

# Child Safety Reporting Obligations Policy and Procedures

## 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 Tanjil South Primary School. 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 camps, excursions, incursions and sporting events.

## POLICY

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

Tanjil South Primary School 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 Tanjil South Primary School 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 Tanjil South Primary 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.

### Definitions

A full list of definitions for Ministerial Order No. 870 is available at [www.vrqa.vic.gov.au/childsafes](http://www.vrqa.vic.gov.au/childsafes).

**Child abuse** includes—

- any act committed against a child involving—
  - a sexual offence or
  - an offence under section 49B(2) of the *Crimes Act 1958* (grooming)
- the infliction, on a child, of—
  - physical violence or
  - serious emotional or psychological harm
- serious neglect of a child.

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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 [Example 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. We also require/encourage all other staff to undertake this module, even where they are not mandatory reporters.

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 Tanjil South Primary School 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*.

<https://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotectobligation.aspx>

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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
- 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.

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“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](#)*.

## RELATED POLICIES AND FURTHER INFORMATION

[TSPS Statement of Commitment to Child Safety](#)

[TSPS Child Safe Standard 2- Child Safety Environment Policy](#)

[TSPS Child Safe Standard 3- Code of Conduct Policy](#)

[TSPS Child Safe Standard 5- Incident Report STAFF Policy](#)

[TSPS Child Safe Standard 7- Child Empowerment Policy](#)

## REVIEW CYCLE

This policy was last updated on 29/10/2018 and is scheduled for review on 29/10/2019

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## APPENDIX A

### CHILD SAFETY REPORTING PROCEDURES AT TANJIL SOUTH PRIMARY SCHOOL

#### 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 Tanjil South Primary School they should start with Robert Tinker or Allan Halliwell should one or the other be absent.
- Students should refer to the Protective Behaviours strategy of asking for help from their five trusted people chosen as a safety network where they may feel uncomfortable talking to school staff.

#### Disclosures made by students to any person

##### *If a child discloses abuse to you:*

- 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 (Found within; [TSPS Child Safe Standard 5- Incident Report STAFF Policy](#)), 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 principal or a teacher so that they can contact the relevant authority and take appropriate steps to protect the student, and so that prompt action can be taken which, depending on the disclosure, may involve contacting Victoria Police and/or DHHS (Child Protection).
- At Tanjil South Primary School, the school principal or classroom teacher 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, then the casual Relief teacher on the given day becomes the responsible agent. (This is very unlikely that both current staff will be absent at one time and a casual relief teacher deemed as running the school. Should this case arise then Regional Office will be contacted for advice.)

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## 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 all staff are 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.

## For staff – mandatory reporting

- All staff at our school should speak to the principal in the first instance or alternatively the classroom teacher, 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.
- 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.

## 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](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 principal or should make the required reports to DHHS and/or Victoria Police as necessary.
- For all reports, 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](https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Schoolstemplate.pdf)
- At our school the principal will be responsible for monitoring overall school compliance with this procedure.

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## **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.
- 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](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.