guidelines: Police and DHHS Interview Protocols*.

Commission for Children and Young People (CCYP) – Reportable Conduct Scheme

Department of Education and Training

- Protecting Children – Mandatory Reporting eModule
- *Student Sexual Offending and Problem Sexual Behaviour* and *Risk Management – Schools* webpages
- PROTECT: *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*
- PROTECT: *Four Critical Actions for Schools: Responding to Student Sexual Offending*
- PROTECT: *Identifying and Responding to All Forms of Abuse in Victorian Schools*, 2018
- PROTECT: *Responding to Suspected Child Abuse: A Template for all Victorian Schools*

Department of Family, Fairness and Housing – Child Protection and Child FIRST/The Orange Door

Department of Justice and Community Safety

- Betrayal of Trust: Fact Sheet.
- ‘Failure to disclose offence’ webpage

MacKillop Education EAP provider – Benestar

MACS Safeguarding and Standards Team –Email rcs@macs.vic.edu.au Phone: +61 0 9267 0228

Victoria Police – Sexual Offences and Child Abuse Investigation Teams (SOCITS)

## 9. Approval and Review Details

Approval and Review	Details
Approval Authority	MacKillop Family Services' Board
Approval Date	December 2022
Recommended to Approval Authority by	Board Governance Committee
Next Review Date	December 2024
Version	2

Approval and Amendment History	Details
Superseded documents	Child Protection Reporting Obligations Policy, August 2018
Notes	Major review and rewrite of policy to align with the new Victorian Child Safe Standards and Ministerial Order 1359

## 10. Appendices

Appendix I PROTECT: Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse

Appendix II PROTECT Four Critical Actions for Schools: Student Sexual Offending

Appendix III Overview of Reporting Concerns Regarding Child Abuse and Wellbeing and Student Sexual Offending

Appendix IV Child First/The Orange Door

Appendix V MacKillop Education's Internal Process for Recordkeeping Child Safety Concerns

Appendix VI Potential Consequences of Making a Mandatory Report

## FOUR CRITICAL ACTIONS FOR SCHOOLS

# Responding to Incidents, Disclosures and Suspicions of Child Abuse

### YOU MUST TAKE ACTION

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

- You **must** act, by following the Four 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).
- It is strongly recommended that you use the **Responding to Suspected Child Abuse template** to keep clear and comprehensive notes, even if you make a decision not to report.

\*A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take 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.

### 2 REPORTING TO AUTHORITIES / REFERRING TO SERVICES

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.

Q: Where does the source of suspected abuse come from?

#### WITHIN THE SCHOOL

##### VICTORIA POLICE

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

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

**GOVERNMENT SCHOOLS**

- School principal and/or leadership team
- Employee Conduct Branch
- DET Incident Support and Operations Centre.

**CATHOLIC SCHOOLS**

- School principal and/or leadership team
- Diocesan education office.

**INDEPENDENT SCHOOLS**

- School principal and/or school chairperson
- Commission for Children and Young People on **1300 782 978**.

All allegations of 'reportable conduct' **must** be reported as soon as possible to:

**GOVERNMENT SCHOOLS**

- Employee Conduct Branch

**CATHOLIC SCHOOLS**

- Diocesan education office

**INDEPENDENT SCHOOLS**

- Commission for Children and Young People on **1300 782 978**.

#### 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:

**GOVERNMENT SCHOOLS**

- School principal and/or leadership team
- DET Incident Support and Operations Centre.

**CATHOLIC SCHOOLS**

- School principal and/or leadership team
- Diocesan education office.

**INDEPENDENT SCHOOLS**

- School principal and/or chairperson.

### 3 CONTACTING PARENTS/CARERS

Your principal **must** 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/carer (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 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.

### 4 PROVIDING ONGOING SUPPORT

Your school **must** provide support for children impacted by abuse. This should include the development of a **Student Support Plan** in consultation with wellbeing professionals. This is an essential part of your duty of care requirements.

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

You **must** follow the **Four Critical Actions** every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

### CONTACT

<p><b>DHHS CHILD PROTECTION</b></p> <p><b>AREA</b></p> <p>North Division <b>1300 664 977</b>                  South Division <b>1300 655 795</b>                  East Division <b>1300 360 391</b>                  West Division (Rural) <b>1800 075 599</b>                  West Division (Metro) <b>1300 664 977</b></p> <p><b>AFTER HOURS</b>                  After hours, weekends, public holidays <b>13 12 78</b>.</p> <p><b>CHILD FIRST</b>  <a href="https://services.dhhs.vic.gov.au/referral-and-support-teams">https://services.dhhs.vic.gov.au/referral-and-support-teams</a></p> <p><b>ORANGE DOOR</b>  <a href="https://www.vic.gov.au/familyviolence/the-orange-door.html">https://www.vic.gov.au/familyviolence/the-orange-door.html</a></p>	<p><b>VICTORIA POLICE</b></p> <p><b>000</b> or your local police station</p> <p><b>DET INCIDENT SUPPORT AND OPERATIONS CENTRE</b>  <b>1800 126 126</b></p> <p><b>INCIDENT MANAGEMENT AND SUPPORT UNIT</b>  <b>1800 126 126</b></p> <p><b>EMPLOYEE CONDUCT BRANCH</b>  <b>(03) 9637 2595</b></p> <p><b>DIOCESAN OFFICE</b>                  Melbourne <b>(03) 9267 0228</b>                  Ballarat <b>(03) 5337 7135</b>                  Sale <b>(03) 5622 6600</b>                  Sandhurst <b>(03) 5443 2377</b></p>	<p><b>INDEPENDENT SCHOOLS VICTORIA</b>  <b>(03) 9825 7200</b></p> <p><b>THE LOOKOUT</b>                  The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence: <a href="http://www.lookout.org.au">http://www.lookout.org.au</a>.                  Family violence victims/survivors can be referred to <b>1800 Respect</b> for counselling, information and a referral service: <b>1800 737 732</b>.</p>
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## FOUR CRITICAL ACTIONS FOR SCHOOLS

# Responding to Student Sexual Offending

PROTECT



### YOU MUST TAKE ACTION

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 suspicion that a student is a victim of a student sexual offending and/or a student has engaged in sexual offending.
- You **must** act even if you are unsure and have not directly observed student sexual offending (e.g. if a victim, or another person tells you about the offence)
- You **must** use the *Responding to Student Sexual Offending template* to keep clear and comprehensive notes.

## 1 IMMEDIATE RESPONSE TO AN INCIDENT

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.

## 2 REPORTING TO AUTHORITIES

As soon as immediate health and safety concerns are addressed you **must** report incidents, suspicions and disclosures of student sexual offending as soon as possible:

**VICTORIA POLICE**  
All instances on **000**

**DHHS CHILD PROTECTION**  
If you believe that:

- the victim's parent/carers are unable or unwilling to protect the child
- the student who is alleged to have engaged in the student sexual offending is:
  - aged over 10 and under 15 years and may be in need of therapeutic treatment to address these behaviours
  - may be displaying physical and behavioural indicators of being the victim of child abuse\*.

**INTERNALLY**  
ALSO report internally to:

- School Principal and/or leadership team** (all instances)
- Government Schools:** DET Security Services Unit
- Catholic Schools:** Diocesan education office

You must identify a contact person at the school for future liaison with Victoria Police and/or Child Protection and seek advice about contacting parents/carers (see **Action 3**).

\*See the *Four Critical Steps for Schools: Responding Incidents, Disclosures and Suspicions of Child Abuse* for further guidance in these circumstances.

## 3 CONTACTING PARENTS/CARERS

Your Principal **must** consult with **Victoria Police** or **DHHS Child Protection** to determine what information can be shared with parents/carers of all impacted students. They may advise:

- not to contact the parents/carers** (e.g. in circumstances where contacting the parents/carers is likely to adversely affect a **Victoria Police** investigation or where the student is a mature minor and has requested that their parent/carer not be notified)
- 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).

## 4 PROVIDING ONGOING SUPPORT

Your school **must** provide support for students who are victim to a student sexual offence AND students who have engaged in a sexual offence. This is an essential part of your duty of care requirements. This support should include the development of a **Student Support Plan** in consultation with wellbeing professionals, outlining support strategies. Strategies may include the development of a safety plan, direct support and referral to wellbeing professionals.

CONTACT		
<p><b>DHHS CHILD PROTECTION AREA</b></p> <p>North Division <b>1300 664 977</b>                      South Division <b>1300 655 795</b>                      East Division <b>1300 360 391</b>                      West Division (Rural) <b>1800 075 599</b>                      West Division (Metro) <b>1300 664 977</b></p> <p><b>AFTER HOURS</b>                      After hours, weekends, public holidays <b>13 12 78</b></p>	<p><b>CHILD FIRST</b>  <a href="http://www.dhs.vic.gov.au">www.dhs.vic.gov.au</a></p> <p><b>VICTORIA POLICE</b>                      000 or contact your local police station</p> <p><b>DET SECURITY SERVICES UNIT</b>                      (03) 9589 6266</p> <p><b>STUDENT INCIDENT AND RECOVERY UNIT</b>                      (03) 9651 3622</p>	<p><b>EMPLOYEE CONDUCT BRANCH</b>                      (03) 9637 2595</p> <p><b>DIOCESAN OFFICE</b>                      Melbourne (03) 9267 0228                      Ballarat (03) 5337 7135                      Sale (03) 5622 6600                      Sandhurst (03) 5443 2377</p> <p><b>INDEPENDENT SCHOOLS VICTORIA</b>                      (03) 9825 7200</p>



Appendix III – Overview of Reporting Concerns Regarding Child Abuse and Wellbeing and Student Sexual Offending

	Incidents, Disclosures and Suspicions of Child Abuse			Concerns for a Child's Wellbeing	Student Sexual Offending
Offender	From within MacKillop Education e.g., staff member, allied health professional, volunteer, contractor, visitor	From within the family or community -	From within the family or community	From within the family	A student aged 10 or over
Issue	Sexual offences and sexual abuse, grooming, physical violence, significant psychological / emotional harm, significant neglect	Not sexual abuse or grooming	Is sexual abuse or grooming	Child is not subject to abuse, but significant concerns held for their wellbeing	Sexual offence directed at another person
<b>Report to</b>					
MacKillop Education Leader	✓	✓	✓	✓	✓
Victoria Police	✓		✓		✓
Department Families Fairness Housing (DFFH)		✓	✓	✓	✓ If the victim's parents/carers are unable or unwilling to protect the child  ✓ If the offender: Is aged over 10 and under 15 and may need therapeutic treatment May be displaying indicators of being the victim of child abuse
MacKillop's Chief Executive Officer	✓	✓	✓		
MACS Regional General Manager	✓				
Commission for Children and Young People (CCYP)	✓				
ChildFIRST / The Orange Door				✓ If the family are open to receiving support	
Victorian Institute of Teaching (VIT)	✓ For teachers - if reportable conduct				
Working with Children Check Victoria	✓ For non-teaching staff - if reportable conduct				

Child FIRST/The Orange Door is a family information, referral and support team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to relevant services.

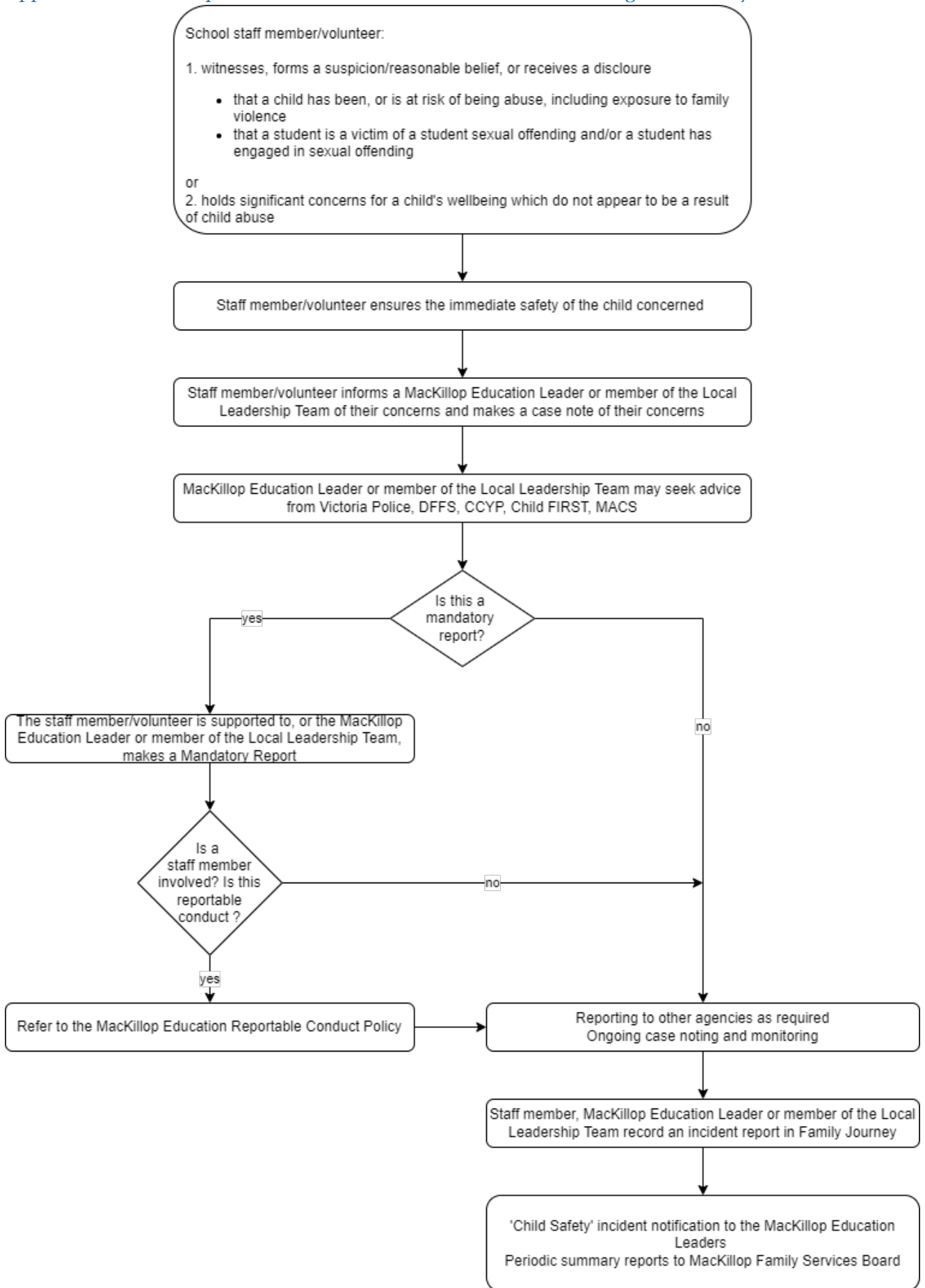
You should make a report to Child FIRST/The Orange Door if:

- you have a significant concern for a child's wellbeing
- your concerns are about circumstances that have a low-to-moderate impact on the child
- the child's immediate safety is not compromised
- you and the school have discussed the referral to Child FIRST/The Orange Door with the child's parents/carers, and all parties are supportive of this decision.

Where you believe that the child's parents/carers will not be supportive of the referral, or the child is partaking in any risk-taking activity that is illegal and extreme in nature or poses a high risk to the child or others, you may refer the matter to DHHS Child Protection.

For more information, refer to *PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

Appendix V - MacKillop Education's Internal Process for Documenting Child Safety Concerns



Potential consequence	Description
Confidentiality	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> <li>▪ the reporter chooses to inform the child, young person or parent of the report</li> <li>▪ the reporter consents in writing to their identity being disclosed</li> <li>▪ a court or tribunal decides that it is necessary for the identity of the reporter to be disclosed, to ensure the safety and wellbeing of the child</li> <li>▪ a court or tribunal decides that, in the interests of justice, the reporter is required to provide evidence.</li> </ul>
Professional protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> <li>▪ it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter</li> <li>▪ the reporter cannot be held legally liable in respect of the report.</li> </ul>
Interviews	<p>DFFH Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without their parent/guardian/carer's knowledge or consent.</p> <ul style="list-style-type: none"> <li>▪ Interviewing children and young people at MacKillop Education should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.</li> <li>▪ DFFH Child Protection and/or Victoria Police will notify the MacKillop Education Leader of their intention to interview the child or young person on the school premises.</li> <li>▪ When DFFH Child Protection workers/police officers come to MacKillop Education premises, the MacKillop Education Leader should request to see identification before permitting them to have access to the child or young person.</li> <li>▪ When a child or young person is being interviewed by DFFH Child Protection and/or Victoria Police, MacKillop Education Leader must arrange to have a supportive adult present with the child or young person.</li> </ul> <p>For more information on these requests and school responsibilities, see CEM <i>School Guidelines: Police and DFFH Interview Protocols</i>.</p>
Support for the child or young person	<p>The roles and responsibilities of the MacKillop Education Leader or other school staff in supporting children who are involved with DFFH Child Protection may include the following:</p> <ul style="list-style-type: none"> <li>▪ acting as a support person for the child or young person</li> <li>▪ attending DFFH Child Protection case-planning meetings</li> <li>▪ observing and monitoring the child's behaviour</li> <li>▪ liaising with professionals</li> </ul>
Requests for information	<p>DFFH Child Protection and/or Child FIRST/The Orange Door and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person. In certain circumstances, DHHS Child Protection can also direct MacKillop Education staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DFFH Child Protection. Refer to <i>PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools</i>.</p>

Potential consequence	Description
Witness summons	If DFFH Child Protection makes a protection application in the Children's Court of Victoria, any party to the application may issue a witness summons to produce documents and/or to give evidence in the proceedings. See <i>CEM School Guidelines: Police and DHHS Interview Protocols</i> .