

REPORTING OBLIGATIONS POLICY



PURPOSE

Newmark Primary (the school) is committed to preventing harm to children through the reporting of child abuse and neglect under the Children, Youth and Families Act 2005.

This policy sets out the principles and framework governing the school's behaviours and activities that enact the Mandatory Reporting and Other Obligation requirements and which aims to keep all children safe from harm.

PRINCIPLES

- The school, those that work in it and its wider community together have a duty of care to protect children from harm through abuse or neglect.
- The school is committed to implementing clear procedures for reporting and recording reports of suspected child abuse and grooming.

AIMS

- To comply with the school's reporting obligations under child protection law and criminal law and to fulfil its duty of care.
- To enable school staff to protect the safety and wellbeing of students by being able to:
 - identify indicators that a child or young person may be in need of protection; and
 - make a report about a child or young person who may be in need of protection.

LEGAL AND REGULATORY BASIS FOR COMPLIANCE

- Duty of Care
- Children, Youth and Families Act 2005 (Vic.)
- Crimes Act 1958 (amended) (Vic.)
- Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015 (Vic.)
- Ministerial Order 1359 Jan 2022 (Vic.)
- Victorian Registration and Qualifications Authority (VRQA) Minimum Standards: mandated registration requirements
- Betrayal of Trust Report 2014 (Vic.)
- Working With Children Act 2005

SCOPE

The policy applies to the school board, the principal, all school staff, volunteers and contracted service providers in the school environment.

The policy applies to allegations or disclosures of child abuse made by or in relation to a child, school staff, visitors, or other persons while connected to a school environment.

KEY DEFINITIONS

Duty of Care: All school staff members have a duty to take reasonable steps to protect children under their care and supervision from harm that is reasonably foreseeable.

Department of Families, Fairness and Housing (DFFH) - Child Protection is the statutory child protection service provided by the Department of Human Services, which is able to intervene to protect children and young people at risk of significant harm.

Child and Family Information, Referral and Support Teams (Child FIRST) is a Victorian Government initiative to provide support and help for vulnerable families, children and babies. Anyone may make a referral to Child First if they have a significant concern for a child's wellbeing.

Orange Door is staffed by family services practitioners who are experienced in assessing the needs of vulnerable children and their families. The Orange Door has become the intake service for Child FIRST in a number of locations. Child FIRST/Orange Door teams work closely with community-based DFFH Child Protection workers.

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 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.

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.

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.

Reportable Conduct Scheme: A child protection scheme that requires Victorian education providers to notify the Commission for Children and Young People (CCYP) if there is an allegation of 'reportable conduct' made against one of its employees (including a principal, teacher, corporate staff member or school council employee), contractors, volunteers, or allied health staff members.

REPORTING OBLIGATIONS

The school understands its reporting obligations as outlined below, and is committed to reporting suspected child abuse according to these obligations.

Mandatory Reporting

Some staff are legally required to report child physical and sexual abuse, this includes:

- Victorian Institute of teaching (VIT) registered teachers, including principals;
- staff who have been granted permission to teach by the VIT;
- registered doctors, nurses and psychologists; and
- school counsellors.

All mandatory reporters must make a report to Victoria Police and/or DFFH 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.

It is a criminal offence not to report in these circumstances. Mandatory reporters must also follow the Four Critical Actions to ensure they fulfil all their legal obligations.

Duty of Care

All school staff members have a duty to take reasonable steps to protect children under their care and supervision from harm that is reasonably foreseeable. The question of what constitutes 'reasonable steps' will depend on the individual circumstances of each case. A staff member may breach their duty of care towards a student if they fail to act in the way a reasonable or diligent professional would have acted in the same situation.

Duty of care exists alongside reporting obligations and extends to students who are aged 17 years and over, and/or are involved in student sexual behaviour.

The Four Critical Actions outline steps to take and services to refer to depending on the assessment of the child's situation. Staff must follow the Four Critical Actions, including reporting to Victoria Police or DFFH Child Protection, or referring to other services like Child FIRST/The Orange Door, to ensure that they fulfil their duty of care obligations. Following the Four Critical Actions will ensure staff meet their duty of care obligations.

Reportable Conduct

This is a child protection scheme that requires Victorian education providers to notify the Commission for Children and Young People (CCYP) if there is an allegation of 'reportable conduct' made against one of its employees (including a principal, teacher, corporate staff member or school council employee), contractors, volunteers, or allied health staff members.

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

- a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child;
- behaviour causing significant emotional or psychological harm to a child;
- significant neglect of a child; or
- misconduct involving any of the above.

The scope of 'reportable conduct' is wide, and includes:

- information about something that is alleged to have occurred outside the course of the person's employment or engagement with the school; and
- sexual offences, sexual misconduct or physical violence committed in the presence of a child (which may include family violence committed by a school staff member in front of their own child).

To ensure staff in positions of authority fulfil all of their legal obligations, they should follow the Four Critical Actions. These actions will support staff to follow the notification steps required by the Reportable Conduct Scheme.

CRIMINAL OFFENCES

The school understands that failing to report suspected child abuse can be a criminal offense, as outlined below.

Failure to Disclose

This offence applies to all adults (not just professionals who work with children) who:

- form a reasonable belief that another adult may have committed a sexual offence against a child under 16 years of age; and
- fail to report this information to Victoria Police.

Failure to Protect

This offence applies to a person in a position of authority within an organisation who:

- knows of a substantial risk that a child under the age of 16, under the care, supervision or authority of the organisation will become a victim of a sexual offence committed by an adult associated with the organisation (e.g. employee, contractor, volunteer, visitor);
- has the power or responsibility to remove that risk; and
- negligently fails to remove or reduce the risk of harm.

SIGNS OF CHILD ABUSE

The school is committed to identifying signs of child abuse and understands that such signs contribute to forming reasonable grounds for reporting to authorities.

Child abuse includes:

- any act committed against a child involving a sexual offence or grooming;
- inflicting on a child any physical violence or serious emotional or psychological harm; and
- serious neglect of a child.

Physical Abuse

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

- Physical indicators of physical abuse include, but are not limited to bruises, burns, fractures (broken bones), cuts and grazes to the face, and multiple injuries including internal injuries.
- Behavioural indicators of physical abuse include, but are not limited to disclosure of an injury inflicted by someone else, wearing unusual clothes to hide injuries, wariness or fear of a parent, reluctance to go home, habitual absences from school without explanation, regressive behaviour, and alcohol or drug misuse.

Sexual Abuse

Child sexual abuse is when a person uses power or authority over a child to involve them in sexual activity and can include a wide range of sexual activity including fondling the child's genitals, oral sex, vaginal or anal penetration by a penis, finger or other object, or exposure of the child to pornography.

Child sexual abuse may not always include physical sexual contact and can also include non-contact offences, for example:

- talking to a child in a sexually explicit way;
- sending sexual messages or emails to a child;
- exposing a sexual body part to a child;
- forcing a child to watch a sexual act (including showing pornography to a child); and
- having a child pose or perform in a sexual manner (including child sexual exploitation).

Child sexual abuse does not always involve force. In some circumstances a child may be manipulated into believing that they have brought the abuse on themselves, or that the abuse is an expression of love, through a process of grooming.

- Physical indicators of sexual abuse include, but are not limited to injury to the genital area, discomfort in toileting, the presence of sexually transmitted diseases, pregnancy, bruising to breasts, buttocks and thighs, and anxiety-related illnesses (anorexia/bulimia).

- Behavioural indicators of sexual abuse include, but are not limited to disclosure of sexual abuse, age-inappropriate sexual activity or behaviour, drawings that are sexually explicit, writing stories that are sexually explicit, regressive behaviour, truancy, depression, delinquent or aggressive behaviour, and sudden decline in academic performance.

Grooming

Grooming is a criminal offence and occurs when an adult engages in predatory conduct to prepare a child for sexual abuse 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. Sometimes it is hard to see when someone is being groomed until after they have been sexually abused, because some grooming behaviour can look like “normal” caring behaviour.

Examples of grooming behaviours may include:

- giving gifts or special attention to a child or their parent/carer (this can make a child feel special or indebted to an adult);
- controlling a child through threats, manipulation, force or use of authority (this can make a child fearful to report unwanted behaviour);
- making close physical contact, such as inappropriate tickling and wrestling; and/or
- openly or pretending to accidentally expose the victim to nudity, sexual material and sexual acts (this in itself is classified as child sexual abuse but can also be a precursor to physical sexual assault).

Grooming includes online grooming. It occurs when an adult uses electronic communication (including social media) in a predatory fashion to try to lower a child’s inhibitions, or heighten their curiosity regarding sex, with the aim of eventually meeting them in person for the purposes of sexual activity. This can include online chats, sexting, and other interactions.

Family Violence

The *Family Violence Protection Act 2008* (Vic) defines family violence as behaviour by a person towards a family member where the behaviour:

- is physically or sexually abusive;
- is emotionally or psychologically abusive;
- is economically abusive;
- is threatening or coercive; and/or
- in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person.

A child can be victim to any of these behaviours, including coercive control. Family violence also includes behaviour that causes a child to hear or witness, or otherwise be exposed to the effects of, any of these behaviours.

- Physical indicators of family violence include, but are not limited to speech disorders, delays in physical development, failure to thrive, bruises, cuts or welts on facial areas, and other parts 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, fractured bones, poisoning, internal injuries.
- Behavioural indicators of family violence include, but are not limited to violent/aggressive behaviour and language; depression and anxiety and suicidal thoughts, appearing nervous and withdrawn, distrust of adults, difficulty adjusting to change, bedwetting and sleeping disorders, extremely demanding, attention-seeking behaviour, participating in dangerous risk-taking behaviours to impress peers, overly compliant, shy, withdrawn, passive and uncommunicative behaviour, taking on a caretaker role prematurely, trying to protect other family members.

Emotional Abuse

Emotional child abuse occurs when a child is repeatedly rejected, isolated or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person, to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health.

- Physical indicators of emotional abuse include, but are not limited to speech disorders, delays in physical development and failure to thrive.
- Behavioural indicators of emotional abuse include, but are not limited to being overly compliant, passive and undemanding behaviour, attention-seeking behaviour, poor self-image, age inappropriate behaviour, fear of failure, setting overly high standards, excessive neatness, and depression.

Neglect

Neglect includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. In some circumstances the neglect of a child:

- can place the child's immediate safety and development at serious risk; or
- may not immediately compromise the safety of the child, but is likely to result in longer term cumulative harm.

The law differentiates between three different levels of neglect:

- 'Minor' neglect is low-level neglect that is trivial or temporary; and
- 'Significant' neglect is medium-level neglect that causes harm to a child that is more than trivial or temporary.

'Serious' neglect is the highest level of neglect. It involves the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or is

likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life threatening situations.

RAISING AWARENESS

Students

The school is committed to helping students understand:

- that they have a right to be safe and protected at all times;
- what it means to be safe and protected; and
- what to do if they feel unsafe and/or unprotected from harm.

It is the responsibility of staff to ensure students are aware of their rights, and understand what to do if they feel unsafe or unprotected. Staff do this in a range of ways, including but not limited to:

- Teaching and learning programs - term long units can include information about safety, relationships, our bodies and consent
- Circle time - regular conversations with students to build trust and connection, and to explore concepts like what it means to feel safe and what to do if they don't feel safe
- Poster - talking about the posters on display in the school that refer to rights
- Emotion Coaching - 1:1 conversations with students to check in, with a particular focus on social and emotional health and wellbeing
- Me and My Relationships Program

Parents/Carers

The school will ensure parents/carers are aware of the school's approach to reporting obligations by:

- making relevant policies and procedures available on the website;
- sending updates and information via the school intranet; and
- participating in parent representative groups to review relevant policies, procedures and codes.

Staff and Volunteers

The school will ensure staff and volunteers are aware of different types of abuse, their reporting responsibilities, and how to respond to a disclosure by:

- including relevant policies, procedures and codes in employment agreements (staff);
- providing induction and ongoing training appropriate to roles and responsibilities; and
- completing the [Protecting Children – Mandatory Reporting and Other Legal Obligations](#) online module annually (staff).

DISCLOSURE OF ABUSE

If a child discloses that they have been, are being, or are in danger of being abused, staff must treat the disclosure seriously and take immediate action by following the Four Critical Actions.

If another child or adult discloses that they believe another child has been, is being, or is at risk of being abused, staff must also treat these disclosures seriously and take immediate action by following the Four Critical Actions.

Responding to Disclosure

When managing a disclosure of abuse, school staff will:

- listen to the student and allow them to speak;
- stay calm and use a neutral tone with no urgency and where possible use the child's language and vocabulary;
- be gentle, patient and non-judgmental;
- highlight to the student it was important for them to share about what happened;
- assure the student that they are not to blame for what has occurred;
- not ask leading questions, for example gently ask, "*What happened next?*" rather than "*Why?*";
- be patient and allow the child to talk at their own pace and in their own words;
- not pressure the child into sharing more than they want to, they will be asked a lot of questions by other professionals and it is important not to force them to retell what has occurred multiple times;
- reassure the child that are believed and that disclosing the matter was important for them to do;
- use verbal facilitators such as, "*I see*", restate the child's previous statement, and use non-suggestive words of encouragement, designed to keep the child talking in an open-ended way ("*what happened next?*");
- tell the child in age appropriate language that that information must be reported to relevant authorities to help stop the abuse, and explain the role of these authorities if appropriate (for a young child this may be as simple as saying "*I will need to talk to people to work out what to do next to help you*").

REPORTING

Forming a Reasonable Belief

If staff witness, suspect, or receive a disclosure of child abuse including exposure to family violence, they will need to determine whether they have formed a 'reasonable belief' or a 'belief on reasonable grounds' that a child has been or is being abused or is at risk of being abused.

A reasonable belief is a deliberately low threshold:

- so that people are encouraged to report suspected abuse to the relevant authorities and agencies, enabling authorities to investigate the allegations and take further action to prevent or stop any further abuse;
- which does not require proof, but does require something more than a mere rumour or speculation; and
- is met if a reasonable person in the same position would have formed the belief on the same grounds.

Forming a belief on reasonable grounds may include:

- a child stating that they have been abused;
- any person saying they believe someone has been abused;
- physical indicators of abuse such as non-accidental or unexplained injuries; persistent neglect, or inadequate care and supervision lead to a belief that the child has been abused;
- behavioural indicators of abuse lead to a belief that the child has been abused; and/or
- other signs such as family violence, parental substance misuse, psychiatric illness or intellectual disability that are impacting on the child's safety, stability or development.

Reporting Abuse - Four Critical Actions

When a reasonable belief is formed that a child has been or is being abused or is at risk of being abused, staff must review their obligations and follow the Four Critical Actions. These actions must be taken when responding to incident, disclosure or suspicion of child abuse.

Action 1: Responding to an Emergency

If a child has just been abused, or is at immediate risk of harm, staff must take reasonable steps to protect them. These may include:

- separating the alleged victim and others involved, ensuring all parties are supervised by a school staff member.
- arranging and providing urgent medical assistance where necessary by:
 - administering first aid assistance;
 - calling 000 for an ambulance and following any instructions from emergency service officers/paramedics.
- calling 000 for urgent police assistance if the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person.
- taking reasonable steps to preserve the environment, the clothing, other items, and potential witnesses until the police or other relevant authorities arrive on the premises.

Action 2: Reporting to Authorities

Following any incident, suspicion or disclosure of child abuse staff must make a report as soon as possible. The 'Responding to Suspected Child Abuse Reporting Template' will be used when reporting to authorities to ensure legal obligations are fulfilled.

If the source of suspected abuse comes from a person within the school (this includes any forms of suspected child abuse involving a school staff member, contractor, volunteer, allied health practitioner, officer or office holder, whether or not the conduct is alleged to have occurred within the course of the person's employment or engagement with the school) staff must:

- contact the Victoria Police.
- report internally to the school principal or member of the lead team.

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

- report to DFFH Child Protection if a child is considered to be:

- in need of protection due to child abuse; or
- 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 child's parents/carers have not protected, or are unlikely to protect, the child from the harm.
- report suspected sexual abuse (including grooming) to Victoria Police.
- report internally to the school principal or member of the lead team.

If staff believe that a child is not subject to abuse, but still holds significant concerns for the child's wellbeing, staff must still act. This may include making a referral or seeking advice from Child FIRST/The Orange Door.

Action 3: Contacting Parents/Carers

In many cases where it is suspected that a child has been, or is at risk of being abused, it is extremely important that parents/carers are notified as soon as possible (as long as this is agreed to by Police and/or DFFH Child Protection so as not to place the child at further risk or impede an investigation). This enables parents/carers to take steps to:

- prevent or limit their child's exposure to further abuse; and
- ensure that their child receives the support that they require.

There are some circumstances where contacting parents/carers may place a child or adult at greater risk. Therefore after staff have formed a reasonable belief that a child is subject to abuse and before contacting parents/carers the principal (or delegate), must seek advice from Victoria Police or DFFH Child Protection (depending on who the report has been made to). The authorities will advise the principal (or delegate) about whether it is appropriate to contact parents/carers at this stage.

Action 4: Providing Ongoing Support

In addition to reporting suspected abuse, staff have a critical role in supporting students impacted by abuse and have a duty of care to ensure that the students feel safe and are supported at school.

When forming ongoing support for a student who is impacted by suspected abuse, the school will take into consideration the diverse needs of the child (for example, Aboriginal and Torres Strait Island background, culturally and/or linguistically diverse background, disabilities or vulnerabilities) and consult with appropriate community groups and services.

The school will implement supportive strategies such as:

- engaging and consulting with health and wellbeing professionals and/or services to seek advice and support, where needed;
- developing and implementing a Wellbeing Plan, which documents the planned support strategies and includes timeframes for review;
- establishing regular communication between staff and the child's parent/carer (if this is safe and appropriate) to discuss the child's progress, wellbeing and the effectiveness of

planned strategies. This may be undertaken through convening a support group / care team for the child;

- planning ongoing monitoring, support, and follow-up of the child's health and wellbeing;
- referring to health and wellbeing professionals and experts, where needed; and
- ensuring support is provided during interviews at school conducted by Victoria Police or DFFH Child Protection.

When required, the school will implement supportive strategies for other people involved in any incidents, disclosures or suspicions of child abuse including family violence (for example, other children, school staff/volunteers and family members).

PRIVACY

Information Sharing

The school is permitted to share certain information about a child who has been impacted (or is suspected to have been impacted) by abuse with:

- parents/carers (subject to certain exceptions);
- some staff members in order to enable staff to best support and protect that child;
- an officer from DFFH Child Protection, if the information requested may be of assistance to DFFH Child Protection in their investigation of protective concerns;
- Victoria Police if the information may assist in the investigation of potential criminal offences, or may aid in the immediate protection and safety of the child; and
- authorised Information Sharing Entities in alignment with the Child and Family Violence Information Sharing Schemes.

Confidentiality and Recordkeeping

The school maintains the confidentiality and privacy of all concerned, except if doing so would compromise the welfare of the child and/or an investigation. The school stores any electronic documentation associated with an allegation of abuse or neglect of a child in a password-protected digital folder.

This policy prohibits:

- Any discussion of concerns or allegations with unauthorised personnel – within or outside the school. This prohibition is not designed to limit, in any way, the right and responsibility to report concerns or allegations, but rather as part of the schools commitment to ensuring privacy, confidentiality and adherence to the principles of natural justice.
- Making deliberately false, misleading or vexatious allegations.

The school will maintain and regularly monitor records of child abuse reports to ensure that they are responded to effectively and that requirements for reporting to external authorities are complied with.

RELATED POLICIES

- Child Safety Policy
- Wellbeing Policy
- Concerns and Complaints Policy
- Volunteers Policy
- Record Management Policy
- Privacy Policy

SUPPORTING DOCUMENTS

- Child Safe Code of Conduct
- Volunteers Code of Conduct

POLICY REVIEW

The school board and principal will review the Reporting Obligation Policy every two years, or following a major incident. The review will include input from the school community including staff, students and parents/carers.

ENDORSEMENT

Updated date	April 2023
Consultation	School staff, student representative group, representative parent/carers group, school board
Endorsed by	School Board
Endorsed on	May 2023