

Protecting Children – Reporting & Other Legal Obligations Policy

Purpose

The purpose of this policy is to ensure that all staff are aware of and comply with their legal responsibilities to protect the safety and wellbeing of children and young people and to explain the process following a report to Department of Health and Human Services (DHHS) Child Protection.

Scope

This policy applies to all school staff, volunteers and school community members at Hillsmeade Primary School. It also applies to all staff and children engaged in any school and School Council-run events, activities and services [such as Outside School Hours Care].

Policy

All children and young people have the right to protection in their best interests.

The school understands the important role our school plays in protecting children from abuse including:

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

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

School staff will follow the [Four Critical Actions](#) where there is an incident, disclosure or suspicion of child abuse.

Where a school staff member has reported a concern to DHHS Child Protection but they continue to have concerns for the child after DHHS Child Protection has closed the case, they may escalate the matter through DHHS complaints management processes or reporting concerns from the principal to their regional Area Executive Director.

Protecting Children – Reporting & Other Legal Obligations Policy

At this school we also recognise the diversity of the children and young people at our school and take account of their individual needs and backgrounds when considering child safety.

Mandatory Reporting

Principals, registered teachers, registered medical practitioners, nurses and all members of the police force are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic).

[NOTE: as a result of changes to mandatory reporter groups, registered psychologists will be mandatory reporters from 1 March 2019, and then from 21 January 2020, school counsellors will also be mandatory reporters.]

All mandatory reporters must make a report to the Department of Health and Human Services (DHHS) Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

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

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at the school to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the principal does not share their belief that a report is necessary.

At our school, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually.

Child in need of protection

Any person can make a report to DHHS Child Protection (131 278 – 24-hour service) if they believe on reasonable grounds that a child is in need of protection.

The policy of the Department of Education and Training (DET) requires **all staff** who form a reasonable belief that a child is in need of protection to report their concerns to DHHS or Victoria Police, and discuss their concerns with the school leadership team.

Protecting Children – Reporting & Other Legal Obligations Policy

For more information about making a report to DHHS Child Protection, see the Department's *School Policy and Advisory Guide*: [Child Protection – Making a Report and Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

We also encourage all staff to make a referral to Child FIRST when they have significant concern for a child's wellbeing. For more information about making a referral to Child FIRST see the School Policy and Advisory Guide: Child Protection – Reporting Obligations.

Reportable Conduct

Our school must notify the Department's Employee Conduct Branch (9637 2594) if we become aware of an allegation of 'reportable conduct'.

There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been:

- a sexual offence (even prior to criminal proceedings commencing), sexual misconduct or physical violence committed against, with or in the presence of a child;
- behaviour causing significant emotional or physical harm to a child;
- significant neglect of a child; or
- misconduct involving any of the above.

The Department, through the Employee Conduct Branch, has a legal obligation to inform the Commission for Children and Young People when an allegation of reportable conduct is made.

The Principal must notify the Department's Employee Conduct Branch of any reportable conduct allegations involving current or former teachers, contractors, volunteers (including parents), allied health staff and school council employees.

If school staff become aware of reportable conduct by any person in the above positions, they should notify the school Principal immediately. If the allegation relates to the Principal, they should notify the Regional Director.

Failure to disclose offence

Reporting child sexual abuse is a community-wide responsibility. All adults (i.e. persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 by another person aged 18 years or over.

Protecting Children – Reporting & Other Legal Obligations Policy

Failure to disclose information to Victoria Police (by calling 000 or local police station) as soon as practicable may amount to a criminal offence unless a person has a ‘reasonable excuse’ or exemption from doing so.

“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 mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leading to a belief that the child has been sexually abused.

“Reasonable excuse” is defined by law and includes:

- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
- where the information has already been disclosed, for example, through a mandatory report to DHHS Child Protection.

For more information about this reporting obligation, see the Department’s *School Policy and Advisory Guide*: [Failure to disclose offence](#).

Failure to protect offence

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (ie persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

Protecting Children – Reporting & Other Legal Obligations Policy

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: [Failure to protect offence](#).

Grooming

Grooming is a criminal offence under the *Crimes Act 1958* (Vic). This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in sexual activity at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer.

For more information about this offence and reporting obligations see: [Child Exploitation and Grooming](#)

The Four Critical Actions

Critical Action 1: Responding to an emergency

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

If a child is at immediate risk of harm school staff will ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling **000** for urgent medical and/or police assistance to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with police

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

Critical Action 2: Reporting to authorities/referring to services

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

If the source of suspected abuse comes from within the school:

Victoria Police

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

- The Principal and/or member of the Leadership Team
- Employee Conduct Branch — **03 9637 2595**
- DET Incident Support and Operations Centre — **1800 126 126**

All allegations of 'reportable conduct' will be reported as soon as possible to the Employee Conduct Branch.

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

DHHS Child Protection

School staff will report to [DHHS Child Protection](#) if a child is considered to be:

- in need of protection from child abuse

Protecting Children – Reporting & Other Legal Obligations Policy

- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development and the parents have not protected or are unlikely to protect the child

Victoria Police

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

- The Principal and/or member of the Leadership Team
- Employee Conduct Branch — [03 9637 2595](#)
- DET Incident Support and Operations Centre — [1800 126 126](#)

Other concerns

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

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

Critical Action 3: contacting parents/carers

The Principal will consult with DHHS Child Protection or Victoria Police (call [000](#) or your local police station) to determine what information can be shared with parents/carers. They may advise:

- not to contact the parents/carers (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- to contact the parents/carers and provide agreed information (this will be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- how to communicate with all relevant parties with consideration for their safety

Critical Action 4: providing ongoing support

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

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

Protecting Children – Reporting & Other Legal Obligations Policy

School staff will follow the Four Critical Actions every time they become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

Further Information & Resources

The school will refer to the following resources:

Department Resources

[PROTECT](#)

Protecting the safety and wellbeing of children and young people

[Protecting Children - Mandatory Reporting and Other Obligations](#) - elearning module log-in

For contact details the school will visit:

[Child FIRST Child and family services](#)

[The Orange Door](#)

[The Lookout service directory](#) — for information, and guidance to help you respond to family violence

[1800 RESPECT](#) — for family violence victims/survivors to be referred to counselling and information

DHHS Child Protection — visit [Making a report to child protection](#)

Victoria Police — call [000](#) or your local police station

References:

<https://www2.education.vic.gov.au/pal/protecting-children>

Please refer also to the school's *Duty of Care Policy*, *Police & DHHS Interviews Policy*, *Risk Management - Schools Policy*, *Responding to Student Sexual Offences Policy*, *Access to Reports & Other Information about Students Policy*, *Privacy & Information Sharing Policy*, *Working with Children (Suitability) Checks – Visitors & Volunteers* and the *Child Safe Policies*.

Review Cycle

This policy, first developed in this format in May 2019 and updated in September 2020, will be reviewed as part of the school's three-yearly review cycle or if guidelines change (latest DET update mid-June 2020).

School Council Approval No Longer Required

However, the Principal is required to take the finalised or amended policy to School Council for noting, ensuring this is minuted in School Council Minutes. Minuted in School Council April 2021.