

# Lowther Hall

ANGLICAN GRAMMAR SCHOOL

*All about the girl*

# Child Safe Standards and Mandatory Reporting of Child Abuse Policy

Date of last review:

September 2021

Review cycle:

Annual

Review and approval responsibility:

Executive & School Council

Category:

Child Safety

VRQA required:

Yes

Locations:

O Drive, LowtherLink, website,  
BoardPro



## 1. DEFINITIONS

### CCYP

Commission for Children and Young People – the body to whom child abuse allegations against any adult including adults who are employees or who are in some way connected with the School.

### Child

Unless otherwise specified, a child is any person under 18 years of age.

### Child abuse

- A. any act committed against a child involving
  - i. a sexual offence; or <sup>[1]</sup><sub>[SEP]</sub>
  - ii. an offence under section 498(2) of the *Crimes Act* 1958 (grooming); and
- B. the infliction, on a child, of
  - i. physical violence; or
  - ii. serious emotional or psychological harm; and
  - iii. serious neglect of a child.

### Child first

Child first are the State Government Child and Family Information, Referral and Support Teams which provide a central referral point to a range of community-based family services and other supports within a specific catchment areas. They can be a relevant resource for families experiencing difficulty when a more serious report to the Department of Health would not be warranted.

### Child Protection

The statutory child protection service provided by the Department of Health (DH) which is able to intervene to protect children and young people at risk of significant harm.

### Child Safe Standards

The compulsory minimum standards to ensure that they are well prepared to protect children from abuse  
The standards published by the Victorian Commission for Children and Young People (attached as Appendix 1) effective as at 1 July 2022.

### CISS (Child Information Sharing Scheme)

The scheme established by the Victorian Government to assist schools to access and share relevant information to promote the safety and welfare of children

### DH

Department of Health (formerly known as DHHS – the Department of Health and Family Services)

### Emotional Abuse

Emotional abuse refers to a situation in which a child's parent or caregiver repeatedly rejects the child or uses threats to frighten the child. This may involve name calling, "put downs" or continual coldness from the parent or caregiver, to the extent that it significantly damages the child's physical, social, intellectual or emotional development.

### Failure to Disclose

Under section 327 of the *Crimes Act*, any person (including any staff member) of or over the age of 18 years who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 years of age must disclose that information to police, as soon as it is practicable to do so. 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 DH Child Protection.

The offence applies to all adults in Victoria, not just professionals who work with children.

### Failure to protect

The offence identified in the *Crimes Act 1958* (Vic) which provides that people in positions of authority such as principals must take action to protect children and young people where they know that a person associated with their organisation poses a substantial risk of sexually abusing children.

### **Governing Board**

The Governing Board of Lowther Hall Anglican Grammar School is the Lowther Hall School Council which is sometimes referred to as the Lowther Hall School Board.

### **Grooming**

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

**Mandatory Reporting:** *The Children, Youth and Families Act 2005* places a legal obligation on principals, teachers and others working in schools to make a report to Child Protection (DH) if they believe, on reasonable grounds, that a child has been physically or sexually abused or a child is in need of protection from significant harm because of physical or sexual abuse.

### **Mandated notifiers/reporters**

Individuals who are legally required to report child physical and sexual abuse. Mandated notifiers/reporters include

- b. Registered principals and teachers (including pre-service and visiting teachers).
- C. Registered medical practitioners and psychiatrists.
- D. Registered nurses including school nurses.
- E. Members of the police force
- F. registered psychologists
- G. people in religious ministry
- H. 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

### **Neglect**

Neglect refers to a situation in which a child's parent or caregiver fails to provide the child with the basic necessities of life, such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed.

### **Reasonable grounds**

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere 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. For example, a 'reasonable belief' might be formed if:

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

### **Reportable Conduct Scheme**

*The Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)* requires principals to have systems in place to prevent child abuse and to investigate and respond to such allegations. Principals are required to report allegations of child abuse against any adult including adults who are employees or who are in some way connected with the School to CCYP.

### **Reportable Conduct**

There are five types of 'reportable conduct' listed in the *Child Wellbeing and Safety Act 2005*:

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that causes significant emotional or psychological harm
- significant neglect.

### **Sexual Abuse**

Sexual abuse refers to a situation in which a person uses power or authority over a child to involve the child in sexual activity and the child's parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity. It includes fondling of the child's genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or other object, or exposure of the child to pornography.

### **Working With Children Check**

A screening process for assessing or reassessing people who work with or care for children in Victoria which includes a check of criminal record and professional conduct to assist in protecting children from sexual or physical harm.

## **2. PRINCIPLES UNDERPINNING THIS POLICY**

The values and ethos as set out in the School's Mission and Values Statements form the foundation for this policy.

In addition, the Policy is founded on the following principles:

- The School, those who work in it and its wider community together have a duty of care to protect children from harm which occurs due to abuse or neglect.
- The School is committed to ensure that this duty is embedded in the everyday thinking and practice of the School and that children are safe.
- In discharging its duty of care, the School is committed to take account of the diversity of all students, including the needs of Aboriginal children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable.

### **3. CONTEXT**

#### **3.1 School Context**

Lowther Hall Anglican Grammar School (the School) is committed to creating and maintaining a school in which all children are safe from harm. The School has a zero tolerance of child abuse. As part of this commitment, the School has developed a set of policies, of which this is one, which are designed to keep children safe. Related policies can be found in Section 12.

#### **3.2 Legal and regulatory context**

The School recognises that it also has obligations under various laws and regulatory instruments which inform this policy and the procedures associated therewith. These include:

##### **3.2.1 Victorian Government Acts**

*Child Wellbeing and Safety Act 2005 (Vic)* (the Act). This Act establishes the principles for the wellbeing of children, sets the standards framework and provides for the oversight functions of the Commission for Children and Young People (CCYP) and the Reportable Conduct Scheme.

*Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)*

*Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)*

*Children, Youth and Families Act 2005 (Vic)*. This Act provides for the protection of children including mandatory reporting.

*Crimes Act 1958 (Vic)*

*Crimes Amendment (Grooming) Act 2014 (Vic)*

*Crimes Amendment (Protection of Children) Act 2014* This Act provides for the offences of failure to protect and failure to disclose.

##### **3.2.2 Other regulatory instruments and reports**

Victorian Registration and Qualifications Authority (VRQA) Minimum Standards 2021.

Ministerial Order 870 January 2016 (Vic) – Managing the Risk of Child Abuse in Schools.

Betrayal of Trust Report 2014 (Vic)

National Principles for Child Safe Organisation, Australian Human Rights Commission, 2018 and adopted by the Council of Australian Governments in February 2019.

Victorian Child Safe Standards, July 2022.

### **4. AIMS OF THE POLICY**

#### **4.1 The general aims of this policy are as follows:**

- To protect students in the care of Lowther Hall Anglican Grammar School from abuse.
- To create and maintain a culture of child protection within the School and its community.
- To set out the principles and framework governing the School's behaviours and activities that enact the child safe standards and which aim to keep all children safe from harm.
- To make clear the obligations of staff in relation to the many practices and procedures the School has in place to promote the welfare of each girl.
- To make clear the obligations of staff in relation to legal responsibilities in relation to the welfare and safety of the children with whom they work.
- To promote compliance with legal requirements in regard to child safety, including (but not limited to) Mandatory Reporting obligations.
- To set out procedures in relation to the many practices and procedures the School has in place to

promote the welfare of each girl.

- To set out the ways in which the School meets the Victorian Child Safe Standards.
- To set out the actions that the School will undertake to:
  - Demonstrate its commitment to child safety
  - Monitor this Policy
  - Support, encourage and enable school staff, parents and children to understand, identify, discuss and report child safety matters
  - Support or assist children who disclose child abuse, or who are otherwise linked to suspected child abuse.

4.2 In addition to these general aims, the Policy aims to ensure the following in relation to obligations under the Crimes Act 1958 (Vic):

- Ensure all reasonable steps are taken so that students are safe from sexual abuse and that they feel safe at all times
- Enable the governing body members, all persons in positions of authority, care or supervision, all employees of the school and where applicable, students of 18 years or over to understand their role and responsibility in protecting the safety and wellbeing of children and young people under the age of 16 in accordance with the Crimes Act 1958 (Vic).
- Ensure individuals associated with the school who have the power or responsibility to reduce or remove a substantial risk, take steps to reduce or remove any substantial risk that a student under 16 years of age will become the victim of sexual assault, including the recognition of 'grooming'
- Ensure all members of the school community aged 18 and over understand their reporting obligations in accordance with the Crimes Amendment (Protection of Children) Act 2014 (Vic) and specifically ensure all members of the school community aged 18 and over (who are not Mandatory Notifiers) who form a reasonable belief that a sexual offence has been committed by an adult against a child under 16, report that information to police.

## **5. SCOPE OF THE POLICY**

- 5.1 This Policy applies to members of the governing board which is the Lowther Hall School Council (as individual members of the School Council as well as to the School Council as an entity), the Principal, all school staff, volunteers, contracted service providers and ministers of religion working in the school environment. Some sections of the Policy also apply to students 18 years of age and over.
- 5.2 The Policy also applies to allegations or disclosures of child abuse made by or in relation to a child, school staff member, visitor or other person while connected to the School environment.
- 5.3 As the School's duty of care is non-delegable, this Policy applies when children are learning with an external provider.
- 5.4 Fulfilling the roles and responsibilities associated with this Policy does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of abuse or other harm.

## **6. ROLES AND RESPONSIBILITIES**

### **6.1 Responsibilities of the Lowther Hall School Council.**

The Lowther Hall School Council is responsible for authorising this Policy, for overseeing its implementation and for managing the risk of child abuse.

The Lowther Hall School Council will review the Child Safe Standards and Mandatory Reporting of Child Abuse Policy annually.

The Lowther Hall School Council will require the Principal to report on the implementation of the Child Safe Standards and Mandatory Reporting of Child Abuse at each meeting and to the Chair as specific situations pertaining to child safety arise.

The Lowther Hall School Council is responsible for ensuring that any individuals engaged in child-connected work perform appropriately in relation to child safety. This responsibility is delegated to the Principal and the Director of Human Resources and Strategic Operations who will undertake the following actions:

- Monitor VIT registration on employment and annually
- Conduct criminal record checks on employment of new staff
- Ask child-safety questions in all interviews and as part of referee checks
- Observe and provide feedback at meetings as part of the staff Recognition and Development Process
- Collect and hold Working With Children Checks for all staff and volunteers

## **6.2 Responsibilities of the Principal**

6.2.1 The Principal is responsible for the culture of the School in which this policy is embedded in the everyday thinking and practice of the School and that children are safe.

6.2.2 The Principal is the designated Child Safety Officer and as such is responsible for implementing the School's Child Safe Standards and Mandatory Reporting of Child Abuse Policy and the mandated requirements of Ministerial Order 870. Staff may seek advice from the Principal if they have concerns about child safe matters and when considering whether to make a report about a child in need of protection.

6.2.3 The Principal is also responsible for ensuring appropriate arrangements for child safety (including, without limitation, clear and comprehensive policies, procedures, accountability mechanisms and communication strategies) are implemented, monitored and reviewed within the School.

6.2.4 The Principal will take actions to demonstrate the School's commitment to child safety through at least the following:

- Maintaining this Policy and its implementation
- Providing regular professional learning to the staff about Child Safe Standards and this Policy
- Overseeing the delivery of age appropriate well-being programs to students in all year levels which support, encourage and enable children to understand, identify, discuss and report child safety matters
- Provision of specific pastoral services to students and staff including but not limited to:
  - Psychologists
  - Chaplain
  - Specifically trained pastoral care staff

6.2.5 In the Principal's absence or in the event that the Principal cannot perform her role, a Head of School or other member of the Teaching and Learning Leadership Team or Executive Team would be responsible for responding to an allegation or disclosure of child abuse.

6.2.6 The Principal will ensure that all staff members, volunteers, students aged 18 and over, School Council members and the school parent community are aware of the Policy and have access to a copy of the Policy via the School website or the School intranet/portal (LowtherLink).

6.2.7 The Principal will ensure that all adults within the school community are aware of their obligation to report suspected sexual abuse of a child under 16 years to the police

6.2.8 The Principal will provide support for staff in undertaking their responsibility in this reporting child abuse.

6.2.9 The Principal will ensure that systems and processes are in place to fulfil the School's obligations under the Reportable Conduct Scheme, to prevent child abuse and to investigate, respond to and report to CCYP allegations against any adult including adults who are employees or who are in some way connected with the School.

6.2.10 The Principal will ensure the School's internal reporting procedures are clear so that employees and other members of the school community are able to make correct decisions about child safety in a timely manner.

6.2.11 The Principal is responsible for providing comprehensive training so that employees and other members of the school community are alert to child abuse and understand their legal responsibilities.

6.2.12 The Principal will ensure that all school staff are provided with an introduction to this Policy, and to their obligations under it, as part of their induction program.

6.2.13 Each year the Principal will ensure that all mandated staff are given an opportunity to familiarise themselves with this policy and the obligations therein.

6.2.14 The Principal will ensure that the requirements associated with Ministerial Order 870 are fulfilled, including:

- Promptly managing the School's response to an allegation or disclosure of child abuse
- 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

6.2.15 The Principal will ensure that children who disclose child abuse or are otherwise linked to suspected child abuse are supported or assisted through:

- Access to specialist support staff
- Access to pastoral care staff
- External agencies as appropriate

### **6.3 Responsibilities of all staff**

6.3.1 All staff members will:

- Be aware of the School's Policy and related procedures.
- Act promptly in relation to any allegation or disclosure of child abuse
- Report any reasonable belief of child sexual abuse to the police or fulfil their obligation as Mandatory Notifiers
- Provide an educational environment that is supportive of all children's emotional and physical safety
- Respond appropriately to a child who makes or is affected by an allegation of child abuse
- Take any allegation or disclosure of child abuse seriously

6.3.2 All staff, contractors and volunteers have a duty of care to protect children from harm and a responsibility to comply with the School's child safe standards policies and procedures.

6.3.3 Any adult (including but not limited to all members of the school community) who forms a reasonable belief that an adult (over the age of 18) has committed a sexual offence (including grooming) against a child under 16 must report that information to Victoria Police, unless the reporting adult has already made a report to Child Protection. (Failure to Disclose offence).

6.3.4 In addition to an employee's legal responsibility to report concerns as set out above, all employees must also comply with the School's internal reporting procedures.

6.3.5 The policy, together with all related policy documents listed herein, must be read and understood by all those connected to the school.

6.3.6 All staff covered by this policy must ensure that they are familiar with their obligations.

### **6.4 Responsibilities of Mandatory Notifiers/Reporters** (these individuals are defined in Section 1: Definitions)

6.4.1 Mandatory notifiers are required to report to Child Protection (Department of Health) as soon as practicable if they believe on reasonable grounds that a child has been physically or sexually abused or a child is in need of protection from significant harm because of physical or sexual abuse.

6.4.2 Mandated notifiers/reporters must make a report on each occasion that they form such a belief.

6.4.3 Mandatory notifiers/reporters must ensure that the requirements associated with Ministerial Order 870 are fulfilled, including:

- Promptly managing the School's response to an allegation or disclosure of child abuse
- 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

6.4.4 Mandated notifiers/reporters must make a report even if the Principal does not share the belief.

## **6.5 Responsibilities of students over 18**

6.5 Under the Failure to Disclose Offence, any student over the age of 18 who forms a reasonable belief that an adult (over the age of 18) has committed a sexual offence (including grooming) against a child under 16 must report that information to Victoria Police, unless the reporting adult has already made a report to Child Protection.

6.6 Relevant students will:

- Have access to this policy via the School's LowtherLink portal
- Be made aware of their obligations through the pastoral program
- Have support from staff to follow the Policy.

## **6.6 Responsibilities of staff and other adults with positions of authority**

6.6.1 Under the Failure to Protect Offence, any person in a position of authority within or associated with the school (including the Chair of the Lowther Hall School Council, School Council members, Principal, senior staff, business managers, religious leaders) has a specific duty to protect children against the risk of a sexual assault.

6.6.2 If they know of a substantial risk of a sex offence another adult associated with the School may commit against a child under 16 within the School's care, they must take reasonable steps to remove or reduce the risk of child sexual assault and must report the matter to Victoria Police. (Failure to Protect offence)

## **6.7 Parents, Volunteers and Caregivers**

Parents/Caregivers/Volunteers will:

- Have access to the School's Policy via the School website
- Be asked to understand their obligations to report reasonable belief of child sexual abuse to the police.

## **7. CHILD SAFE STANDARDS**

- 7.1 The School is committed to Child Safe Standard 1 – Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued. To this end, the following structures, policies and procedures are in place:
- 7.2 The School is committed to Child Safe Standard 2 – Child safety and wellbeing is embedded in organisational leadership, governance and culture. To this end, the following structures, policies and procedures are in place:
- 7.3 The School is committed to Child Safe Standard 3 – Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously. To this end, the following structures, policies and procedures are in place:
- 7.4 The School is committed to Child Safe Standard 4 – Families and communities are informed, and involved in promoting child safety and wellbeing. To this end, the following structures, policies and procedures are in place:
- 7.5 The School is committed to Child Safe Standard 5 – Equity is upheld and diverse needs respected in policy and practice. To this end, the following structures, policies and procedures are in place:
- 7.6 The School is committed to Child Safe Standard 6 – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice. To this end, the following structures, policies and procedures are in place:
- 7.7 The School is committed to Child Safe Standard 7 – Processes for complaints and concerns are child

focused. To this end, the following structures, policies and procedures are in place:

- 7.8 The School is committed to Child Safe Standard 8 – Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training. To this end, the following structures, policies and procedures are in place:
- 7.9 The School is committed to Child Safe Standard 9 – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed. To this end, the following structures, policies and procedures are in place:
- 7.10 The School is committed to Child Safe Standard 10 – Implementation of the Child Safe Standards is regularly reviewed and improved. To this end, the following structures, policies and procedures are in place:
- 7.11 The School is committed to Child Safe Standard 11 – Policies and procedures document how the organisation is safe for children and young people. To this end, the following structures, policies and procedures are in place:

## **8. RESPONDING TO SPECIFIC SITUATIONS**

### **8.1 Responding to an allegation of reportable conduct**

8.1.1 The School is subject to the Reportable Conduct Scheme and is therefore legally required to notify the Commission of allegations of reportable conduct against a child or young person by a worker or volunteer in the School. The School will make a notification within three days of the Principal becoming aware of a reportable allegation and will do so using the [secure webform](#).

8.1.2 In order to protect any child until any allegation of reportable conduct is resolved, the Principal or her delegate, will take the following actions:

- Inform the child's parents (if appropriate)
- Stand down the staff member
- Inform police (if appropriate)
- Engage appropriate support services such as the School Psychologist

### **8.2 Responding to a sexual offence against a child under 16**

8.2.1 The School recognises that reporting child sexual abuse is a community-wide responsibility and takes seriously its obligations under the Failure to Disclose offence which imposes a clear legal duty upon all adults aged 18 and over to report information about child sexual abuse to police.

Therefore, any adult aged 18 or over who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to Victoria Police by dialing 000 (or otherwise to a member of the Police Force of Victoria).

8.2.2 An adult will not be guilty of an offence if they do not report in the following circumstances:

- They are a mandated notifier and have made a report under section 8.3 below.
- The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police
- The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor.
- The victim turned 16 years of age before 27 October 2014.

8.2.3 Reasonable excuses for failing to comply with the requirement include:

- A reasonable belief that the information has already been reported to police or DH Child Protection disclosing all of the information. A person in the School may have a mandatory reporting obligation under the Children, Youth and Families Act 2005. In summary, this obligation requires teachers to report concerns about child welfare to child protection authorities within the

Department of Health (DH). DH passes all allegations of child sexual abuse to police so it will be a reasonable excuse for not reporting to police if a person has made a report to DH or reasonably believes a report has been made to DH.

- a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm

### **8.3 Responding when a child is in need of protection (including mandatory reporting)**

#### **8.3.1 Process for the Principal, teachers and other mandated notifiers**

8.3.1.1 Under The Children, Youth and Families Act 2005 the Principal and teachers, who in the course of their employment, form the belief on reasonable grounds that a child is in need of protection because the child has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse and that the child's parents have not protected, or are unlikely to protect, the child from such harm, must notify a Protective Services Unit of Child Protection Victoria of that belief, and of the reasonable grounds for it as soon as practicable.

8.3.1.2 The legal test for deciding whether a belief that a child is in need of protection is based on reasonable grounds is whether a reasonable person practising your profession would have formed a belief on those grounds. This means that staff are expected to exercise professional judgment to guide their decisions.

Teachers and Principals can make a referral to Child FIRST if they have a significant concern for a child's wellbeing but do not believe that the child is in need of protection as outlined in section 8.3.1.1. If teachers or the Principal feel that they cannot talk with the parents about the issues, or when they do that the response is inadequate, a referral to Child FIRST is an option.

8.3.1.3 Guidelines regarding recognising abuse and neglect are set out in Appendix 2.

8.3.1.4 If a teacher or other mandated notifier has any concern (on reasonable grounds) about a student's welfare leading to the belief that the student is in need of protection, a report MUST be made to the Department of Health (DH) as soon as practicable.

8.3.1.5 It is recommended that teachers who intend to make a report, discuss this with the appropriate Head of School or the Principal, so that the full resources of the School can be utilised to support both staff and students.

8.3.1.6 A teacher or other member of staff may report their belief, or make the report through, another appropriate person who is mandated to make a report (such as a Head of School).

#### **8.3.2 Failure to report**

If a teacher or other mandated notifier believes a child is in need of protection from sexual abuse, emotional abuse, neglect or physical injury and they do not make a report or determine that someone else has made a report to Child Protection, they may be prosecuted.

#### **8.3.3 Process for Administration and Support Staff (and any other staff who are not mandated notifiers)**

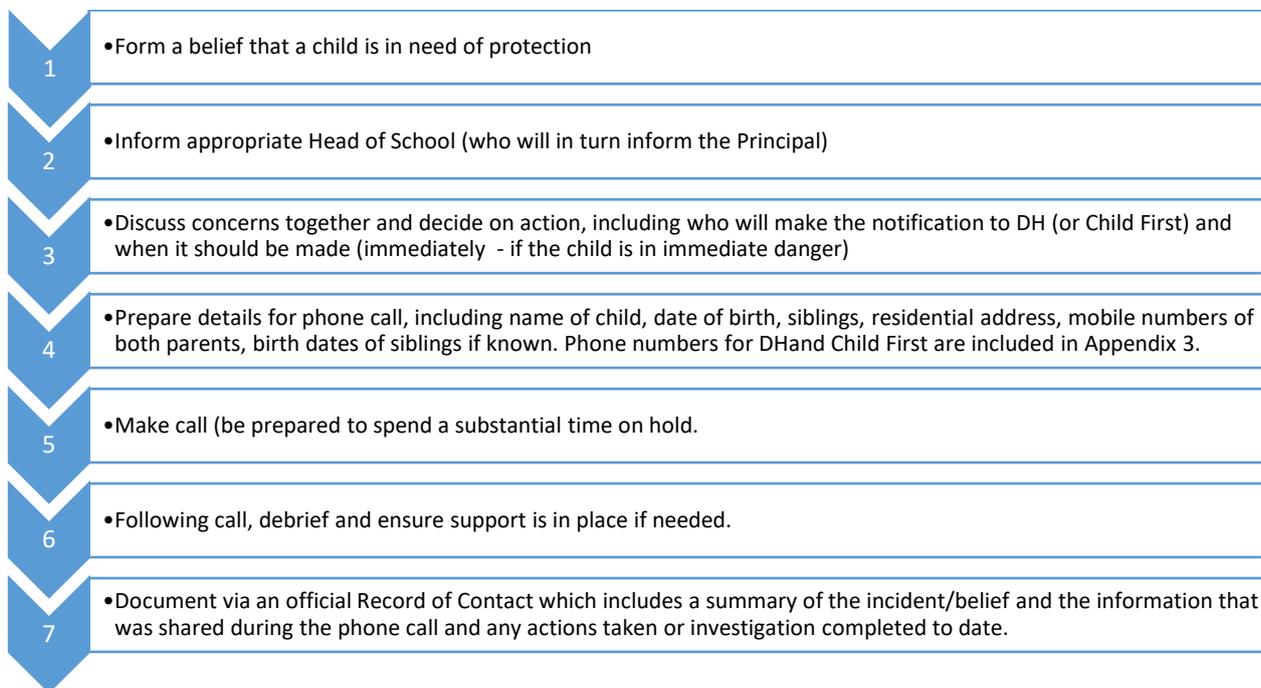
Administration and support staff are not mandated to make a report under the Act, however, the School would expect that all staff hold the safety and welfare of each girl as paramount. Therefore, any member of the staff who forms a belief that a child is in need of protection should alert the appropriate Head of School or the Principal.

#### **8.3.4 Process for Parents, Volunteers, Caregivers or Students**

Parents, volunteers, caregivers and students are not mandated to make a report under the Act, however, the School would expect that they hold the safety and welfare of each girl as paramount. Therefore, if they form a belief that a child is in need of protection they should alert the appropriate Head of School or the Principal.

#### **8.3.5 Flow Chart for responding when a child is in need of protection**

The following sequence of actions should be taken in the event that a person forms a belief that a child is in need of protection.



### 8.3.6 Further Information

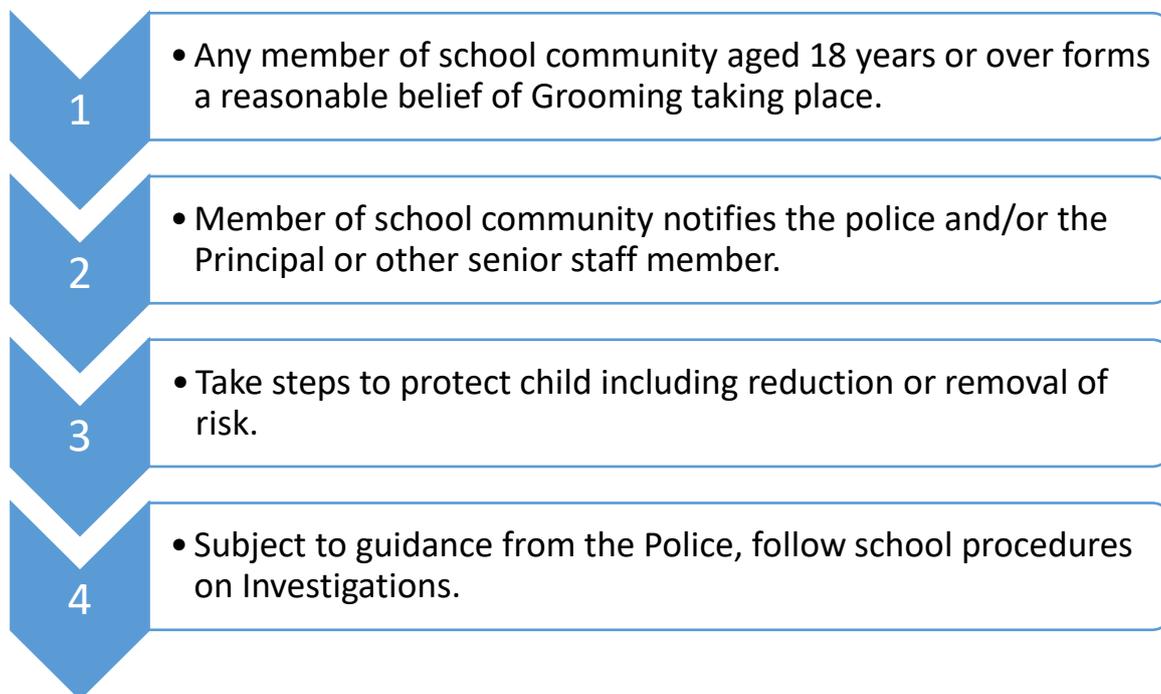
Further information regarding Mandatory Reporting obligations can be found in the online mandatory reporting e-learning module at: <http://www.elearn.com.au/deecd/mandatoryreporting/external> (user name: deecd, password: external)

A Fact Sheet is also attached as Appendix 4.

### 8.4 Responding to grooming

Under Section 49B of the *Crimes Act*, should any member of the school community aged 18 and over become aware of grooming behaviour by a person aged 18 years or over, they should notify the police and/or the Principal immediately.

It is the responsibility of the Principal and/or others associated with the school with authority or responsibility, to take action upon becoming aware of grooming behaviour to protect (so as to reduce or remove a substantial risk) in accordance with the 'failure to protect' offence (see below).



## 8.5 Responding to (and removing) the risk of a sexual offence by a member of the school community

### 8.5.1 Outline of this responsibility

This section applies to the Principal or her delegate and to any other person, including Board members,, who has the power to remove a risk. For the avoidance of doubt, any member of staff or person associated with the school who knows of a substantial risk that a child will become a victim of a sexual offence should notify the Principal as soon as is reasonably practicable.

Under section 49C of the *Crimes Act* it a criminal offence in Victoria for a person in authority (in the case of Lowther Hall, this is the Principal or her delegate) to fail to protect a child under the age of 16 from criminal sexual abuse. This applies where there is substantial risk that a child under the care, supervision or authority of Lowther Hall will become a victim of a sexual offence by an adult associated with the School. The Principal or her delegate may be guilty of an offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

### 8.5.2 Procedure

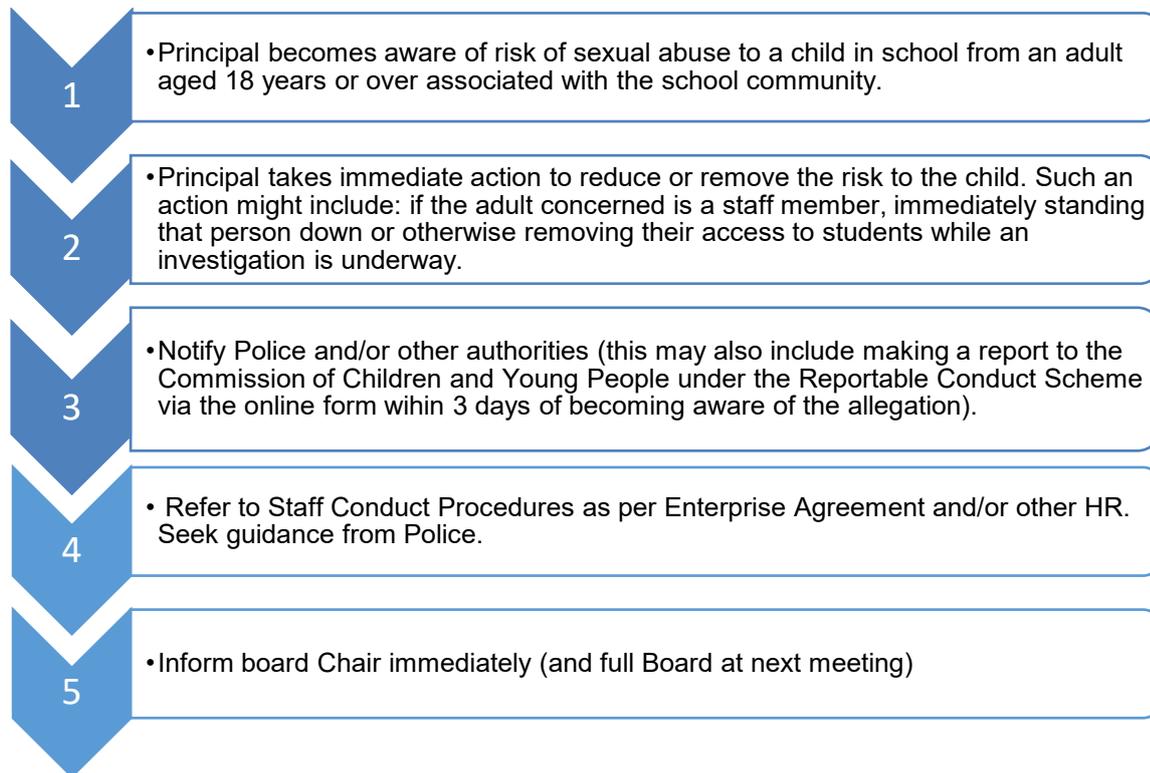
When aware of a substantial risk of criminal sexual abuse to a child in the school from an adult aged 18 or over associated with the School, the Principal will act to reduce or remove the risk. The person will be removed from any child-related role pending an investigation.

There are a number of factors that will be used by the Principal or other person in authority in determining whether a risk is a substantial risk. These include:

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

A person who has the power or responsibility to reduce or remove a risk will include the Principal,

The following flow chart should be followed:



## 9. DOCUMENTATION OF RESPONSES TO SPECIFIC SITUATIONS

9.1 Any allegation of a situation outlined in Section 8, must be documented.

### 9.1.1 Documentation in relation to students

The staff member who has had any contact with a student and/or a family in relation to child abuse or any other situation outlined in Section 8 must document the contact on the approved school form which must also be sighted by the appropriate Head of School and the Principal. This information must also include the School's response to the situation.

The record of contact must be retained in the student file and held in accordance with the School's Privacy Policy and Record Management Policy.

In the event that such a record contained names of school staff members, these names could be redacted if the Principal or her delegate was of the belief that the information contained in the student record would be unfairly damaging to the reputation of the staff member/s named.

### 9.1.2 Documentation in relation to staff

Whenever there is an allegation of child abuse by or any other misconduct of a staff member this must be documented. This information must also include the School's response to the situation.

The record of contact must be retained in the staff member's HR file and held in accordance with the School's Privacy Policy and Record Management Policy.

## 10. PRIVACY AND DISCLOSURE OF INFORMATION

10.1 Legislation allows teachers to share relevant information about a vulnerable child in specified circumstances without needing to be concerned about legal or professional consequences, provided it is done in good faith.

10.2 When a report is made under Child FIRST or Mandatory Reporting guidelines the identity of the teacher or Principal is protected, unless the staff member consents to it being disclosed. Teachers and Principals, under the Act, are professionally protected and cannot be disciplined by their professional body or incur any formal adverse professional consequences at their work place should a report be made.

10.3 Information about a student's welfare, including details pertaining to a child's abuse, potential abuse or

risk of harm, may be disclosed by the School to another school or relevant institution under the Child Information Sharing Scheme, in order to promote the safety and welfare of the child, without being in breach of Privacy legislation.

## **11. COMMUNICATION OF THIS POLICY**

The School will make regular and frequent public statements to raise an awareness of the school community's collective responsibility in reporting allegations of child abuse through parent handbooks, at information evenings and via articles on the parent portal, LowtherLink.

This Policy will be made publicly available on the School's website and on the school's intranet LowtherLink.

The School will put in place arrangements to ensure the school community (including applicants for jobs) is informed about the school's child safe standards policies, procedures and allocated roles and responsibilities.

The School will require all staff to confirm in writing when appointed and thereafter on an annual basis that they know their legal obligations and that they have read and understood the school's child safe standards policies and procedures.

This complete Policy will be made accessible to students via the School's portal, LowtherLink. Sections of the Policy will be communicated to students via pastoral and wellbeing programs as age appropriate.

## **12. RELATED DOCUMENTS**

- Child Safe Standards Policy
- Code of Conduct (staff)
- Complaints Policy
- Duty of Care
- Enterprise Agreement
- Employment Contract
- Privacy Policy
- Record Management Policy (including Archiving Policy)
- Reportable Conduct Policy
- Risk Management Policy
- Student Wellbeing Policy
- Staff Code of Conduct
- Training Policies
- Whistleblower Policy

## **13. FURTHER INFORMATION**

- Department of Justice: Betrayal of Trust Factsheet: The new 'failure to disclose' offence.
- Department of Justice: Betrayal of Trust Factsheet: The new 'grooming' offence.
- Department of Justice: Betrayal of Trust Factsheet: The new 'failure to protect' offence.
- VRQA Newsletter 'New obligations to help protect children: Betrayal of Trust implementation' (Edition 41).

**Child Safe Standard 1 – Organisations establish a culturally safe environment in which the diverse and unique identities and experiences of Aboriginal children and young people are respected and valued**

In complying with Child Safe Standard 1, an organisation must, at a minimum, ensure:

1.1 A child's ability to express their culture and enjoy their cultural rights is encouraged and actively supported.

1.2 Strategies are embedded within the organisation which equip all members to acknowledge and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal children and young people.

1.3 Measures are adopted by the organisation to ensure racism within the organisation is identified, confronted and not tolerated. Any instances of racism are addressed with appropriate consequences.

1.4 The organisation actively supports and facilitates participation and inclusion within it by Aboriginal children, young people and their families.

1.5 All of the organisation's policies, procedures, systems and processes together create a culturally safe and inclusive environment and meet the needs of Aboriginal children, young people and their families.

**Child Safe Standard 2 – Child safety and wellbeing is embedded in organisational leadership, governance and culture**

In complying with Child Safe Standard 2, an organisation must, at a minimum, ensure:

2.1 The organisation makes a public commitment to child safety.

2.2 A child safe culture is championed and modelled at all levels of the organisation from the top down and bottom up.

2.3 Governance arrangements facilitate implementation of the child safety and wellbeing policy at all levels.

2.4 A Code of Conduct provides guidelines for staff and volunteers on expected behavioural standards and responsibilities.

2.5 Risk management strategies focus on preventing, identifying and mitigating risks to children and young people.

2.6 Staff and volunteers understand their obligations on information sharing and recordkeeping.

**Child Safe Standard 3 – Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously**

In complying with Child Safe Standard 3, an organisation must, at a minimum, ensure:

3.1 Children and young people are informed about all of their rights, including to safety, information and participation.

3.2 The importance of friendships is recognised and support from peers is encouraged, to help children and young people feel safe and be less isolated.

3.3 Where relevant to the setting or context, children and young people are offered access to sexual abuse prevention programs and to relevant related information in an age appropriate way.

3.4 Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children and young people to express their views, participate in decision-making and raise their concerns.

3.5 Organisations have strategies in place to develop a culture that facilitates participation and is responsive to

the input of children and young people.

3.6 Organisations provide opportunities for children and young people to participate and are responsive to their contributions, thereby strengthening confidence and engagement.

#### **Child Safe Standard 4 – Families and communities are informed, and involved in promoting child safety and wellbeing**

In complying with Child Safe Standard 4, an organisation must, at a minimum, ensure:

4.1 Families participate in decisions affecting their child.

4.2 The organisation engages and openly communicates with families and the community about its child safe approach and relevant information is accessible.

4.3 Families and communities have a say in the development and review of the organisation's policies and practices.

4.4 Families, carers and the community are informed about the organisation's operations and governance.

#### **Child Safe Standard 5 – Equity is upheld and diverse needs respected in policy and practice**

In complying with Child Safe Standard 5, an organisation must, at a minimum, ensure:

5.1 The organisation, including staff and volunteers, understands children and young people's diverse circumstances, and provides support and responds to those who are vulnerable.

5.2 Children and young people have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand.

5.3 The organisation pays particular attention to the needs of children and young people with disability, children and young people from culturally and linguistically diverse backgrounds, those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people.

5.4 The organisation pays particular attention to the needs of Aboriginal children and young people and provides/promotes a culturally safe environment for them.

#### **Child Safe Standard 6 – People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice**

In complying with Child Safe Standard 6, an organisation must, at a minimum, ensure:

6.1 Recruitment, including advertising, referee checks and staff and volunteer pre-employment screening, emphasise child safety and wellbeing.

6.2 Relevant staff and volunteers have current working with children checks or equivalent background checks.

6.3 All staff and volunteers receive an appropriate induction and are aware of their responsibilities to children and young people, including record keeping, information sharing and reporting obligations.

6.4 Ongoing supervision and people management is focused on child safety and wellbeing.

#### **Child Safe Standard 7 – Processes for complaints and concerns are child focused**

In complying with Child Safe Standard 7, an organisation must, at a minimum, ensure:

7.1 The organisation has an accessible, child focused complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report.

7.2 Effective complaint handling processes are understood by children and young people, families, staff and

volunteers, and are culturally safe.

7.3 Complaints are taken seriously, and responded to promptly and thoroughly.

7.4 The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement.

7.5 Reporting, privacy and employment law obligations are met.

### **Child Safe Standard 8 – Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training**

In complying with Child Safe Standard 8, an organisation must, at a minimum, ensure:

8.1 Staff and volunteers are trained and supported to effectively implement the organisation's child safety and wellbeing policy.

8.2 Staff and volunteers receive training and information to recognise indicators of child harm including harm caused by other children and young people.

8.3 Staff and volunteers receive training and information to respond effectively to issues of child safety and wellbeing and support colleagues who disclose harm.

8.4 Staff and volunteers receive training and information on how to build culturally safe environments for children and young people.

### **Child Safe Standard 9 – Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed**

In complying with Child Safe Standard 9, an organisation must, at a minimum, ensure:

9.1 Staff and volunteers identify and mitigate risks in the online and physical environments without compromising a child's right to privacy, access to information, social connections and learning opportunities.

9.2 The online environment is used in accordance with the organisation's Code of Conduct and child safety and wellbeing policy and practices.

9.3 Risk management plans consider risks posed by organisational settings, activities, and the physical environment.

9.4 Organisations that contract facilities and services from third parties have procurement policies that ensure the safety of children and young people.

### **Child Safe Standard 10 – Implementation of the Child Safe Standards is regularly reviewed and improved**

In complying with Child Safe Standard 10, an organisation must, at a minimum, ensure:

10.1 The organisation regularly reviews, evaluates and improves child safe practices.

10.2 Complaints, concerns and safety incidents are analysed to identify causes and systemic failures to inform continuous improvement.

10.3 The organisation reports on the findings of relevant reviews to staff and volunteers, community and families and children and young people.

### **Child Safe Standard 11 – Policies and procedures document how the organisation is safe for**

## **children and young people**

In complying with Child Safe Standard 11, an organisation must, at a minimum, ensure:

11.1 Policies and procedures address all Child Safe Standards.

11.2 Policies and procedures are documented and easy to understand.

11.3 Best practice models and stakeholder consultation informs the development of policies and procedures.

11.4 Leaders champion and model compliance with policies and procedures.

11.5 Staff and volunteers understand and implement policies and procedures.

## HOW CAN ABUSE AND NEGLECT BE RECOGNISED?

Behavioural or physical signs which assist in the recognition of child abuse are known as indicators. A professional working with children may observe a whole range of indicators or a single indicator that leads them to believe that abuse is occurring. One single indicator can be as significant as the presence of a range of indicators.

A child's behaviour is likely to be affected if she is under stress. There can be many causes of stress, including child abuse, and it is important to find out specifically what is causing the stress you observe.

In any case, there is no clear formula regarding assessment of behavioural indicators, and therefore a professional needs to exercise his or her judgement in making a notification of child abuse.

### Physical Abuse

Physical indicators include:

- bruises, burns, sprains, dislocation, bites, cuts
- fractured bones, especially in an infant where a fracture is unlikely to occur accidentally
- poisoning
- internal injuries
- female genital mutilation

Possible behavioural indicators include:

- showing wariness or distrust of adults
- wearing long sleeved clothes on hot days [to hide bruising or other injuries]
- demonstrating fear of parents and of going home
- becoming fearful when other children cry or shout
- being excessively friendly to strangers
- being very passive and compliant
- child telling someone that physical abuse has occurred

### Sexual Abuse

Physical indicators:

- sexual abuse is not usually identified through physical indicators
- often the first sign is when a child tells a trusted person that they have been sexually abused
- however, the presence of sexually transmitted diseases, pregnancy, vaginal or anal bleeding or discharge may indicate sexual abuse

Possible behavioural indicators:

- child telling someone that sexual abuse has occurred
- complaining of headaches or stomach pains
- experiencing problems with school work
- displaying sexual behaviour or knowledge which is unusual for the child's age
- experiencing difficulties in sleeping
- showing behaviour such as frequent rocking, sucking and biting
- having difficulties in relating to adults and peers

## **Emotional Abuse**

Physical indicators:

- there are few physical indicators, although emotional abuse may cause delay in physical, emotional or mental development

Possible behavioural indicators:

- displaying low self esteem
- tending to be withdrawn, passive, tearful
- displaying aggressive or demanding behaviour
- being highly anxious
- showing delayed speech
- acting like a much younger child, for example, soiling or wetting pants
- displaying difficulties in relating to adults and peers

## **Neglect**

Physical indicators:

- frequent hunger
- malnutrition
- poor hygiene
- inappropriate clothing, for example, summer clothes in winter
- left unsupervised for long periods
- medical needs not attended to
- abandoned by parents

Possible behavioural indicators:

- stealing food
- staying at school outside school hours
- often being tired, falling asleep in class
- abusing alcohol or drugs
- displaying aggressive behaviour
- not getting on well with peers

The presence of indicators such as those described above may alert us to the possibility that a child is experiencing abuse.

If you form this belief, please follow the steps set out in the Policy.

**CONTACT PHONE NUMBERS**

Child Protection Victoria  
Metropolitan Region - Northern and Western 1300 664 977

Department of Health (DH)  
After Hours Child Protection Emergency Service 131 278

Child First 1300 775 160

# Mandatory reporting to Child Protection

## Generic fact sheet

### What is mandatory reporting?

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

### Who is mandated to report in Victoria?

The following are mandatory reporters in Victoria:

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

### What am I required to do?

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

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

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

### When do I have to report?

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

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

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

### What is a belief on reasonable grounds?

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

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

### When is a child in need of protection?

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

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

Mandatory reporters are required to report in relation to significant harm as a result of physical injury or sexual

abuse. They may choose, as can anyone, to report in relation to other types of significant harm.

## What will Child Protection do?

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

## Contact Child Protection

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

North Division intake: 1300 864 977

South Division intake: 1300 655 795

East Division intake: 1300 380 391

West Division intake - metropolitan: 1300 864 977

West Division intake - rural and regional: 1800 075 599

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

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

## For immediate help

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

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

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

### Child FIRST or The Orange Door

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

Child FIRST, as the access point for family services, is progressively transitioning to The Orange Door. The Mandatory reporting to child protection – Generic fact sheet Version 12 February 2020

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

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

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

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

Child FIRST and The Orange Door	
Barwon	1800 312 820
Bayside Peninsula	1800 319 353
Brimbank Melton	1300 138 180
Central and Upper Hume	1800 705 211
Colac-Otway, Corangamite	(03) 5232 5500
East Gippsland	(03) 5152 0052
Goulburn Valley - Seymour	1800 663 107
Goulburn Valley - Shepparton	1300 854 944
Hume Moreland	1300 786 433
Inner East	1300 762 125
Latrobe & Baw Baw	1800 319 354
Lower Hume	1800 663 107
Mallee	1800 290 943
North Central	1800 260 338
North East	1800 319 355
Outer East	1300 369 146
South Coast	1800 319 354
South East	(03) 9705 3939
South West	1300 543 779
Wellington (Sale)	(03) 5144 7777
Western Melbourne	1300 775 160
Wimmera	1800 195 114

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

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

- the reporter or referrer chooses to inform the child or family of the report or referral
- the reporter or referrer consents in writing to their identity as the reporter being disclosed
- a court or tribunal decides it needs this information in order to ensure the safety and wellbeing of the child
- a court or tribunal decides that in the interests of justice the evidence needs to be given.

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

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

## For more information

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

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

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

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

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

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

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

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