

CHILD SAFE: STANDARD 7

CHILD SAFETY REPORTING POLICY



*Charles La Trobe P-12 College takes a zero-tolerance approach to child abuse and is fully committed to ensuring that its strategies, policies, procedures and practices meet all **Child Safety Standards as specified in Ministerial Order No. 870 (2015)***

CHILD SAFETY REPORTING OBLIGATIONS POLICY AND PROCEDURES

Schools are required to have procedures outlining how your school will report and act on disclosures or concerns about child safety. There are a number of legal obligations in relation to child safety reporting that staff must be aware of. The primary purpose of this policy is to inform staff of their reporting obligations as they relate to child safety.

However, your school will need to develop specific **local procedures** that apply at your particular school for reporting and acting on disclosures or concerns about child safety. We recommend that these procedures are included as an Appendix to the Policy (see attached policy and procedures template on this webpage).

You are required to make the policy and procedures publicly available to the school community by publishing it on your website, so that parents are aware of the various legal obligations that apply to staff. In the event there is a dispute involving any of the obligations outlined below, this policy may help to provide clarification to parents.

Is it compulsory for all Victorian government schools to have a policy addressing this issue?	Yes, a school policy addressing this issue is required by the Minimum Standards for school registration and the Child Safe Standards (Ministerial Order 870).
Does this policy have to be approved by school council?	Yes
Recommended consultation	Principals must discuss the policy and procedures with the school council and present it to council for approval, ensuring that the approval is minuted in school council minutes.
What is the basis of this policy?	<ul style="list-style-type: none"> • Required for school registration • Ministerial Order 870 - Child Safe Standards • <i>Children, Youth and Families Act 2005</i> (Vic) • Common law duty of care • School Policy and Advisory Guide: Reporting Obligations
Review cycle	3 to 4 years

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Implementation checklist:

- Your school policy and procedures on child safety reporting obligations must be publicly available on your school website (required by Ministerial Order 870).
- We also recommend that the policy and procedures are included in your staff manual and communicated to all staff at induction and at regular intervals throughout the year. Staff need to know what steps to take if they have any concerns about child safety or if disclosures are made to them.
- You are not required to consult with your school community, including school council, to implement this policy as it reflects legal obligations required of staff. However, you should discuss the policy and procedures with your school council or present it to the council for noting so that they are fully aware of the child safety reporting obligations that apply to your staff and how they will be implemented at your school.
- This policy is consistent with the template Child Safe Policy/Statement of Commitment to Child Safety and the Code of Conduct on the PROTECT website which are required by the Child Safe Standards and Ministerial Order 870.
- This policy and procedures should be included in any staff manuals/handbooks at your school. Refer to the Department's PROTECT resources for further training and support, including additional templates for reporting.
- All staff who are mandatory reporters (e.g. principals, registered teachers, nurses – see full list in the template policy) must complete online training on an annual basis. See Resources for a link to the online training module.
- At review you may be asked to demonstrate compliance with your procedures by producing copies of:
 - staff meeting minutes to ensure staff have had annual training in the failure to protect failure to disclose offences and training in the Child Safe Standards reporting obligations
 - record of all staff that have completed the mandatory reporting online training module
 - hard copies of the four critical action posters are available to staff in key areas of the school
 - School website includes a copy of this procedure
 - Procedure available in new staff induction guides
 - Child friendly advice on reporting is available to students
 - School Council minutes that demonstrate the school council is aware of the policy and as a strategy to reduce or remove child abuse and have been trained on the Child Safe Standards.

Resources:

- School Policy and Advisory Guide:
 - [Reporting Obligations](#)
 - [Child Protection](#)
 - [Reportable Conduct](#)

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- [Child Safe Standards](#)
- [Child Safe Standards Resources](#)
- [PROTECT Resources](#)
- [Mandatory Reporting and Other Obligations eLearning Module](#)

Contacts for support:

- Wellbeing, Health and Engagement Division
- Legal Division

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 Charles La Trobe 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 such as Outside School Hours Care, Breakfast Club, sporting events and similar.

IMPLEMENTATION

All children and young people have the right to protection in their best interests. Charles La Trobe College understands the important role our school plays in protecting children from risk of harm and all forms of child abuse including:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect
- Medical neglect
- Family violence
- Human trafficking (including forced marriage)
- Sexual exploitation (including pornography and prostitution).

The staff at Charles La Trobe College are required by law to comply with various child safety reporting obligations. For detailed information about each obligation, please refer to the resources included in the body of this policy. At Charles La Trobe 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.

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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).

Mandatory reporters are required by law to make a report to DHHS as soon as practicable if, in the course of practising their profession or carrying out their duties, they form the **reasonable belief** that a child or young person is in need of protection as a result of physical injury, sexual abuse, emotional harm or psychological harm and the child's parents are unable or unwilling to protect the child from that abuse.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Charles La Trobe 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. We provide time during staff meetings for all staff to complete this training.

For more information about Mandatory Reporting see the Department's *School Policy and Advisory Guide: [Child Protection – Reporting Obligations](#)*.

Child in need of protection

Any person can make a report to the Department of Health and Human Services (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.

For more information about making a report to DHHS, 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](#)*.

At Charles La Trobe College we also encourage all staff to make a referral to DHHS Child FIRST when they have significant concern for a child's wellbeing but do not believe that the child needs protection. For more information about making a referral to [Child FIRST see the *School Policy and Advisory Guide: Child Protection – Reporting Obligations*](#).

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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, 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; or
- 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.

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.

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

Failure to disclose offence

Reporting child sexual abuse is a community-wide responsibility. All adults (ie 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 to do so, 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

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

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 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.

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 a sexual activity at a later time.

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

RELATED POLICIES AND FURTHER INFORMATION

All Child Safe policies are listed below. They are distributed at induction, available on the SharePoint Intranet and on the College website. Supporting documents are available in a 'CHILD SAFE SUPPORTING DOCUMENTS' folder in the POLICIES folder on SharePoint.

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- [📄 CLT Child Safe 1 Allocation of roles and responsibilities June 2019](#)
- [📄 CLT Child Safe 1 Child Safe Policy June 2019](#)
- [📄 CLT Child Safe 1 Child Safety Officer Role Description June 2019](#)
- [📄 CLT Child Safe 1 Informing the School Community June 2019](#)
- [📄 CLT Child Safe 1 Strategies to embed an organisational culture of child safety June 2019](#)
- [📄 CLT Child Safe 2 Commitment to Child Safety June 2019](#)
- [📄 CLT Child Safe 4 External Providers Policy June 2019](#)
- [📄 CLT Child Safe 4 Recruitment, supervision, training and managing performance June 2019](#)
- [📄 CLT Child Safe 5 Police and DHHS Interviews June 2019](#)
- [📄 CLT Child Safe 5 Reportable Conduct June 2019](#)
- [📄 CLT Child Safe 5 Responding and Reporting Policy and Procedures June 2019](#)
- [📄 CLT Child Safe 6 Children at Risk June 2019](#)
- [📄 CLT Child Safe 6 RiskManagementStrategies to identify & reduce_remove risks June 2019](#)
- [📄 CLT Child Safe 7 Child friendly Information about the right to be safe June 2019](#)
- [📄 CLT Child Safe 7 Strategies to promote child empowerment and participation June 2019](#)
- [📄 CLT Child Safe 7 Reporting Policy June 2019](#)
- [📄 CLT Child Safe 3 Code of Conduct June 2019](#)

EVALUATION

This policy will be reviewed as required and if guidelines change.

RATIFICATION

APPENDIX A

CHILD SAFETY REPORTING PROCEDURES AT CHARLES LA TROBE COLLEGE.

For students

- All student 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 Charles La Trobe College they should start with the sub-school or campus principal (who is the Child Safety Officer).
- All students have access to all policies on the school website.
- There are PROTECT posters on display in multiple areas across all campuses. These explain in child-friendly language that students should speak to an adult or teacher if they are feeling unsafe or have a concern.

Disclosures made by students to any person

If a child discloses abuse to you:

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- Try and separate them from the other children discreetly and listen to them carefully.
- Let the child use their own words to explain what has occurred.
- Reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
- Explain to them that this information may need to be shared others, such as with their parent/carer, specific people in your organisation, or the police.
- Do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
- Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
- Provide them with an incident report form to complete, or complete it together, if you think the child is able to do this.
- As soon as possible after the disclosure, record the information using the child's words and report the disclosure to your Principal or nominee, police or child protection.
- Ensure the disclosure is recorded accurately, and that the record is stored securely.
- If the child agrees, have a second person as a witness present for the report.
- If a student makes a disclosure to any person connected to the school environment, including staff, visitors, volunteers or other community members, the person to whom the disclosure is made must speak to the sub-school or campus principal (Child Safety Officers) or a member of the leadership team and next steps so that the Mandatory Reporters can contact the relevant authority and take appropriate steps to protect the student. It is imperative that prompt action can be taken which, depending on the disclosure, may involve contacting Victoria Police and/or DHHS (Child Protection).
- At Charles La Trobe College, the Child Safety Officers (sub-school/campus principals) will be responsible for ensuring that there is a prompt response to the disclosure and that the child is appropriately supported.
- If the principal/other nominated staff member responsible above is unavailable, the person should report to the College Principal or an assistant principal or a 'teacher in charge'.

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 so it is important that staff take all reasonable steps and that they ensure that the Child Safety Officer or other appropriate staff member is aware of the concerns that may be the subject of any reports, mandatory or otherwise, so that appropriate supports can be put in place for the student affected both immediately, if required, and until any allegations or concerns are resolved.

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For staff – mandatory reporting

- All staff at our school should speak to the Child Safety Officer if they form the **reasonable belief** that a child or young person is in need of protection as a result of physical injury, sexual abuse, emotional harm or psychological harm and the child's parents are unable or unwilling to protect the child from that abuse.
- All staff including those who are mandated to make mandatory reports should call DHHS to make a mandatory report if they form the view a child is at risk. All principals and members of the leadership team are able to support with this process. The College Principal and Child Safety Officers must be informed.
- In circumstances where a principal 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, the staff member must still contact DHHS Child Protection to make the report.
- If you are a mandatory reporter you have an obligation to ensure that a report has been made in instances where another mandated reporter has undertaken to make the report by confirming with that staff member that the report has been made/or and checking that the Child Safety Officer has been informed.

General procedures

- Our school will follow the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* - https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf.
- 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, should in the first instance, speak to the Child Safety Officer or should make the required reports to DHHS and/or Victoria Police as necessary.
- All staff who have made reports, mandatory or otherwise, to any agencies should ensure that they keep a confidential, secure record of the report made including the date, time, person spoken to at the agency and a brief file note of the information discussed. Our school will use the Department's reporting template for mandatory reports available at: https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Schoolstemplate.pdf
- At our school the College Principal will be responsible for monitoring overall school compliance with this procedure.

For school visitors, volunteers and school community members

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

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- Any person can make a report to the Department of Health and Human Services (DHHS) if they believe on reasonable grounds that a child is in need of protection. For contact details see *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* - https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf
- There is no requirement for community members to inform the school if they are making a disclosure to 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.

References:

Resources to support standards of behaviour for school students

- [Student Engagement Policy: Policy Requirements and Development](#)
- [Student Engagement and Inclusion Guidance](#)

Resources to support healthy and respectful relationships

- [Respectful Relationships](#)
- [Health Education Approaches](#)
- [About Sexuality Education](#)
- [Safe Schools](#)
- [Healthy Minds](#)
- [KidsMatter](#)
- [MindMatters](#)

Resources to support resilience

- [Building Resilience](#)
- [Child Wise](#)

Other useful information for schools

For information on the Child Safe Standards and how they apply to workplace learning/work experience, see [Workplace Learning](#)

External links

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- [Child Safe Standards in registered schools - VRQA](#)
- [Child Safe Standards Resources - DHHS](#)
- [Working with Children Check - Department of Justice and Regulation](#)

Information for students

To download a poster on school community obligation and steps for students if they feel unsafe, see: [Protect poster](#)

For information for students, see: [Child Abuse and Sexual Exploitation](#)

Information for parents

Parents have an important role to play in identifying signs of abuse in their children. For information to provide to parents, see [Child Protection](#).