Child Protection Policy

KERANG
Christian College

Policy No. 26

Approved by School Board
July 2022

Introduction
Kerang Christian College is committed to providing a caring, safe and accepting environment for students. All children have a right to feel safe and to be safe and Kerang Christian College is committed to preventing harm to children through the reporting of child abuse and neglect under the Children, Youth and Families Act 2005 (Vic.).

Kerang Christian College is committed to child safety. We have zero tolerance of child abuse.

Our Policy applies to staff and volunteers working in the school as well as to members of the governing board, the principal, all school staff, volunteers, contracted service providers and ministers of religion working in the school environment. It sets out the principles and framework governing the school's behaviours and activities that enact the mandatory reporting requirements and which aims to keep all children safe from harm. The policy, together with the policy implementation documents listed at the end of this policy, must be read and understood by all those connected to the school.

Rationale
All adults have a responsibility to care for children and to protect them from any kind of abuse or neglect. The College is responsible to provide a safe environment for children and to provide an education which fosters their health, developmental needs, spirituality, self-respect and dignity. We are entrusted by parents with the care of their children, who are precious in the sight of God.

Staff of Kerang Christian College have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse or neglect. Teachers in particular are a "mandated profession", requiring them by law to report concerns about potential abuse or neglect.

This policy aims to ensure that:

a) the School complies with the school's reporting obligations under child protection law and criminal law and to fulfil its duty of care.

b) staff understand their mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse

c) staff know how to make a mandatory report to the Department of Human Services (DHS) Child Protection when they have formed a belief on reasonable grounds that a child or young person is at risk of significant harm

d) staff are able to identify and be aware of the indicators of abuse.

Principles

- Establish a safe, caring, and accepting environment in which children can learn and develop.

- Ensure we practice safe recruitment in checking the suitability of staff and volunteers to work with children.
- Equip children with skills needed to keep them safe.
- Develop and then implement procedures for identifying and reporting cases, or suspected cases, of abuse.

We recognise that because of the day-to-day contact with children, school staff are well placed to observe the outward signs of abuse. The school will therefore:

- Establish and maintain an environment where children feel secure, are encouraged to talk, and are listened to.
- Ensure children know that there are adults in the school whom they can approach if they are worried.
- Include opportunities in the curriculum for children to develop the skills they need to recognise and stay safe from abuse.

Australian Legal Definitions

Physical abuse
Physically abusive behaviour refers to any non-accidental physically aggressive act towards a child. Physical abuse may be intentional or may be the inadvertent result of physical punishment. The definition of physically abusive behaviours extends to and includes the fabrication, exaggeration and inducing of illness symptoms in a child.

Child abuse
Child abuse means all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any action that results in actual or potential harm to a child. Child abuse includes: any act committed against a child involving: a sexual offence; or an offence under section 498(2) of the Crimes Act 1958 (grooming); and the infliction, on a child, of: physical violence; or serious emotional or psychological harm; and serious neglect of a child.

Child sexual assault
Child sexual assault is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

Neglect
All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power. Physically neglectful behaviours include, but are not limited to a failure to provide adequate food, shelter, clothing, supervision, hygiene or medical attention.

Psychological abuse

Psychological abuse is behaviour that aims to cause emotional or mental harm. It may not hurt your body, but can be just as painful and distressing in other ways.

No one behaves perfectly in their relationships all the time. However, when someone deliberately hurts you over and over again it becomes abusive. Behaviour from others that aims to make you feel scared or bad about yourself is not OK.

Psychological abuse can include someone regularly:

- Embarrassing you in public or in front of family, friends, support workers or people you work with
- Calling you names
- Threatening to harm you, your pets, children, or other people who are important to you
- Treating you badly because of things you can't change — for example, your religion, race, past, disability, gender, sexuality, or family
- Ignoring you or pretending you aren't there
- Doing and saying things that make you feel confused. This might include someone moving or changing things and then denying they have done this.
- Always correcting what you say with the aim of making you look or feel foolish

There may be a pattern to the behaviour that happens again and again. Sometimes other types of abuse are going on at the same time. If this kind of abuse is being used to scare and control you it may be domestic or family violence.

Domestic violence
Domestic violence refers to violence, abuse and intimidation between people who are currently or have previously been in an intimate relationship. The perpetrator uses violence to control and dominate the other person. This causes fear, physical harm and/or psychological harm.

Responsibility
Any person who is registered as a teacher under the Education and Training Reform Act (2006), or any person who has been granted permission to teach under the Act, including the Principal, is mandated as required by this policy to make a report to the Department of Human Services (DHS) Child Protection if and when the policy has been breached. It is mandatory for registered principals and registered teachers in Victoria to notify Child Protection if they form the belief on reasonable grounds that a child has been physically or sexually abused or if they form the belief that a child is in need of protection.

School staff should discuss any concerns about the safety and wellbeing of students with the school Principal, Child Safety Champion or member of the school Leadership Team (Head of Primary and Head of Secondary), especially if they have a suspicion of possible abuse but have not formed a belief at that time. If the Principal, Child Safety Champion or member of the school Leadership Team does not believe that a mandatory report is warranted, this does not discharge the teacher of their obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the teacher's concerns continue, even after consultation with the Principal, that teacher is still legally obliged to make a mandatory report of their concerns.

Non-mandated people (e.g. educational support staff, non-teaching staff), who believe on reasonable grounds, that a child is in need of protection, must report their concerns to Child Protection.

Additionally, a report can be made to Child FIRST/The Orange Door. Child and Family Information, Referral and Support Teams (Child FIRST/The Orange Door) is a Victorian Government initiative to provide support and help for vulnerable families, children and babies.

Anyone may make a referral to Child First/The Orange Door if they have a significant concern for a child's wellbeing.

School staff who have concerns about a child or young person because they have been made aware of possible harm via their involvement in the community external to their professional role may make a (protective) report to DHS Child Protection. Any adult (i.e. 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. This responsibility does not change mandatory reporting obligations (Failure to Disclose offence).

Any person in a position of authority within or associated with the school (will include the chair of the governing board, board members, principal, senior staff and may also include residential house staff, business managers, religious leaders) has a specific duty to protect children against the risk of a sexual assault. If they know of a substantial risk another adult associated with the school may commit a sex offence 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).

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 as listed in this policy.

Any person can be a voluntary reporter under the Children, Youth and Families Act 2005 (VIC). A voluntary reporter may make a report if the person has a significant concern for the wellbeing of a child.

Legislation

Teachers and the Principal are mandated by law under section 184 of the Children Youth and Families Act 2005 (CYFA) to make a report to Child Protection.

A mandatory reporter who, in the course of practising his or her profession or carrying out the duties of his or her office, position or employment as set out in section 182, forms the belief on reasonable grounds that a child is in need of protection must report to Child Protection as soon as practicable after forming the belief and after each occasion on which they become aware of any further reasonable grounds for the belief.

According to the Children, Youth and Families Act 2005 – mandatory reporters include Nurses and VIT registered teachers and those who have been granted Permission to Teach. It is important to note that your responsibilities as a teacher are not confined to the work place or only involve those students who are ordinarily under your direct supervision.

During 2014, the Victorian Government amended the *Crimes Act 1958* (Vic) (Crimes Act) by establishing three new offences for the purpose of protecting children under 16 years of age from sexual abuse.

- Grooming Offence
- Failure to Protect Offence
- Failure to Disclose Offence

A mandated reporter under the Crimes Act 1958 (Vic) is any person 18 years or older. A mandated reporter must make a report if they form a reasonable belief that a sexual offence has been committed in Victoria against a child by another person of or over the age of 18 years.

Victoria has introduced compulsory minimum standards for organisations that provide services for children to help protect children from abuse. The Child Safe Standards Regulations are new

legal obligations under the *Child Wellbeing and Safety Act 2005* (Vic). Ministerial Order No. 1359 under the Education and Training Reform Act 2006 contains the minimum actions that schools must take to meet each of the Child Safe Standards. Additional information is available in the Child Safety and Wellbeing Policy (Policy No. 54) document.

Concurrent duty of care
Quite apart from mandatory reporting requirements, a teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable. A breach of this duty of care may lead to legal action being taken against the individual teacher or teachers concerned.

A breach of this duty of care will be established if a teacher or principal failed to take immediate and positive steps after having acquired actual knowledge or formed a belief that there is a risk that a child is being abused or neglected including sexual abuse.

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

Types of child abuse include:
- Physical
- Emotional
- Neglect
- Medical neglect
- Sexual abuse
- Family Violence
- Female Genital Mutilation
- Risk-taking Behaviour

Definitions of most of these types of child abuse are taken from "Spotting the warning signs of child abuse: for school staff. Spotting the warning signs of child abuse: for school staff

Female Genital Mutilation definition can be found at https://www.womenshealth.gov/a-z-topics/female-genital-cutting

And Teenage Risk taking behaviour definition may be found at https://www.pnas.org/content/109/42/17135 (proceedings of the National Academy of Science of the United States of America)

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

Self Harm
Students, who disclose to staff a desire to harm themselves or others, are to be reported by staff to the Principal. Where it is known that a student has a propensity to engage in self harm that is symptomatic or associated with a known medical condition or intellectual disability, the Head of Primary School or Head of Secondary School, and School Principal in cooperation with other qualified school staff and external treating professionals (where applicable) will devise an individual program of management to prevent or reduce the likelihood of the student engaging in self-harm at school.

This information is then to be given to the delegates as appropriate and directed by the Principal.

A child who has a propensity to self harm will not be considered to be at 'low risk' unless the following has been determined:

- The self harm is not ongoing;
- The parents of the child are aware of the propensity of the child to self harm;
- The Head of School and Principal are aware of this student's behaviour; and
- The student and/or student's family is seeking professional help.

Self-harm may necessitate a report to Child Protection. The Principal will determine in these circumstances, in conjunction with consulted Heads of School and the Child Safety Champion whether or not to file a report. One of the major criteria when determining whether to file a report is whether or not the parents are providing reasonable care for the student.

Where the self-harm is not 'low risk', the reporting measures noted in this policy that are relevant to the individual case of the self harming child should be followed to minimise risk to the child and his/her peers.

Not all cases of self-harm relate to suicidal intent. Students may engage in a variety of high risk behaviours, such as alcohol/substance abuse, drug-taking, promiscuity, cutting/burning oneself.

All school employees are expected to act to prevent all high risk behaviours occurring within the School, and support any other interventions undertaken to reduce the risk of such behaviours occurring outside the School.

Employees who are aware that a student is engaging in, or is at risk of engaging in, high risk activities should consult with the Child Safety Champion, Head of Primary School or Head of Secondary School for further advice and report their concerns to the Principal.

Following a report, the Child Safety Champion will consult with the Principal and Head of School to determine what course of action should occur. Possible actions include:

- Contacting parents;
- Arranging professional assistance;
- Contacting the police, where appropriate.

Indicators of harm

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert teachers to the possibility of child abuse and neglect.

Note: A comprehensive list of the indicators of harm can be found in tables at the rear (end) of this policy document.

Teachers may observe:

- one or several indicators are displayed
- indicators occur repeatedly
- changes in relation to the child's behaviour.

Child Information Sharing Scheme

The Child Information Sharing Scheme is established under Part 6A of the Child Wellbeing and Safety Act 2005. The scheme works in conjunction with existing information-sharing legislation and programs, including Child Protection, Mandatory Reporting and the Reportable Conduct Scheme. It complements the Family Violence Information Sharing Scheme authorized by Part 5A of the Family Violence Protection Act 2008 and agencies such as The Orange Door.

The Child Information Sharing Scheme (CIS Scheme) brings into focus the issue of family violence and its impact on the safety and wellbeing of the child, even if the child is not the target of the violence. This risk that family violence poses to a child's safety and wellbeing has been noted under the Reportable Conduct Scheme's definition of Reportable Conduct, which includes the following statements:

- physical violence against, with or in the presence of a child
- sexual offences committed against, with or in the presence of a child

Witnessing physical violence or sexual abuse against another member of a family is traumatising and damaging for a child. If a child discloses that they have witnessed such abuse, then the College has a legal obligation to note, report and store such information. This obligation takes precedence over the child's right to privacy. The Scheme outlines the circumstances and obligations of the College as an Information Sharing Entity (ISE) to share such held records with other ISE's - organisations and individuals.

The intent of this legislation is to:

- ensure that disclosures of family or domestic violence are recorded and stored securely on the College network
- domestic violence against a child or in the presence of a child is reported if deemed to compromise the safety of a child, and
- ensure records are made available on request to appropriate third parties
- provide guidelines for handling confidential information 'responsibly, safely and appropriately'

The Threshold Test is:

i. Safety – will sharing disclosed information promote the wellbeing and safety of the child?
j. Action – is it for the purpose of devising a plan of action or providing a service to improve the wellbeing of the child?
k. Exclusion – what should be excluded, because it is 'excluded information'?

When sharing information under the Child Information Sharing Scheme, the legislative principles require information sharing entities to:

1) Give precedence to the wellbeing and safety of a child or group of children over the right to privacy.
2) Seek to preserve and promote positive relationships between a child and the child's family
3) members and people significant to the child.
4) Seek to maintain constructive and respectful engagement with children and their families.
5) Be respectful of and have regard to a child's social, individual and cultural identity, the child's strengths and abilities and any vulnerability relevant to the child's safety or wellbeing.
6) Promote a child's cultural safety and recognise the cultural rights and familial and community connections of children who are Aboriginal, Torres Strait Islander or both.
7) Seek, and take into account, the views of the child and the child's relevant family members, if it is appropriate, safe and reasonable to do so.

8) Take all reasonable steps to plan for the safety of all family members believed to be at risk from family violence.
9) Only share confidential information to the extent necessary to promote the wellbeing or safety of a child or group of children, consistent with the best interests of that child or those children.
10) Work collaboratively in a manner that respects the functions and expertise of each information sharing entity (ISE).

Sharing Information Under the Scheme

Organisations and services prescribed by the Child Wellbeing and Safety (Information Sharing) Regulations as 'Information Sharing Entities' (ISEs) are permitted to share information under the Child Information Sharing Scheme. Kerang Christian College is such an organisation as an independent school.

ISEs should respond to a request from another information sharing entity in a timely manner and must provide relevant information if the legal requirements of the CIS Scheme are met.

ISEs should consider the legislative principles of the Child Information Sharing Scheme and exercise their professional judgement when determining whether the threshold for sharing is met, what information to share and with whom to share it.

When assessing whether sharing or requesting information would promote children's wellbeing or safety, ISEs should consider the identity and circumstances of each child and their family, including their unique needs such as cultural safety and any risks of discrimination or stigma they may face.

ISEs can also share information with a child or parent to manage a risk to a child's safety.

Professionals are protected if they share in good faith and with reasonable care.

Working Collaboratively with Children, Families and Services

The CIS Scheme requires professionals working with 'at risk' children in a school to be very conscious of the value of consent to information sharing, and include children and members of their families in the process. Transparency and honesty are critical in maintaining the trust of those traumatised by family violence. Information sharing is not designed to put victims in greater danger, but to access help and support for them.

There are some cases where it may not be appropriate, safe, and reasonable to seek the views of the child or family. This may occur:

- If it is inappropriate: for example, if a young person is living independently and it is not appropriate to seek the views of family members.
- If it is unsafe: for example, if it is likely to jeopardise a child's wellbeing or safety or place another person at risk of harm.
- If it is unreasonable: for example, if the child or their relevant family member is not currently a client of the information sharing entity or there is urgency to share the information and the child or family cannot be reached.

The Multi-Agency Risk Assessment and Management Framework (MARAM)

Family violence has significant impact on a child's safety and wellbeing and is likely to co-exist with other issues affecting the child. In the context of family violence, ISEs must use the Multi-Agency Risk Assessment and Management Framework (MARAM Framework) to guide:

- Sharing to Assess – information may be shared to aid in identifying, assessing and managing a family violence risk to children and adults; and
- Sharing to Protect – if violence has been established, sharing information may help in protecting children from harm and promoting wellbeing and safety through support and intervention.

By sharing, information services can work together to interrupt or prevent the cycle of family violence. The diagram below defines the Multi-Agency Risk Assessment and Management Framework, and its function for professionals working with children.

The new reforms over-ride the provisions in other legislation if a child is at risk.

Making a mandatory report

Who	Details
Mandated staff: • Principals • Child Safety Champion • Primary and Secondary teachers • First Aid Officer ("School Nurse")	**Must:** • Report to the Department of Human Services (DHS) Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person is at risk of significant harm, and the child's parents are unable or unwilling to protect the child.
Non-mandated school staff (section 183, CYFA 2005)	• Any person who believes on reasonable grounds that a child is in need of protection may make a protective report regarding their concerns to DHS Child Protection. • School staff who form a belief on reasonable grounds should inform the principal of any concerns.
All school staff: Forming a belief on reasonable grounds	A belief is formed when a person has: • more than a suspicion • is more likely to believe rather than disbelieve that a student is at risk. **Note**: If a staff member has unresolved suspicions that do not lead them to form a belief they should initially consult with the Child Safety Champion, Principal, a member of the school's Leadership Team or DHS Child Protection. A referral to Child First/The Orange Door may also be appropriate to engage support for the family. Reasonable grounds are established when: • a child or young person states that they have been physically or sexually abused • a child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves) • someone who knows the child or young person states that the child or young person has been physically or sexually abused. • a child shows signs of being physically or sexually abused • the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child and young person's safety, stability or development • the staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision • a child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child.
School staff seeking consultation	Consult with: • School Leadership Team (Principal/ Heads of School) & Child Safety Champion.

	• DHS Child Protection • Student Critical Incident Advisory Unit on (03) 9637-2934 or (03) 9637-2487. Other members
Teacher & Principal actions	Teachers should: • only gather enough information to form the belief • use open ended questions when talking to the student. Teachers should not: • conduct their own investigation • ask leading questions that suggest the abuse took place • interview witnesses • take statements • collect evidence • conduct a physical examination. Staff should keep comprehensive, chronologically ordered notes that describe the source of their concerns, e.g. from obvious injuries, behaviours or comments made outlining related events, actions taken and further considerations determine the need for help. Notes should also reflect who the staff member has been in contact with.
Information required when making a report to Child Protection	The following information is required to make the report: • name of child, siblings and parents • addresses, telephone number of parents, language spoken and student's date of birth • factual and specific reason for concern • the reporter's involvement with the family • any other people or agencies involved • concerns about a child protection workers safety in visiting the family • best time to find the parents/guardians at home • if the family knows the report is being made. **Note:** An inability to provide all of this information should not delay the making of the report. Further information can be provided after the initial report is made.
Professional Protection for Reporters	Teachers and Heads of School making mandatory reports: • are protected against legal, professional and civil actions by the CYFA as long as they are acting: - in good faith - in the best interests of the child • cannot be held to have acted unprofessionally.
Confidentiality of identity	Information about the identity of a person making a report to Child Protection must be kept confidential unless the reporter consents to it being disclosed.
Reports involving international students	Where any report to the DHS, Child Protection involves an international student, the principal must: • advise the Departments International Division on (03) 9637-2990 • consult with the Division to ensure support is arranged.

Information Sharing	Teachers, Heads of School and the Principal making reports or providing information to Child Protection, Child FIRST/The Orange Door and Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT) are specifically protected against legal, professional and civil actions by the CYFA provided they are "acting in good faith" in the interests of the child. School staff are allowed to share information with Child Protection that may help them to make and initial assessment about a child. Any information that is relevant to the protection or development of a child when Child Protection is investigating a report, or during subsequent child protection intervention is allowed to be shared.
Referral to Child First	A referral to Child FIRST/The Orange Door is the best way of connecting children, young people and their families to the services they need. School staff should make a referral to Child First where school staff have concerns about a child's wellbeing but do not believe the child is in need of protection.

Investigation
The Department of Human Services, Child Protection will determine if the circumstances warrant an investigation or should be referred to Child FIRST/The Orange Door.

Police may be involved in the investigation, and they may ask teachers, Heads of School or the Principal for a statement relating to mandatory reports or allegations of student sexual assault.

Related Legislation
- Ministerial Order 870 & 1359
- Children, Youth and Families Act 2005 - Sections 183/184
- Crimes Act 1958
- Education and Training Reform Act 2006
- Victorian Institute of Teaching Act 2001
- Child Wellbeing and Safety Act 2005 (Vic)
- Working with Children Act 2005
- Family Violence Protection Act 2008

<u>Grooming Offence</u>
Grooming: Crimes Act 1958 (amended) (Vic.), under the 'Failure to Disclose' offence and duty of care, any person who suspects a child is being groomed by an adult must report their concerns to Victoria Police.

The *Crimes Amendment (Grooming) Act 2014* (Vic) amended the Crimes Act from 1 July 2014 by inserting the following section:
- s.49B – Grooming for sexual conduct with child under the age of 16 years

Under s.49B(2), the criminal offence is as follows:

> "*A person of or over the age of 18 years must not communicate, by words or conduct, with a child under the age of 16 years or a person under whose care, supervision or authority the child is (whether or not a response is made to the communication), with the intention of facilitating the child's engagement in or involvement in a sexual offence with that person or another person who is of or over the age of 18 years*".

This offence carries a penalty of imprisonment for up to 10 years.

The Principal will ensure that Senior School students who are 18 years of age or over who may be appointed to coach sport teams, be involved in peer support programs or assist with out-of-school programs, will also be made fully aware of the Grooming Offence.

For further information, refer to Appendix A – Betrayal of Trust Factsheet: The new "Grooming" Offence produced by the Department of Justice.

Failure to Protect Offence

Failure to Protect: The Crimes Act 1958 (amended) (Vic.) provides that people in positions of authority, such as principals, must take action to protect children where they know that a person associated with their organisation poses a substantial risk of sexually abusing children.

The *Crimes Amendment (Protection of Children) Act 2014* (Vic) amended the Crimes Act from 27 October 2014 by inserting:

- s.49C Failure by person in authority to protect child from sexual offence.

The Victorian Government announced its commencement from 27 October 2014.

Under s.49C, it is now a criminal offence for a person who:

> "(a) *by reason of the position he or she occupies within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the relevant organisation; and*
>
> *(b) knows that there is a substantial risk that the person will commit a sexual offence against a relevant child - must not negligently fail to reduce or remove that risk*".

This offence carries a penalty of imprisonment for up to 5 years.

As soon as any person in authority within Kerang Christian College becomes aware of a risk of child sexual abuse, the person will be under a duty to take steps to remove or reduce that risk.

For further information, refer to Appendix B – Betrayal of Trust Factsheet: The new 'failure to protect' Offence produced by the Department of Justice.

Failure to Disclose Offence

Failure to Disclose: in addition to mandatory reporting obligations under the Children, Youth and Families Act 2005 (Vic.), the Crimes Act 1958 (amended) (Vic.) imposes a legal obligation upon all adults (including students 18 years of age or older) to report to Victoria Police in addition to Child Protection where they form a reasonable belief that a sexual offence has been committed by an adult against a child.

The *Crimes Amendment (Protection of Children) Act 2014* (Vic) amended the Crimes Act from 27 October 2014 by inserting:

- s.327 Failure to disclose sexual offence committed against a child under the age of 16 years
- s.328 Protection of those who disclose under section 327
- s.329 Evidence and legal proceedings
- s.330 Confidentiality.

The Victorian Government announced their commencement from 27 October 2014.

Reporting child sexual abuse is regarded as a community-wide responsibility. Section 327 of the Crimes Act imposes a clear legal duty upon all adults to report information about child sexual abuse to police.

Any adult (including students 18 years of age or older) who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years of age has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence, with a penalty of imprisonment for up to three years.

This obligation is different to mandatory reporting obligations under child protection laws and applies to all adults, not just the professionals currently subject to mandatory reporting (i.e. registered teachers, principals and nurses).

For further information, refer to Appendix C – Betrayal of Trust Factsheet: The new 'failure to disclose' Offence produced by the Department of Justice.

References

- Description of possible indicators of abuse in a reference document produced by the DEECD entitled 'Spotting the warning signs of child abuse: for school staff.' Spotting the warning signs of child abuse: for school staff

- DEECD Flowchart: A step-by-step guide to making a report to Child Protection or Child FIRST
  https://www.education.vic.gov.au/Documents/childhood/parents/health/mandreportsep10.pdf

Professional Learning

This policy will be revisited with teaching staff annually, as part of the Professional Learning program of the College.

Staff will complete the Mandatory Reporting eLearning Module annually. The online mandatory reporting eLearning module can be accessed at:
http://www.elearn.com.au/det/protectingchildren/external/

Step by Step Guide to Reporting (including Contact Numbers)

The primary telephone contact details are outlined on the next page – A step-by-step guide to making a report. However, these additional telephone numbers may be useful:

Child Protection Crisis Line
Phone: 13 1278

Loddon Mallee Intake Unit (Child Protection)
Phone: 1800 675 598

Victorian Police Sexual Offences and Child Abuse Unit (SOCA) Bendigo
Phone: 03 5448 1420

Student Critical Incident & Recovery Unit
Phone (03) 9589-6266

Child FIRST (Loddon Mallee) is transitioning to The Orange Door
https://orangedoor.vic.gov.au/
Phone: 1300 669 28

A step-by-step guide to making a report to Child Protection or Child FIRST

Step 1: Responding to concerns	**Step 2: Forming a belief on reasonable grounds**	**Step 3: Making a referral to Child FIRST**	**Step 4: Make a report to Child Protection**
1. If your concerns relate to a child in need of immediate protection; or you have formed a belief that a child is at significant risk of harm **Go to Step 4** 2. If you have significant concerns that a child and their family need a referral to Child FIRST for family services. **Go to Step 3** 3. In all other situations **Go to Step 2**.	1. Consider the level of immediate danger to the child. Ask yourself: a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm? **YES / NO** and b) Am I in doubt about the child's safety and the parent's ability to protect the child? **YES / NO** 2. If you answered yes to a) or b) **Go to Step 4** 3. If you have significant concerns that a child and their family need a referral to Child FIRST for family services. **Go to Step 3**	Child Wellbeing Referral 1. Contact our local Child FIRST/The Orange Door Provider on Ph: 1300 669 289 (Loddon Mallee Swan Hill Gannawarra) 2. Have notes ready with your observations and child and family details.	Mandatory/Protective Report* 1. Contact our local DHS Child Protection Intake Unit (Loddon Mallee Intake Unit) on Phone: 1800 675 598 For After Hours Child Protection Emergency Services (AHCPES) call **131 278**. (checked 6-11-19) 2. Have notes ready with your observations and child and family details. * Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection

Recommended Proforma for Confidential Details

Report of Notification to Child Protection – Department of Human Services

Student Details

Name: _____

Telephone: _____

Date of Birth _____

Parents: Mother: _____

Father: _____

Siblings: _____

School Details

Name: Kerang Christian College

Address: 98 Wyndham St, Kerang VIC 3579

Telephone: (03) 5450 3894

Notifier: _____

Report Details

The school, in the course of its duties, has formed the belief on reasonable grounds that this child is in need of protection on the grounds that a child is likely to suffer, significant harm as a result of physical injury, emotional abuse and or neglect, and the child's parents have not protected or are unlikely to protect the child from harm of that type.

Refer to confidential notes which will already have been made:

_____

_____

_____

Notification Process Report

Intake Worker (at Child Protection): _____

Time: _____ Date: _____

Outcome:

To discharge their mandated responsibility the notifier and Principal must be satisfied that the report has been made to the Department of Human Services and that a Support Plan will be put into place for the student.

We the below are satisfied that our concerns were recorded by DHS / and that they will liaise with Anglicare / to ensure that a Care Plan is developed and implemented for this student. (/ * delete if appropriate * /)

Signatures:

Notifier: _____ (Note taker during reporting process)

Principal: _____ Date: _____

Definitions of child abuse and indicators of harm
Source:

Taken from 1. "Spotting the warning signs of child abuse: for school staff. Spotting the warning signs of child abuse: for school staff

2. Female Genital Mutilation definition can be found at https://www.womenshealth.gov/a-z-topics/female-genital-cutting

And 3. Teenage Risk taking behaviour definition may be found at https://www.pnas.org/content/109/42/17135 (proceedings of the National Academy of Science of the United States of America) (first paragraph)

The following definitions are provided to assist school staff to decide if abuse is occurring and to assist them in deciding whether the impact warrants a report to Child Protection, a referral to Child FIRST/The Orange Door services or whether another action is required.

Child abuse
Child abuse means all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child. Child abuse includes: any act committed against a child involving: a sexual offence; or an offence under section 498(2) of the Crimes Act 1958 (grooming); and the infliction, on a child, of: physical violence; or serious emotional or psychological harm; and serious neglect of a child.

Physical abuse
Physical abuse consists of any non-accidental form of injury or serious physical harm inflicted on a child or young person by any person. Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline. Physical abuse can include beating, shaking, burning and assault with implements.

Physical injury and significant harm to a child or young person may also result from the failure of a parent, carer or guardian to adequately ensure the safety of a child, exposing the child to extremely dangerous or life-threatening situations. Physical abuse also includes fabricated illness syndrome (previously known as Munchausen's syndrome by proxy) and female genital mutilation (FGM). FGM comprises all procedures that involve partial or total removal of the female external genitalia and/or injury to the female organs for cultural or any non-therapeutic reasons.

Possible indicators:

Physical	**Behavioural**
• Bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms and inner thighs. Any bruises or welts in unusual configurations, or those that look like the object used to make the injury, for example fingerprints or handprints, buckles, iron or teeth • Burns that show the shape of the object used to make them, such as an iron, grill, cigarette; or	• Disclosure of an injury inflicted by someone else (parent, carer or guardian), or an inconsistent or unlikely explanation or inability to remember the cause of injury • Unusual fear of physical contact with adults (for example, flinches if unexpectedly touched) • Wearing clothes unsuitable for weather conditions (such as long-sleeved tops) to hide injuries

burns from boiling water, oil or flames • Fractures of the skull, jaw, nose and limbs, especially those not consistent with the explanation offered or with the type of injury probable/possible at the child's age and development • Cuts and grazes to the mouth, lips, gums, eye area, ears and external genitalia • Human bite marks • Bald patches where hair has been pulled out • Multiple injuries, old and new • Poisoning • Internal injuries	• Wariness or fear of a parent, carer or guardian; reluctant to go home • No reaction or little emotion displayed when hurt • Little or no fear when threatened • Habitual absences from school and licensed children's services without explanations (the parent, carer or guardian may be keeping the child or young person away until signs of injury have disappeared) • Overly compliant, shy, withdrawn, passive and uncommunicative • Fearfulness when other children cry or shout • Unusually nervous or hyperactive, aggressive, disruptive and destructive to self and/or others • Excessively friendly with strangers • Regressive behaviour, such as bed-wetting or soiling • Poor sleeping patterns, fear of dark, nightmares • Sadness and frequent crying • Drug or alcohol misuse • Poor memory and concentration • Suicide attempts

Child sexual assault Child sexual assault is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

Possible indicators:

Physical	Behavioural
• Injury to the genital or rectal area, such as bruising or bleeding • Vaginal or anal bleeding or discharge • Discomfort in urinating or defecating • Presence of foreign bodies in vagina and/or rectum • Inflammation and infection of genital area • Sexually transmitted diseases	• Disclosure of sexual abuse • Persistent and age-inappropriate sexual activity, including excessive masturbation, masturbation with objects, rubbing genitals against adults, playing games that act out a sexually abusive event • Drawings or descriptions in stories that are sexually explicit and not age-appropriate • Fear of home, specific place or particular adult; excessive fear of men or of women • Poor or deteriorating relationships with adults and peers • Poor self-care or personal hygiene • Arriving early at school and leaving late

• Pregnancy, especially in very young adolescents • Bruising and other injury to breasts, buttocks and thighs • Anxiety-related illnesses, such as anorexia or bulimia • Frequent urinary tract infections	• Complaining of headaches, stomach pains or nausea without physiological basis • Frequent rocking, sucking or biting • Sleeping difficulties • Reluctance to participate in physical or recreational activities • Regressive behaviour, such as bed-wetting or speech loss • Sudden accumulation of money or gifts • Truancy or running away from home • Delinquent or aggressive behaviour • Depression • Self-injurious behaviour, including drug or alcohol abuse, prostitution, self-mutilation, attempted suicide • Sudden decline in academic performance, poor memory and concentration • Wearing of provocative clothing, or layers of clothes to hide injuries • Promiscuity

Emotional abuse

Emotional abuse occurs when a child or young person is repeatedly rejected, isolated or frightened by threats or by witnessing family violence. It also includes hostility, derogatory name-calling and putdowns, or persistent coldness from a person, to the extent that the behaviour of the child or young person is disturbed or their emotional development is at serious risk of being impaired.

Psychological or emotional abuse may occur with or without other forms of abuse. The child or young person may develop personality or behavioural disorders, or become filled with self-doubt and internalised rage, unable to form sustained and intimate relationships. There are few physical indicators, although emotional abuse may cause delays in emotional, mental or even physical development.

Possible indicators:

Physical	**Behavioural**
• Speech disorders • Delays in physical development • Failure to thrive (without an organic cause)	• Overly compliant, passive and undemanding behaviour • Extremely demanding, aggressive, attention-seeking behaviour • Antisocial, destructive behaviour • Low tolerance or frustration • Poor self-image • Unexplained mood swings • Behaviours that are not age-appropriate, for example overly adult (parenting of other children), or overly infantile (thumbsucking, rocking, wetting or soiling) • Mental or emotional delays • Fear of failure, overly high standards, and excessive neatness • Depression, suicidal thoughts or actions • Running away • Violent drawings or writing • Contact with other children forbidden

Neglect
Neglect includes a failure to provide the child or young person with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health or development of the child is significantly impaired or placed at serious risk. A child is neglected if they are left uncared for over long periods of time or abandoned. Two types of neglect are discussed below.

Serious neglect
Serious neglect includes situations where a parent consistently fails to meet the child's basic needs for food, shelter, hygiene or adequate supervision to the extent that the consequences for the child are severe. For example:

- the child's home environment is filthy or hazardous in the extreme and poses a threat to the child's immediate safety or development and is characterised by the presence of animal or human faeces or urine, decomposing food, syringes or other dangerous paraphernalia
- the child is provided with consistently insufficient or inadequate food or nourishment for healthy development
- the child has a serious medical condition for which the parent has consistently failed to obtain treatment or dispense prescribed medication
- the parent consistently leaves the child unattended, or exposed to or in the care of strangers who may harm the child.

Medical neglect
Neglect of medical care refers to a situation in which a parent's refusal of, or failure to seek, treatment or to agree to a certain medical procedure leads to an unacceptable deprivation of the child's basic rights to life or health.

Possible indicators:

Physical	**Behavioural**
• Consistently dirty and unwashed • Consistently inappropriately dressed for weather conditions • Consistently without adequate supervision and at risk of injury or harm • Consistently hungry, tired and listless, falling asleep • Unattended health problems and lack of routine medical care • Inadequate shelter and unsafe or unsanitary conditions • Abandonment by parents • Failure to thrive	• Begging or stealing food • Gorging when food is available • Inability to eat when extremely hungry • Alienated from peers • Withdrawn, listless, pale, and thin • Aggressive behaviour • Delinquent acts, for example vandalism, drug and alcohol abuse • Little positive interaction with parent, carer or guardian • Appearing miserable or irritable • Poor socialising habits • Excessively friendly with strangers • Indiscriminant with affection • Poor, irregular or non-attendance at school or kindergarten or child care • Staying at school long hours • Self-destructive • Dropping out of school • Taking on an adult role of caring for parent

Family violence
Family violence is defined as violence (either actual or threatened) that occurs within a family, including physical, verbal, emotional, psychological, sexual, financial and

social abuse. When there are strong indicators that incidents of family violence are placing children at significant risk or danger, Child Protection must be informed. Family violence is a criminal offence and can be liable to prosecution.

Possible indicators:

Physical	Behavioural
• Speech disorders • Delays in physical development • Failure to thrive (without an organic cause) • Bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms and inner thighs. Any bruises or welts in unusual configurations, or those that look like the object used to make the injury, for example, fingerprints or handprints, buckles, iron or teeth • Fractures of the skull, jaw, nose and limbs, especially those not consistent with the explanation offered or with the type of injury probable/possible at the child's age and development • Cuts and grazes to the mouth, lips, gums, eye area, ears and external genitalia • Multiple injuries, old and new • Internal injuries	• Overly compliant, shy, withdrawn, passive and uncommunicative • Extremely demanding, aggressive, attention seeking behaviour • Antisocial, destructive behaviour • Low tolerance or frustration • Showing wariness or distrust of adults • Demonstrated fear of parents, carers or guardians and of going home • Becoming very passive and compliant • Depression • Anxiety • Criminal activity

Other reports to Child Protection

Risk-taking behaviour

While risk-taking behaviour in adolescence is a normal aspect of healthy development, some behaviour may require attention from Child Protection when it carries potentially severe or life threatening consequences. Examples include severe alcohol or drug use; unsafe sexual activity, including prostitution; solvent abuse and chroming; and violent or dangerous peer group activity (for example train-surfing).

There are community services that work with young people and their families when children are engaged in risk-taking behaviours. Parents, carers or guardians can contact their local government to find these services or may wish to contact the police if the risk-taking activity is illegal and extreme in nature or poses a high risk to the child or young person.

Female Genital Mutilation (FGM)

There are an increasing number of migrants and refugees settling in Victoria for whom female genital mutilation (FGM) is a cultural practice. It is important to remember that while FGM is not perceived by these communities as harming or abusing a child or young person, this practice is illegal in Australia and can have very significant physical and psychological repercussions for a child. See the definitions of physical abuse section for more information.

Unborn child

The CYFA (sections 29–30) allows Child Protection to receive and respond to reports about unborn children. These reports provide an important opportunity for earlier intervention and prevention.

Prenatal reports may be particularly helpful to unborn children in family violence situations, or when there are mental health concerns or drug or alcohol misuse during pregnancy.

It is also appropriate to consider prenatal reporting when a parent has previously demonstrated an inability to parent safely. Child Protection will take the lead in engaging the mother and planning and facilitating supports when the risks to the child following birth are more serious.

Child or young person exhibiting sexually abusive behaviours

There are instances when children aged 10 years and under 15 years, may exhibit sexually abusive behaviours towards adults, other children, either older or younger, or school staff. In these cases, the school's response to these behaviours includes ensuring or facilitating appropriate support services such as therapeutic treatment, usually involving suitably trained local specialist counselling services.

A child or young person exhibits sexually abusive behaviours when they use their power, authority or status, with or without force, to involve a child or young person in sexual activity or to exploit them for the purpose of sexual gratification. Sexually abusive behaviours can also occur when one party involved in the activity is incapable or unable to give informed consent, such as a person with a cognitive or physical disability.

The Department of Human Services funds regional Sexually Abusive Behaviour Treatment Services (SABTS) to provide treatment for 12 to 24 months to children between 10 years of age and under 15 years of age. These services can be accessed in a number of ways and do not necessarily require a referral from Child Protection.

Children, young people and their families are able to access treatment programs in a voluntary capacity. If the young person and family are willing and wanting to attend a treatment service, the young person does not have to be made subject of a therapeutic treatment order (TTO) under the CYFA.

Treatment services can be accessed by:

- direct referral by the family or young person
- referral from the police to the SABT if the police have concluded their investigation and no criminal charges are to be laid
- referral from Child Protection to the SABT
- referral from Child Protection to the SABT after a TTO or a therapeutic treatment (placement) order (TTPO) has been made.

Responsibilities of Registered School Teachers and Principals

As a registered school teacher or principal in Victoria, you have a key role to play in ensuring that vulnerable children are protected and supported. This involves sharing information about children's safety and development where it could help a vulnerable child.

You have a responsibility to share information about a vulnerable child who may need help. This is because sharing information with an agency such as Child FIRST/The Orange Door or Child Protection helps to promote a child's safety and development and gives a vulnerable child and their family access to services they may need.

You can make a referral to Child FIRST/The Orange Door if you have a significant concern for the wellbeing of a child, or a report to Child Protection if you believe a child is in need of protection.

You are required by law to make a report to Child Protection if you have a reasonable belief that a child is in need of protection from physical injury or sexual abuse. This is known as a mandatory report.

When you make a referral to Child FIRST/The Orange Door or a report to Child Protection, or are consulted by them, and when you assist Child Protection with an investigation or intervention:

- your identity will not be disclosed without your consent (although you are encouraged to consider disclosing it to help services engage more easily with the family)
- you are legally protected (for example, you cannot be successfully sued)
- you are professionally protected (you cannot incur any formal adverse professional consequences).

Procedures and Guidelines

1. Identifying abuse

a. If a child tells you about Harm - Staff need to be well prepared so that they can be supportive of the student and clear about their responsibilities at the same time. It is essential that the staff member remains calm and supportive of the student. The staff member should:

- actively listen to the student and never probe for details or ask leading questions;
- refrain from questioning excessively through fear of making a mistake in deciding to notify;
- talk gently and reassuringly, pointing out you are there to help;
- only ask one general open-ended question that is designed to provide sufficient information about whether the suspicion of harm is sufficiently strong to warrant a report being made: the question is “What does this mean to you?”
- do not take a written statement if you believe the incident being reported to you may be subject to mandatory reporting.
- where the harm is taking place outside the school's control, never assure the student that the harm will stop as that cannot be guaranteed;
- do not make promises that you will not tell anyone; in fact, you should disclose that you have a responsibility to tell the Principal.

If a student begins to make a disclosure in a group situation (say in a camp sharing time) staff are required to:

- acknowledge that you have heard the student;
- indicate your support by explaining that what the student has said sounds important and that it would be better to talk about it later;
- quietly arrange an appropriate time to see the student away from other students.

b. If you have reason to suspect Risk of Harm - From time to time staff may suspect child abuse may have occurred or may be about to occur. Staff need to be aware of the indicators of child abuse. Some general and specific indicators of child abuse have been outlined in this document. Notified or suspected child risk of harm must be reported to the Mandatory Report

c. If someone reports Harm to you - Staff or students who in good faith make an allegation of improper conduct of a sexual or abusive nature by a person against a student will not be prejudiced in any way. If anyone reports actual or suspected abuse you should report this to the immediately.

2. Procedures in relation to an allegation or reporting of Abuse

If suspicions have been raised regarding the need for the protection of a child from physical and/or sexual abuse, it is essential that any observations and concerns are documented.

- Report verbally to Principal.
- Reporting and allegations of abuse need to be recorded in SEQTA under the Pastoral Care section of the program
- Strict confidence is to be kept in relation to all reports, information sheets and subsequent discussions. In SEQTA, Restrictions should be set to ‘Executive only’ in this case.

- Details relating to the time, place, circumstance and a description of the incident should all be documented.
- Hard copies must be kept of all computer-generated documentation.
- All factual information and observations must be noted and dated. No judgement or assumptions should be made.
- Patterns of behaviour should be established. This should include dates, noted behaviour and attendance, whether explained or not.
- Further incidents are to be monitored and any further indication or signs of subsequent abuse must also be reported in accordance with this policy.
- All documentation must be given to the Principal.
- It is responsibility of the Principal to keep all documentation safe and able to be readily retrieved. The Principal will keep documentation in a locked filing cabinet in his office which is locked if he is not attending it.

Where an allegation is made to a staff member other than the Principal, the staff member should immediately report the matter to the Principal. In cases of allegations against the Principal, the Board Chairman should be contacted.

Staff or students who in good faith make an allegation of improper conduct of a sexual or abusive nature by a person against a student will not be prejudiced in any way.

The Principal must respond promptly and sensitively to any allegation. Except in cases of risk of harm, which are to be reported to the Department of Human Services (DHS) immediately, the Principal would ordinarily advise the parents or care givers of the student(s) concerned as soon as possible after the allegations are reported.

Counselling support will be offered to all parties in relation to a reported allegation. The Principal is responsible for the support of staff who have been involved in a mandatory reporting incident. This may involve referral to the College Chaplain or other outside professionals.

In scenarios where the media becomes involved, only the Principal or the nominated delegate will handle media inquiries.

Implementation
The Principal is responsible to ensure that this policy is effectively understood and implemented by staff and students. The Principal is responsible for promptly managing the school's response to an allegation or disclosure of child abuse, responding appropriately and monitoring the school's overall compliance with reporting procedures.

The Child Safety Champion will be appointed by the Principal.

The roles and responsibilities contained in this policy document do not displace or discharge any other legal obligations that arise if a person reasonably believes that a child is at risk of child abuse.

Staff communication of policy
All staff will be made aware of this Policy. Staff will be reminded of the Policy as it applies to them and their students through review at staff development meetings from time to time. The explanation and implementation of this policy and procedures shall form part of the new staff induction program. All staff will be reminded and have the policy summarized verbally to them at the beginning of year staff development sessions.

Investigation of complaints
Complaints will be investigated in a confidential manner. No staff member or student will be disadvantaged as a result of making a complaint.

During the process of investigation the following may occur:
- a direction for the student or staff member to receive counselling
- suspension of staff member or student

Board members, the Principal, staff and volunteers must be aware of the Child Safety & Wellbeing Policy (Policy No. 54) and the Child Safety Code of Conduct, which is included in the Child Safety and Wellbeing Policy.

Where the Principal reasonably concludes after reviewing the evidence that an act of abuse has taken place, a staff member may be summarily dismissed from employment or student expelled from the school. This action may occur irrespective of whether a conviction has been determined by a court of Law.

Communication of the 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.

This policy and relevant policy implementation documents will be made publicly available on the school's website and from the school office.

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.

Related Documents

- Child Safety & Wellbeing Policy (Policy No. 54)
- Supervision Policy (Policy No. 19)
- Staff Contact With Students Policy (Policy No. 48)
- Student Travel in Staff Cars Policy (Policy No. 52)
- Staff Tutoring Policy (Policy No. 47)
- Staff Induction Policy (Policy No. 35)
- Employment Policy (Policy No. 32)
- Working with Children Policy (Policy No. 13)
- Police Checks Policy (Policy No. 12)
- School Visitors Policy (Policy No. 3)
- Volunteers Policy (Policy No. 45)
- Pastoral Care Policy (Policy No. 8)
- Risk Management Policy (Policy No. 55)
- Child Safe Code of Conduct (Appendix A of Child Safety and Wellbeing Policy, No. 54)
- Privacy Policy (No. 17)

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Appendix A

BETRAYAL OF TRUST: FACTSHEET

The new 'grooming' offence

The *Crimes Amendment (Grooming) Act 2014*, which commenced in Victoria on 9 April 2014, introduces the offence of Grooming for sexual conduct with a child under the age of 16 years. This offence targets predatory conduct designed to facilitate later sexual activity with a child.

The Betrayal of Trust report recommended the grooming offence, given the way in which many sex offenders target their victims. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

Many perpetrators of sexual offences against children purposely create relationships with victims, their families or carers in order to create a situation where abuse could occur. For this reason, parents, carers or other family members who have been targeted by perpetrators in order to gain access to a child are also victims.

The *Victim's Charter Act 2006* was amended to expressly provide that a child and a family member of that child are victims of a grooming offence and are entitled to provide a victim impact statement to a court.

GROOMING IS NOW A CRIMINAL OFFENCE

1. What is 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 involvement in sexual conduct, either 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.

2. Who can commit the offence?

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.

3. What age are the children who are protected by the offence?

The offence applies to communication with children under 16 years, but not communication with 16 and 17 year old children. This distinction between children aged below 16 and those aged 16 or 17 reflects the general age of consent (16 years) recognised by the criminal law in relation to sexual offences.

4. What are the key differences between the Victorian grooming offence and the grooming offences that have been implemented in New South Wales and by the Commonwealth?

The New South Wales grooming offence is confined to circumstances in which an adult engages in conduct that exposes a child to indecent material or provides the child with an intoxicating substance with the intention of making it easier to procure the child for sexual activity. The Victorian offence is broader than this and prohibits an adult from engaging in any form of communication with the intention of facilitating sexual conduct. This is not limited to exposing the child to indecent material or providing them with an intoxicating substance and may include such acts as inappropriately giving them gifts or favours with the intention of engaging in later sexual activity.

The offence is similar to the Commonwealth grooming offence. The key distinction is that the Commonwealth offence is limited to grooming via a communication transmitted through a carriage service. The Victorian offence applies to any form of communication between the adult and child, including communication that occurs in person.

5. What is the purpose of amending the *Victim's Charter Act 2006*?

Amending the *Victim's Charter Act 2006* to expressly include a family member of the child as a victim of a grooming offence (eg. the child's parents) entitles the parents, or another family member, to provide a victim impact statement to the court.

6. What is the penalty for grooming?

The maximum penalty is 10 years imprisonment.

Appendix B

BETRAYAL OF TRUST:
FACTSHEET

The new 'failure to protect' offence

Failure to protect a child from abuse – organisations

A new criminal offence has been created in Victoria for failing to protect a child under the age of 16 from criminal sexual abuse. The offence will apply where there is a substantial risk that a child under the care, supervision or authority of an organisation will become a victim of a sexual offence by an adult associated with that organisation. The person in a position of authority will be guilty if they knew of the risk of abuse and had the authority to reduce or remove the risk, but negligently failed to do so.

1. What is the offence of failing to protect a child from sexual abuse?

If a person in authority knows that someone within their organisation poses a risk of committing a sexual offence against a child and they fail to remove that person who poses the risk, they will themselves be guilty of a criminal offence.

As soon as a person in authority becomes aware of a risk of child sexual abuse, they will be under a duty to take steps to remove or reduce that risk.

2. Will this criminalise mistakes made by organisations who are working to protect children?

An individual who falls short of the standard of care that a reasonable person would exercise in the circumstances will be found guilty of the offence.

For example, a person in authority who knows someone poses a risk to children and moves them from one location in an organisation to another location where they still have contact with children would be committing an offence.

It will not apply where a person takes reasonable steps to protect a child from the risk of abuse, for example, where the allegation is reported and the person removed from any child-related role pending an investigation.

3. Will the offence criminalise individuals who fail to protect a child from abuse, for example, a non-offending parent?

No. The failure to protect offence is limited to people in positions of authority within organisations that exercise care, supervision or authority over children. This includes churches, schools, child-care centres and residential care homes. It does not apply to parents or other individuals.

The separate offence, the new failure to disclose offence, will apply to any individual with information about the criminal abuse of a child who fails to report their knowledge to police.

4. What is the penalty for failing to protect a child?

The maximum penalty is five years' imprisonment.

5. When will the failure to protect offence take effect?

This offence will commence by 1 July 2015 but may come into effect sooner.

Appendix C

BETRAYAL OF TRUST:
FACTSHEET

The new 'failure to disclose' offence

Reporting child sexual abuse is a community-wide responsibility. Accordingly, a new criminal offence has been created in Victoria that imposes a clear legal duty upon all adults to report information about child sexual abuse to police.

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

1. What is a 'reasonable belief'?

A 'reasonable belief' is not the same as having proof. 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 when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows 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
- signs of sexual abuse leads to a belief that the child has been sexually abused.

2. Are there any excuses for not reporting child sexual abuse to police?

A person will not be guilty of the offence if he or she has a ***reasonable excuse*** for not disclosing the information. A reasonable excuse includes:

- fear for safety
- where the information has already been disclosed.

Fear for safety

A reasonable excuse exists in cases where a person has a reasonable fear for their own safety or the safety of another person (such as a child or another family member) and they do not report to police due to those circumstances.

This defence may apply, for example, if a mother decides not to disclose information about her partner sexually abusing her child due to fear of violence to her or her child.

The person's fear must be subjectively reasonable, that is, it must be reasonable from the perspective of that person in those circumstances. This recognises that the person in question is best placed to judge whether their safety is in danger.

The court or jury will consider whether it was reasonable for the person not to report in the circumstances.

Where the information has already been disclosed

It is a reasonable excuse to not disclose where a person believes on reasonable grounds that the information has already been disclosed to police and they have no further information to add.

An important example of this exception is where the person has already made a report under the mandatory reporting obligation specified in the *Children, Youth and Families Act 2005*. This obligation requires teachers, doctors and other professionals to report concerns about child welfare to child protection authorities within the Department of Human Services (DHS).

Under the existing mandatory reporting system, DHS already passes on 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 DHS or reasonably believes a report has been made to DHS. This ensures that people are not required to make multiple reports to different agencies.

3. What is not a reasonable excuse?

A person does not have a reasonable excuse for failing to disclose sexual abuse if they are only concerned for the perceived interests of the perpetrator or any organisation. 'Perceived interests' includes reputation, legal liability or financial status.

For example, a principal's concern for the reputation of a school, or a clergyman's concern for the reputation of a church where the abuse happened will not be regarded as a reasonable excuse.

4. Are there any other exemptions to the offence?

There are a number of other exemptions, which include:

- the victim requests confidentiality
- the person is a child when they formed a reasonable belief
- the information would be privileged
- the information is confidential communication
- the information is in the public domain
- where police officers are acting in the course of their duty.

The victim requests confidentiality

The new offence respects the position of a victim who does not want the offending disclosed and who is sufficiently mature to make that judgment. The obligation to report therefore does not apply where the information comes from a person aged 16 or over and this person requests that the offence not be reported. The law recognises that a child under 16 is not able to make this kind of decision and sometimes lacks the capacity to fully understand the effects of sexual abuse.

A person will still be required to disclose information to police if:

- the victim who requested confidentiality has an intellectual disability, and
- the victim does not have the capacity to make an informed decision about a disclosure, and
- the person who received the information is aware or should be reasonably aware of those facts.

The person is a child when they formed a reasonable belief

If a person was under the age of 18 when they formed a reasonable belief, they will not be obliged to make a disclosure when they turn 18. This protects children from the burden of knowing that they will have to disclose to police when they turn 18.

The information would be privileged

People will not be required to disclose where the information would be privileged. This includes:

- client legal privilege
- journalist privilege
- religious confessions.

For example, if a priest obtains information made in good faith through a rite of confession (as long as the admission is not given for a criminal purpose), the priest is exempt from disclosing.

The information is confidential communication

A registered medical practitioner or counsellor is not required to disclose information to police if the information is obtained from a child whilst providing treatment and assistance to that child in relation to sexual abuse. However, under the mandatory reporting obligations, a registered medical practitioner would still be required to report to DHS if they form a reasonable belief that a child has been sexually abused and is in need of protection. This exemption is not designed to prevent the reporting of child sexual abuse, but rather to protect the registered medical practitioner or counsellor from criminal liability.

If an adult provides information to a medical practitioner or counsellor regarding the sexual abuse of a child, the medical practitioner or counsellor would be required to disclose that information to police unless another exemption applies.

The information is in the public domain

A person does not have to disclose to police if they get the information through the public domain, or form the belief solely from information in the public domain such as television or radio reports.

Where police officers are acting in the course of their duties

A police officer acting in the course of their duty in respect of a victim of child sexual abuse is exempt from the offence.

5. If it is going to be compulsory for everyone to report child sexual abuse, why are there exemptions?

We need to ensure that in creating this legal obligation, we do not put children and their families at even greater risk of harm, especially those who may be experiencing family violence.

6. Won't child sexual abuse continue to occur if exemptions are allowed?

There is currently no requirement for people to report child sexual abuse to police, so introducing this new legal obligation is a big step towards preventing child sexual abuse in our community and ensuring people understand that it is a community-wide responsibility.

Certain exemptions are required to avoid any unintended consequences of this new obligation. It is not intended, for example, that this offence criminalise victims of family violence who don't report due to fear for their own or someone else's safety.

For example, women in family violence situations may have a reasonable fear for the safety of their child or another family member, especially in cases where threats have already been made. They may fear that making a report to police will escalate the situation, putting their child or another family member at even greater risk of harm – or even death.

Preventing the sexual abuse of children is a community responsibility. Other people connected with the child will still be required to make a report, unless they have a reasonable excuse not to do so.

7. Won't this offence discourage people from seeking help where they have experienced child sexual abuse?

The law will not require a medical practitioner or counsellor to disclose information to police when it has been obtained from a victim during treatment for sexual abuse.

Disclosures for the purpose of obtaining legal advice will also be protected by client legal privilege. There are also other exemptions which have been listed above.

8. The offence requires 'any adult' to report suspected child sexual abuse. Isn't this too broad? Won't it lead to people reporting unfounded suspicions?

The offence requires a person to report to police where they have information that leads them to form a 'reasonable belief' that a sexual offence has been committed against a child under 16. Under the offence, people will not be expected to disclose unfounded suspicions as a suspicion does not constitute a 'reasonable belief'.

The failure to disclose offence is a big step towards preventing child sexual abuse in our community and ensuring people understand that protecting children and preventing sexual abuse is a community-wide responsibility.

9. How will I be protected if I make a disclosure to police?

Your identity will remain confidential unless:

- you disclose it yourself or you consent in writing to your identity being disclosed
- a court or tribunal decides that it is necessary in the interests of justice for your identity to be disclosed.

10. Will any person who knows of child sexual abuse happening in the past be required to report?

A person who knows of child sexual abuse having occurred in the past will not have to report to police unless the victim is still a child when the offence comes into effect.

11. What is the penalty for failing to disclose child sexual abuse?

The maximum penalty is three years imprisonment.

12. When will the failure to disclose offence take effect?

27 October 2014.

13. How do I contact Victoria Police to make a report?

If you want to report a child in immediate risk or danger of sexual abuse please call Triple Zero (000) Alternatively, you can contact your local police station.

If you or someone you know has experienced child sexual abuse in an institutional context, we encourage you to contact Victoria Police's Sano Taskforce via email at sanotaskforce@police.vic.gov.au

Appendix D: Internal Reporting Guide

Kerang Christian College Internal Reporting: A Summary of Practices

Internal procedures for responding to and reporting allegations of suspected child abuse

Procedure	Who	How
Report allegation of abuse immediately to Child Safety Champion	Staff member, community member, or student	Verbally & in writing via form
Document details on SEQTA • To be recorded in SEQTA under the Pastoral Care section of the program • Strict confidence is to be kept in relation to all reports, information sheets and subsequent discussions. In SEQTA, Restrictions should be set to 'Executive only' in this case. • Details relating to the time, place, circumstance and a description of the incident should all be documented. • All factual information and observations must be noted and dated. No judgement or assumptions should be made. • Patterns of behaviour should be established. This should include dates, noted behaviour and attendance, whether explained or not.	Child Safety Champion assisted by reporter	Online management system -web-based and a phone app
Make a hard copy and give to Child Safety Champion	Staff member, community member, or student	Hard copy
Keep records in locked filing cabinet	Principal	Hard copy
Support of staff who have been involved in a mandatory reporting incident. This may involve referral to the College Chaplain or other outside professionals.	Principal	Verbally or in writing