

# Child Safety Responding and Reporting Obligations (Including Mandatory Reoprtng) Policy and Procedures

2021-2022

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## Purpose

The purpose of this policy is to ensure that all staff and members of our school community understand the various legal and other reporting obligations related to child safety that apply to Hampton Park Secondary College. The specific procedures that are applicable at our school are contained at Appendix A.

## Scope

This policy applies to all school staff, volunteers and school community members. It also applies to all staff and students engaged in any school and school council-run events, activities and services.

## Policy

All children and young people have the right to protection in their best interests. Hampton Park Secondary College 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

The staff at Hampton Park Secondary College are required by law to comply with various child safety reporting obligations. For detailed information about each obligation, please refer to [Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

At Hampton Park Secondary College, 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 psychologists, registered medical practitioners, school counsellors, nurses and all members of the police force are

mandatory reporters under the Children, Youth and Families Act 2005 (Vic). All mandatory reporters must make a report to the Department of Families, Fairness and Housing (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

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Hampton Park Secondary College 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. We also require all other staff to undertake this module, even where they are not mandatory reporters, as we believe that all staff have a moral/ ethical obligation to report suspected abuse. For more information about Mandatory Reporting see the Department's Policy and Advisory Library: [Protecting Children — Reporting and Other Legal Obligations](#).

## Child in Need of Protection

Any person can make a report to DFFH 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 DFFH or Victoria Police, and discuss their concerns with the school leadership team.

For more information about making a report to DFFH Child Protection, see the Department's Policy and Advisory Library: [Protecting Children — Reporting and Other Legal Obligations](#) and [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

At Hampton Park Secondary College, 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

- 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.

Our 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.

For more information about Reportable Conduct see the Department's Policy and Advisory Library: [Reportable Conduct](#).

### **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.

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 leads 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 DFFH Child Protection

### **Failure to Protect Offence**

This reporting obligation applies to school staff in a position of authority. This can include principals and assistant

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 (i.e. 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.

### **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.

### **Related Policies and Further Information**

- Statement of Commitment to Child Safety
- Child Safety Policy
- Child Safety Code of Conduct

### **Review Cycle**

This policy was last updated on 20th June 2020 and is scheduled for review in December 2022

### **Appendix A Child Safety Responding and Reporting Procedures at HPSC For Students**

- all students should feel safe to speak to any staff member to raise any concerns about their safety or any other concerns that they have
- if a student does not know who to approach at Hampton Park Secondary College, they should start with their Student Learning Leader or Mentor Teacher. Additional staff members include the Sub-School Leader, Assistant Principal, Principal, or member of the wellbeing team
- at Hampton Park Secondary College, the wellbeing team, including counsellors, social worker, youth worker and health promotion nurse are located in A1 and students can self-refer to speak directly to a team member

### **Managing Disclosures Made By Students**

When managing disclosure, you should:

- 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 (you do not want to frighten the child or interrupt the child)
- be gentle, patient and non-judgmental throughout

- highlight to the student it was important for them to tell you about what has happened
- assure them that they are not to blame for what has occurred
- do 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
- do not pressure the child into telling you 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 you believe them 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 you are required to report to the relevant authority 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")

When managing a disclosure, you should avoid:

- displaying expressions of panic or shock
- asking questions that are investigative and potentially invasive (this may make the child feel uncomfortable and may cause the child to withdraw)
- going over the information repeatedly (you are only gathering information to help you form a belief on reasonable

grounds that you need to make a report to the relevant authority)

- making any comments that would lead the student to believe that what has happened is their fault
- making promises to the child about what will occur next or that things will be different given the process can be unpredictable and different for each child depending on their circumstances (instead reassure them that you and others will do your best to help)

### **General Procedures**

Our school will follow the [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) (Four Critical Actions) when responding to incidents, disclosures and suspicions of child abuse.

All staff at our school who believe that a child is in need of protection, even if it doesn't meet the threshold required for mandatory reporting or the staff member is not a mandatory reporter, should in the first instance, speak to the Principal, Assistant Principals and/or Wellbeing team member, or should make the required reports to DFFH Child Protection and/or Victoria Police as necessary.

At our school the Student Services Leader, as the designated Child Safety Officer, will be responsible for monitoring overall school compliance with this procedure.

Nothing in this procedure prevents a staff member or any other person from reporting to the relevant authorities if they form a reasonable belief that a child is at risk of abuse.

### **Reporting Suspicions, Disclosures, or Incidents of Child Abuse**

If a school staff member reasonably suspects or witnesses an incident of child

abuse or receives a disclosure of child abuse, they must:

- if a child is at immediate risk of harm, separate alleged victims and others involved, administer first aid, and call 000
- speak to a member of the principal team, a member of the leadership team and/or wellbeing team as soon as possible, who will follow the [Four Critical Actions](#)
- make detailed notes of the incident or disclosure, using the [Responding to Suspected Child Abuse: Template](#) and ensure that those notes are kept and stored securely in the wellbeing office in a locked filing cabinet.
- if the staff member is a mandatory reporter and reasonably believes that a student has suffered physical and/or sexual abuse from which the child's parents have not protected the child, they must make a report to DFFH Child Protection
- if the staff member has formed a 'reasonable belief' that a sexual offence has been against a child, they must make a report to Victoria Police

In circumstances where a member of the leadership team disagrees that a report needs to be made, but the staff member has formed a 'reasonable belief' that the child is in need of protection and/or has been the victim of sexual abuse, the staff member must still contact DFFH Child Protection and/or Victoria Police to make the report.

The Principal, Assistant Principals and/or Wellbeing team member is responsible for promptly managing the school's response to an incident, suspicion, or disclosure of child abuse, and ensuring that the

incident, suspicion, or disclosure is taken seriously. The Wellbeing staff member is also responsible for responding appropriately to a child who makes or is affected by an allegation of child abuse.

If the Principal, Assistant Principals and/or Wellbeing team member receives a report from a school staff member or member of the school community of a suspicion, disclosure, or incident of child abuse, they must:

- follow the [Four Critical Actions](#) as soon as possible, including:
  - responding to an emergency
  - reporting to authorities/referring to services
  - contacting parents/carers
  - providing ongoing support
- make detailed notes of the incident or disclosure, including actions taken using the [Responding to Suspected Child Abuse: Template](#) and ensure that those notes are kept and stored securely in wellbeing office in a locked filing cabinet. They are also responsible for ensuring that any staff member who reported the incident, disclosure, or suspicion to them also makes and keeps notes of the incident
- at Hampton Park Secondary College, the Principal, Assistant Principals and/or Wellbeing team member will be responsible for ensuring that there is a prompt response to the disclosure and that the child is appropriately supported

If the Principal, Assistant Principals and/or wellbeing team member responsible above is unavailable, the relevant sub-school leader will take on the role and responsibilities described in this section.

### **Duty of Care and Ongoing Support for Students**

Fulfilling the requirements in this procedure does not displace or discharge any other

obligations that arise if a person reasonably believes that a child is at risk of abuse.

All staff have a duty of care to take reasonable steps to prevent reasonably foreseeable harm to students. All staff must ensure that Principal, Assistant Principals and/or wellbeing team member or other appropriate staff member is aware of any incidents, suspicions, or disclosures of child abuse as soon as possible after they occur. This will allow appropriate supports to be put in place for the student affected.

### **For School Visitors, Volunteers, and School Community Members**

All community members aged 18 years or over should be aware of their legal obligations – see *Failure to disclose offence* above, in this Policy.

Any person can make a report to DFFH Child Protection if they believe on reasonable grounds that a child is in need of protection. For contact details see the [Four Critical Actions](#).

There is no requirement for community members to inform the school if they are making a disclosure to DFFH Child Protection or the Victoria Police. However, where a community member is concerned about the safety of a child or children at the school, and where disclosure of that concern will not compromise any potential police investigation, the community member should report this concern to the principal so that appropriate steps to support the student can be taken.