

PROTECTION OF YOUNG PEOPLE

Emmanuel College, sharing the mission of the Church and the principles of a Marianist education, with its devotion to Mary, the Mother of Jesus, delivers Catholic secondary education, directed particularly to the young women and men from the parishes of the region, supporting all dimensions of their growth and learning, faith, intellectual, emotional, social, psychological and physical.

SECTION OVERVIEW

Section 12.1 Child Safety Policy

Section 12.1 outlines Emmanuel College policies and procedures relating to Child Safety. It includes principles, definitions, commitments, responsibilities, procedures, expectations, student participation, reporting and responding, recruitment procedures, staff training, risk management, relevant legislation and related policies. It also includes Appendices that provide information and guidance regarding the three new criminal offences that come into effect in Victoria on 1 August 2016, as well as the relevant Ministerial Order 870 and CECV's Commitment Statement to Child Safety.

Section 12.2 Protect: Identifying and Responding to Abuse – Reporting Obligations

This section gives a detailed explanation of reporting obligations under the various pieces of relevant legislation.

Section 12.3 Child Safety Code of Conduct

Section 12.3 outlines the Code of Conduct that all members of the Emmanuel College Community are expected to abide by in our efforts to safeguard students from sexual, physical, psychological and emotional abuse or neglect. It concludes with an Agreement that all relevant people within the community are asked to sign.

CHILD SAFE STANDARDS

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12.1 CHILD SAFETY POLICY

12.1.1 Introduction

At Emmanuel College we hold the care, safety and wellbeing of children and young people as a central and fundamental responsibility of our school. Our commitment is drawn from and inherent in the teaching and mission of Jesus Christ, with love, justice and the sanctity of each human person at the heart of the gospel ([CECV Commitment Statement to Child Safety](#) included as Appendix 1).

The person of each individual human being, in his or her material and spiritual needs, is at the heart of Christ's teaching: that is why the promotion of the human person is the goal of the Catholic school (Congregation for Catholic Education 1997, n. 9).

Our values are underpinned by our commitment to bear witness to the following shared values as modelled by Jesus Christ and exemplified in the life of William Chaminade: Justice, Respect, Responsibility, Honouring Diversity, Honesty, Compassion, Commitment & Endeavour

The essence of the College is learning and teaching, with faith education, and the safety of our young people, as a primary focus.

12.1.2. Purpose Of The Policy

The purpose of this policy is to demonstrate the strong commitment of Emmanuel College to the care, safety and wellbeing of all students at our school. It provides an outline of the policies, procedures and strategies developed to keep students safe from harm, including all forms of abuse in our school environment, on campus, online and in other locations provided by the school.

This policy takes into account relevant legislative requirements within the state of Victoria, including the specific requirements of the Victorian Child Safe Standards as set out in [Ministerial Order No. 870](#)

This policy applies to all Emmanuel College school staff, including school employees, volunteers, contractors and clergy.

12.1.3. Principles

Catholic schools have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected, their voices are heard and they are safe and feel safe ([CECV Commitment Statement to Child Safety](#) - Appendix 1).

The following principles underpin our commitment to child safety at Emmanuel College

- All students deserve, as a fundamental right, safety and protection from all forms of abuse and neglect.
- Our school works in partnership with families and the community to ensure that they are engaged in decision making processes, particularly those that have an impact on child safety and protection.
- All students have the right to a thorough and systematic education in all aspects of personal safety, in partnership with their parents/guardians/caregivers.
- All adults in our school, including teaching and non-teaching staff, clergy, volunteers, and contractors, have a responsibility to care for children and young people, to positively promote their wellbeing and to protect them from any kind of harm or abuse.
- The policies, guidelines and codes of conduct for the care, wellbeing and protection of students are based on honest, respectful and trusting relationships between adults and children and young people.

- Policies and practices demonstrate compliance with legislative requirements and cooperation with the Church, governments, the police and human services agencies.
- All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity and respect.
- Staff, clergy, volunteers, contractors, parents and students should feel free to raise concerns about child safety, knowing these will be taken seriously by school leadership.
- Appropriate confidentiality will be maintained, with information being provided to those who have a right or a need to be informed, either legally or pastorally.

12.1.4 Definitions Used In This Policy

A Young Person: A young person enrolled as a student at the school.

Child abuse includes:

- (a) any act committed against a child involving:
 - (i) a sexual offence
 - (ii) an offence under section 49B(2) of the **Crimes Act 1958** (grooming)
- (b) the infliction, on a child, of:
 - (i) physical violence
 - (ii) serious emotional or psychological harm
- (c) serious neglect of a child. (Ministerial Order No. 870 - Appendix 2)

Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse. (Ministerial Order No. 870)

Child neglect includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health and physical development of the child is significantly impaired or placed at serious risk. (PROTECT: Identifying and responding to all forms of abuse in Victorian schools).

Child physical abuse, generally, consists of any non-accidental infliction of physical violence on a child by any person. (PROTECT: Identifying and responding to all forms of abuse in Victorian schools)

Child sexual abuse is when a person uses power or authority over a child to involve them in sexual activity. It can include a wide range of sexual activity and does not always involve physical contact or force. (PROTECT: Identifying and responding to all forms of abuse in Victorian schools)

Emotional child abuse occurs when a child is repeatedly rejected, isolated or frightened by threats, or by witnessing family violence. (PROTECT: Identifying and responding to all forms of abuse in Victorian schools)

Grooming is when a person engages in predatory conduct to prepare a child for sexual activity at a later date. It can include communication and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer. (PROTECT: Identifying and responding to all forms of abuse in Victorian schools)

Mandatory Reporting: The legal requirement under the *Children, Youth and Families Act 2005 (Vic.)* to protect children from harm relating to physical and sexual abuse. The principal, teachers, medical practitioners and nurses at a school are mandatory reporters under this Act. (PROTECT: Identifying and responding to all forms of abuse in Victorian schools)

Reasonable Belief: When school staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a 'reasonable belief'. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. (PROTECT: Identifying and responding to all forms of abuse in Victorian schools)

School environment means any physical or virtual place made available or authorised by the School governing authority for use by a child during or outside school hours, including:

- (a) a campus of the school
- (b) online school environments (including email and intranet systems)
- (c) other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events). (Ministerial Order No. 870)

School staff means an individual working in a school environment who is:

- (a) directly engaged or employed by a School governing authority
- (b) a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary)
- (c) a minister of religion. (Ministerial Order No. 870)

12.1.5. Policy Commitments

All students enrolled at Emmanuel College have the right to feel safe and be safe. The wellbeing of children in our care will always be our first priority and we do not and will not tolerate child abuse. We aim to create a child-safe and child-friendly environment where children are free to enjoy life to the full without any concern for their safety. There is particular attention paid to the most vulnerable children, including Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, and children with a disability.

The Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic) requires Emmanuel College staff to give proper consideration to human rights in making decisions and to act compatibly with human rights.

In responding to suspected child abuse, our decisions and actions give consideration to Charter rights, including:

- That every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child
- That a person has a right, under the Charter, to not have his or her privacy unlawfully or arbitrarily interfered with. In responding to suspected child abuse, it is important to properly consider a child's right to privacy, however this should not prevent Emmanuel College from discharging our protective obligations.
- The Charter provides for protection from torture and cruel, inhuman or degrading treatment. As well as the prohibition on such conduct, there may be an obligation to take steps to prevent deliberate acts of torture or other conduct prohibited by the Charter.

In implementing the minimum child safe standards in accordance with this Order, Emmanuel College governing authorities take into account the diversity of all children, including (but not limited to):

- the needs of Aboriginal and Torres Strait Islander children
- children from culturally and linguistically diverse backgrounds
- children with disabilities
- children who are vulnerable eg. Out of Home Care

12.1.5.1 Our Commitment To Our Students

- (a) We commit to the safety and wellbeing of all children and young people enrolled in our school.
- (b) We commit to providing children and young people with positive and nurturing experiences.
- (c) We commit to listening to children and young people and empowering them by taking their views seriously and addressing any concerns that they raise with us.
- (d) We commit to taking action to ensure that children and young people are protected from abuse or harm.
- (e) We commit to teaching children and young people the necessary skills and knowledge to understand and maintain their personal safety and wellbeing.
- (f) We commit to seeking input and feedback from students regarding the creation of a safe school environment.

12.1.5.2 Our Commitment To Parents And Carers

- (a) We commit to communicating honestly and openly with parents and carers about the wellbeing and safety of their children.
- (b) We commit to engaging with, and listening to, the views of parents and carers about our child- safety practice, policies and procedures.
- (c) We commit to transparency in our decision-making with parents and carers where it will not compromise the safety of children or young people.
- (d) We commit to acknowledging the cultural diversity of students and families, and being sensitive to how this may impact on student safety issues.
- (e) We commit to continuously reviewing and improving our systems to protect children from abuse.

12.1.5.3 Our Commitment To Our School Staff (School Employees, Volunteers, Contractors And Clergy)

- (a) We commit to providing all Emmanuel College staff with the necessary support to enable them to fulfil their roles. This will include regular and appropriate learning opportunities.
- (b) We commit to providing regular opportunities to clarify and confirm policy and procedures in relation to child safety and young people's protection and wellbeing. This will include annual training in the principles and intent of the Child Safety Policy and Child Safety Code of Conduct, and staff responsibilities to report concerns.
- (c) We commit to listening to all concerns voiced by Emmanuel College staff, clergy, volunteers, and contractors about keeping children and young people safe from harm.
- (d) We commit to providing opportunities for Emmanuel College school employees, volunteers, contractors and clergy to receive formal debriefing and counselling arising from incidents of the abuse of a young person.

12.1.6. Responsibilities and Organisational Arrangements

Everyone employed or volunteering at Emmanuel College has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all they do and every decision they make. ([CECV Commitment Statement to Child Safety](#), included as Appendix 1)

The school has allocated formal roles and responsibilities for child safety as follows:

- The Association of Canonical Administrators is responsible for the overall compliance of all aspects of Ministerial Order No. 870
- The College Leadership Team has particular responsibility for the management of Child Safety at the college

- Campus Leaders, Pastoral Coordinators, House Leaders are responsible for supporting the safety and wellbeing of young people
- The Campus Administration Team are responsible for ensuring all child safety/risk assessments/logistical organisation protocols are effectively implemented
- Leader of Learning, Curriculum Coordinators and Learning Leaders are responsible for ensuring that all curriculum areas have relevant and appropriate content in regard to child safety knowledge and skill development for the young person/people
- The Business Manager is responsible for the Child Safety dimension of Contractor Management
- All staff have individual responsibility for adherence to and implementation of the Emmanuel College Child Safety Policy

12.1.6.1 Guide to Responsibilities of School Leadership

The principal, the School governing authority and school leaders at Emmanuel College recognise their particular responsibility for ensuring the development of preventative and proactive strategies that promote a culture of openness, awareness of, and shared responsibility for, child safety. Responsibilities include:

- creating an environment for children and young people to be safe and to feel safe
- upholding high principles and standards for all staff, clergy, volunteers, and contractors
- promoting models of behaviour between adults and children and young people based on mutual respect and consideration
- ensuring thorough and rigorous practices are applied in the recruitment, screening and ongoing professional learning of staff
- ensuring that school personnel have regular and appropriate learning to develop their knowledge of, openness to, and ability to address child safety matters
- providing regular opportunities to clarify and confirm legislative obligations, policy and procedures in relation to child and young people's protection and wellbeing
- ensuring the school meets the specific requirements of the Victorian Child Safe Standards as set out in Ministerial Order No. 870.
- ensuring the school takes specific action to protect children from abuse in line with the three new criminal offences introduced under the Crimes Act 1958 (Vic.) and in line with PROTECT: Identifying and responding to all forms of abuse in Victorian schools.

12.1.6.2 Guide to Responsibilities of School Staff

Responsibilities of school staff (school employees, volunteers, contractors and clergy) include:

- treating children and young people with dignity and respect, acting with propriety, providing a duty of care, and protecting children and young people in their care
- following the legislative and internal school processes in the course of their work, if they form a reasonable belief that a child or young person has been or is being abused or neglected
- providing a physically and psychologically safe environment where the wellbeing of children and young people is nurtured
- undertaking regular training and education in order to understand their individual responsibilities in relation to child safety and the wellbeing of children and young people
- assisting children and young people to develop positive, responsible and caring attitudes and behaviours which recognise the rights of all people to be safe and free from abuse
- following the school's Child Safety Code of Conduct.

12.1.6.3 Organisational Arrangements

Emmanuel College's Catholic ethos is expressed in a safe and secure environment based on values of dignity, respect, justice and forgiveness, which fosters the development of the learning and faith community. The climate of Emmanuel College is what we impart by our attitudes and behaviours, about the values and ethics we maintain - it is the visible expression of faith, demonstrated by our concern and care for each other, especially the young people entrusted to our community.

Organisational structures have as their objective the total climate of relationships within the school community. They have the individual as their focus, and reflect the support, encouragement and loving care shown and experienced in the ethos of Gospel-based communities. With our life-giving focus, organisational structures should enable all to grow, to be affirmed in their dignity and worth as persons, to appreciate themselves, and to develop skills and knowledge to understand and maintain their personal safety and wellbeing and to develop interpersonal relationship skills.

The College has vertical homerooms and operates a house structure to:

- Increase students' social repertoire by broadening the range of social contact to which they are exposed
- Foster connectedness to the whole school community
- Provide proactive measures to improve mental health, resilience, safety and wellbeing
- Increase students' sense of responsibility for others in the school community.

A multi-aged homeroom provides an alternative peer group to:

- Enable opportunities to mix and be exposed to other intellectual, physical, social and emotional levels
- Help to minimize the impact of mid-adolescence, where students developmentally are more likely to have issues with regard to self-esteem, anti-social and high-risk behaviours.
- Provide extra support and connectedness
- Expose students to caring and positive relationships.

House operation is the responsibility of House teams and classroom teachers, convened and facilitated by the House Leaders, with the support of Pastoral Coordinators. This pastoral leadership team is convened and facilitated by the Deputy Principal, Campus Leader. All levels of college operation, including the work of house teams, subject departments, and pastoral/learning leadership teams converge in the core business of the college: working with young people in teaching-learning which is always underpinned by the wellbeing and safety of young people. These two areas are inextricably linked.

House teams are supported by other wellbeing teams including:

- Student Support Team - School Counsellor/Psychologist/Youth worker
- Careers Counsellors
- Learning Support Team
- Student Services
- External Partnerships and referrals

12.1.7. Expectation Of Our School Staff – Child Safety Code Of Conduct

At Emmanuel College we expect school employees, volunteers, contractors and clergy to proactively ensure the safety of students at all times and to take appropriate action if there are concerns about the safety of any child at the school. All school staff must remain familiar with the relevant laws, the code of conduct, and policies and procedures in relation to child protection, and comply with all requirements. We have developed a Child Safety Code of Conduct which recognises the critical role that school staff play in protecting the students in our care and establishes clear expectations of school employees, volunteers, contractors and clergy for appropriate behaviour with children in order to safeguard them against abuse and or neglect.

Our Code also protects school staff through clarification of acceptable and unacceptable behaviour.

12.1.8. Student Safety and Participation

At Emmanuel College we actively encourage all students to openly express their views and feel comfortable about giving voice to the things that are important to them.

We teach students about what they can do if they feel unsafe and enable them to understand, identify, discuss and report on child safety. We listen to and act on any concerns students, or their parents or carers, raise with us.

The Emmanuel College Student Handbook contains information for students to seek support both during and after school hours.

The guiding principles for all teachers is the Developmental Management Approach which assumes and expects unconditional respect for members of the community and is embedded in a culture of limits/responsibilities and relationships. Staff and students understand that all poor choices are opportunities for growth and learning, and we all have both personal and communal rights and responsibilities. This is the basis of all interactions.

Curriculum programmes are regularly reviewed to ensure that all aspects of the Child Safety requirements are addressed across all year levels.

12.1.9. Reporting and Responding

Our school records any child safety complaints, disclosures or breaches of the Child Safety Code of Conduct and stores the records in accordance with security and privacy requirements. Our school complies with legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005* (Vic.), the *Crimes Act 1958* (Vic.) and the recommendations of the *Betrayal of Trust* report available for download at <http://www.parliament.vic.gov.au/fcdc/article/1788>.

Child protection reporting obligations fall under separate pieces of legislation with differing reporting requirements.

Emmanuel College adopts the **CEM Policy 2.19: Child Protection – Reporting Obligations**.

This policy sets out the actions required under the relevant legislation when there is a reasonable belief that a child at our school is in need of protection or a criminal offence has been committed, and provides guidance and procedures on how to make a report.

Our policy assists staff, volunteers and families to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a 'reasonable belief' is formed
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law.

Emmanuel College has also established internal processes to ensure that appropriate action is taken to respond to concerns about the wellbeing and/or safety of a student.

Emmanuel College has formal avenues for complaints and disclosure processes which are outlined and detailed in the following policies and procedures:

- Emmanuel College Complaints Policy and Staff Grievance and Dispute Handling Policy

In accordance with the relevant legislation, any school employee, volunteer, contractor or religious cleric employed by or affiliated with Emmanuel College who has evidence that a student has been abused MUST report the matter immediately to the relevant authority or authorities, and to the Emmanuel College Principal.

12.1.10. Screening and Recruitment of School Staff

Emmanuel College will apply thorough and rigorous screening processes in the recruitment of employees and volunteers involved in child-connected work. Our commitment to child safety and our screening requirements are included in all advertisements for such employee, contractor and volunteer positions, and all applicants are provided with copies of the school's Child Safety Code of Conduct and the Child Safety Policy.

When recruiting and selecting employees, contractors and volunteers involved in child-connected work, we make all reasonable efforts to:

- confirm the applicant's Working with Children Check and National Police Check status and/or professional registration (as relevant)
- obtain proof of personal identity and any professional or other qualifications
- verify the applicant's history of work involving children
- obtain references that address the applicant's suitability for the job and working with children.

We have processes for monitoring and assessing the continuing suitability of school staff to work with children, including regular reviews of the status of Working with Children Checks and staff professional registration requirements such as Victorian Institute of Teaching (VIT) registration.

12.1.11. Child Safety – Education and Training for School Staff

Emmanuel College provides employees, volunteers and clergy with regular and appropriate opportunities to develop their knowledge of, openness to, and ability to address child safety matters. This includes induction, ongoing training and professional learning to ensure that everyone understands their professional and legal obligations and responsibilities, and the procedures for reporting suspicion of child abuse and neglect.

- The Emmanuel College Leadership Team outline the Child Safety Policy, Child Safety Reporting and the Child Safety Code of Conduct on an annual basis and at the time of employment. Sessional staff will be asked to attend specific meetings to receive this training.
- Staff will sign the Child Safety Code of Conduct document indicating that they have received training in the details of the policy.
- Child Safety is an agenda item at each meeting of the Association of Canonical Administrators and Canonical Administrators are required to sign the Child Safety Code of Conduct annually.
- Board Members are inducted as they commence their term of office and are required to sign the Child Safety Code of Conduct annually.

12.1.12. Risk Management

At Emmanuel College we are committed to proactively and systematically identifying and assessing risks to student safety across our whole school environment, and reducing or eliminating (where possible) all potential sources of harm. We document, implement, monitor and periodically review our risk management strategies for child safety and ensure that the strategies change as needed and as new risks arise.

Child safety concerns all members of the school community. As such, the following sub-committees have responsibility for identifying and managing risks appropriately. These groups are:

- Pastoral Leadership Team
- Campus Administration Team
- WHS committee
- Buildings Grounds and Maintenance Team

The leadership team monitors overall compliance and implementation, and provides an annual effectiveness report to the Associate of Canonical Administrators.

12.1.13. Relevant Legislation

- *Children, Youth and Families Act 2005* (Vic.)
 - *Working with Children Act 2005* (Vic.)
 - *Education and Training Reform Act 2006* (Vic.)
 - *Equal Opportunity Act 2010* (Vic.)
 - *Privacy Act 1988* (Cth)
 - *Crimes Act 1958* (Vic.) – Three new criminal offences have been introduced under this Act:
- a) **Failure to disclose offence:** Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence. (See Betrayal of Trust: Fact Sheet ‘Failure to disclose’ – Appendix 3)
 - b) **Failure to protect offence:** The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. (See Betrayal of Trust: Fact Sheet ‘Failure to Protect’ – Appendix 2)
 - c) **Grooming offence:** This offence targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. (See Betrayal of Trust: Fact Sheet ‘Grooming’ – Appendix 4)

12.1.14. Related Policies

12.1.14.1 Catholic Education Melbourne Policies

- Policy 2.19: Child Protection – Reporting Obligations
- Policy 2.19a: School Guidelines – Police and DHHS Interview Protocols
- Policy 2.20: Complaints Policy
- Policy 2.26: Pastoral Care of Students in Catholic Schools
- CEM Guidelines for Behaviour Support
- CECV Whole School Approaches to Supporting Positive Behaviour

12.1.14.2 School Policies

See College Handbook Section 14, notably the following policies

- Anti Bullying Policy
- Student Behaviour Policy
- Child Friendly Edition of the Child Safety Policy

12.1.15. Breach of Policy

Where an **employee** is suspected of breaching any obligation, duty or responsibility within this Policy, Emmanuel College may start the process under clause 13 of the *Victorian Catholic Education Multi Enterprise Agreement 2018* (VCEMEA) for managing employment concerns. This may result in disciplinary consequences.

Where the **Principal** is suspected of breaching any obligation, duty or responsibility within this policy, the concerned party is advised to contact the parish priest or the employer. Relevant notification should also be made to Catholic Education Melbourne (Office of Professional Conduct, Ethics and Investigation).

Where any **other member of the school community** is suspected of breaching any obligation, duty or responsibility within this policy, the school is to take appropriate action, including in accordance with:

- Child Protection – Reporting Policy
- Complaints Policy

and/or contact Catholic Education Melbourne (Office of Professional Conduct, Ethics and Investigation).

12.1.16. Review Of This Child Safety Policy

At Emmanuel College we are committed to continuous improvement of our child safety systems and practices. We intend this policy to be a dynamic document that will be regularly reviewed to ensure it is working in practice and updated to accommodate changes in legislation or circumstance. We will maintain a history of updates to the policy.

12.1.17. References

Catholic Education Commission of Victoria Ltd (CECV) 2018, *Victorian Catholic Education Multi Enterprise Agreement 2018*, CECV.

Congregation for Catholic Education 1997, *The Catholic School on the Threshold of the Third Millennium*, Vatican,

Department of Education, 2018, PROTECT: Identifying and responding to all forms of abuse in Victorian schools

State of Victoria 2016, *Child Safe Standards – Managing the Risk of Child Abuse in Schools: Ministerial Order No. 870*, Education & Training Reform Act 2006, Victorian Government Gazette No. S2.

Parliament of Victoria, Family and Community Development Committee, 2013, Betrayal of Trust

Policy	Child Safe Policy
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Catholic Schools Child Safe Schools

APPENDIX 1 – CHILD SAFE SCHOOL

CECV Commitment Statement to Child Safety

A safe and nurturing culture for all children and young people in Catholic schools

The Statement is intended to provide the central focus for child safety¹ across Catholic education in Victoria, built around a unified understanding of the moral imperative and overarching commitments that underpin our drive for improvement and cultural change.

The Catholic school sets out to be a school for the human person and of human persons.

‘The person of each individual human being, in his or her material and spiritual needs, is at the heart of Christ’s teaching: that is why the promotion of the human person is the goal of the Catholic school’. (Congregation for Catholic education 1997, par. 9)

The Catholic Education Commission of Victoria Ltd (CECV) holds the care, safety and wellbeing of children and young people as a central and fundamental responsibility of Catholic education. This commitment is drawn from and inherent to the teaching and mission of Jesus Christ, with love, justice and the sanctity of each human person at the heart of the Gospel.

The CECV has a universal expectation for the protection of children. It is resolutely committed to ensuring that all those engaged in Catholic education in Victoria promote the inherent dignity of children and young people and their fundamental right to be respected and nurtured in a safe school environment. This is particularly so for the most vulnerable children, including Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, and children with a disability.

Catholic schools have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected, their voices are heard and where they are safe and feel safe. When allegations of abuse concerning children and young people are raised, Catholic schools will take prompt action to have these appropriately referred and investigated. While the context and reality at each Catholic school will differ, the fundamental issues of understanding effective practices in child safety and identifying and responding to child harm remain the same. All schools must strive for continual improvement that is responsive to emerging thinking, evidence and practice, so as to eliminate the possibility of abuse occurring in the first place.

Creating child-safe school environments is a dynamic process that involves active participation and responsibility by schools, families and their communities. It is marked by collaboration, vigilance and proactive approaches across policies, procedures, curriculum and practices.

Every person involved in Catholic education has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make

¹As defined by the Victorian Government Special *Gazette* No. 2 (2016), 'children and young people' in this document refers to those children and young people enrolled as students in Catholic schools in Victoria.

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The CECV commits to providing **a safe and nurturing culture** for all children and young people in Victorian Catholic schools through:

- Upholding the primacy of the safety and wellbeing of children and young people.
- Ensuring the ongoing safety and wellbeing of all children and young people as the primary focus of care and decision-making, with particular attention paid to the cultural safety of Aboriginal and Torres Strait Islander children and children from culturally and/or linguistically diverse backgrounds, as well as the safety of children with a disability.
- Creating and maintaining a safe and nurturing culture, by actively and continually developing and reviewing all policies, processes and practices, informed by emerging thinking and evidence.
- Empowering families, children, young people and staff to have a voice and raise concerns

Schools, in partnership with families, will ensure children and young people, are engaged and active participants in decision-making processes, particularly those that have an impact on their safety.

This means that the views of staff, children, young people and families are taken seriously, and their concerns are addressed in a just and timely manner. Children and young people are also provided with the necessary skills and knowledge to understand and maintain their personal safety and wellbeing.

Implementing rigorous risk-management and employment practices.

Schools will systematically and continually identify and assess risks to child safety and will eliminate (where possible) or reduce all potential sources of harm. Effective risk management will be embedded in school life through effective, transparent and well-understood policies, procedures and practices.

Schools will employ highly competent and professional staff who are formed and challenged to maintain the safety of all students. The high-quality of staff appointments will be upheld through rigorous employment and staff review processes and practices.

Catholic education will stay abreast of current legislation and will meet their legislative duties to protect the safety and wellbeing of children and young people in their care, including the Victorian Child Safe Standards (Victorian Government 2016), mandatory reporting, grooming, failure to disclose and failure to protect requirements.

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APPENDIX 2 – BETRAYAL OF TRUST: FACT SHEET FAILURE TO PROTECT

Failure to Protect: a new criminal offence to protect children from sexual abuse

In response to the Betrayal of Trust report, the Victorian Government is strengthening laws to protect our children from sexual abuse and exposure to sexual offenders. This is in recognition of the shared community responsibility to protect children from abuse and to provide a safe environment for children to develop, learn and play.

A new criminal offence for failing to protect a child under the age of 16 from a risk of sexual abuse will commence on 1 July 2015.

The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

This offence will encourage organisations to actively manage the risks of sexual offences being committed against children in their care and further protect them from harm.

1. What is the offence of failing to protect a child from a sexual offence?

The new offence provides that a person who:

- a) by reason of the position he or she occupies within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the relevant organisation; and
- b) knows that there is a substantial risk that the person will commit a sexual offence against a relevant child – must not negligently fail to reduce or remove that risk.

2. What is a 'relevant organisation'?

The offence applies to people in authority within a *relevant organisation*. A relevant organisation is one that exercises care, supervision or authority over children, whether as part of its primary function or otherwise.

Relevant organisations include, but are not limited to:

- churches
- religious bodies
- education and care services (such as childcare centres, family day care services, kindergartens and outside school hours care services)
- licensed children's services such as occasional care services
- schools and other educational institutions
- organisations that provide accommodation to children and young people, such as boarding schools and student hostels
- out-of-home care services
- community service organisations providing services for children
- hospitals and other health services
- government agencies or departments providing services for children
- municipal councils (for example those that deliver Maternal and Child Health services)
- sporting groups

- youth organisations
- charities and benevolent organisations providing services for children.

3. Who is a person in authority in an organisation?

A person in authority is someone who, by reason of their position within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a child under the age of 16 years, who is under their care, supervision or authority, may become the victim of sexual abuse committed by an adult associated with the organisation.

Whether someone is considered to be a person in authority will depend on the degree of supervision, power or responsibility the person has to remove or reduce the substantial risk posed by an adult associated with the organisation. People in authority will usually have the ability to make management level decisions, such as assigning and directing work, ensuring compliance with the organisation's volunteer policy and other operational arrangements.

Examples of people in authority may include residential house supervisors, CEOs, board, council or committee members, school principals, service managers and religious leaders. It may also apply to people with less formal involvement in an organisation. For example, a volunteer parent coach responsible for the supervision of a junior sports team may be a person in authority, even if their role is informal or limited.

4. Who is a relevant child?

A person in authority will be guilty of an offence if he or she negligently fails to reduce or remove a substantial risk to a relevant child. A 'relevant' child is a child under the age of 16 who is, or may, come under the care, supervision or authority of a relevant organisation.

The child does not need to be identified. This means that the risk is not that a particular child will become the victim of sexual abuse. Instead, the substantial risk could be posed to any child who is, or who may be in the future, under the organisation's care, supervision or authority.

5. Who is a 'person associated with' an organisation?

The offence requires a person in authority to act if they know that a *person associated with their organisation* poses a substantial risk to a relevant child. This may include a person who is an officer, office holder, employee, manager, owner, volunteer, contractor or agent of the organisation. This definition does not include a person who solely receives services from the organisation.

For example, a parent living in the community who is involved with child protection services or who has a child in out-of-home care, and who may pose a risk of sexual abuse to a child, would *not* be considered to be 'associated with' the Department of Health & Human Services under the offence. Similarly, parents of children attending a school or service will generally only be 'associated with the organisation' if they are also engaged as a volunteer, for example to assist in the classroom or attend an excursion or camp.

The offence relates to risk of sexual abuse by adults. Children under the age of 18 who pose a risk of sexually abusing other children are not covered by this offence.

6. What is a 'substantial risk'?

The offence requires a person in authority to reduce or remove a known 'substantial' risk that an adult associated with the organisation may commit a sexual offence against a relevant child. It does not make it a criminal offence to fail to address every possible risk that a sexual offence may be committed against a child.

There are a number of factors that may assist in determining whether a risk is a substantial risk. These

include:

- the likelihood or probability that a child will become the victim of a sexual offence
- the nature of the relationship between a child and the adult who may pose a risk to the child
- the background of the adult who may pose a risk to a child, including any past or alleged misconduct
- any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence
- any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.

When determining whether a risk is substantial, the courts will consider a variety of factors, which may include those listed above. The courts will consider all the facts and circumstances of the case objectively, and will consider whether a reasonable person would have judged the risk of a sexual offence being committed against the child abuse as substantial. It is not necessary to prove that a sexual offence, such as indecent assault or rape, was committed.

7. When does a person 'know' there is a risk of child sexual abuse?

This offence requires a person in authority to act if they *know* that there is a substantial risk that a child may become the victim of a sexual offence. A person is generally taken to have knowledge of a circumstance if he or she is aware that it exists or will exist in the ordinary course of events. This requires a higher level of awareness than merely holding a tentative belief or suspicion.

However, it is expected that a person in authority will take steps to follow up on a suspicion or belief that children in their organisation were at risk of harm.

8. When does a person negligently fail to reduce or remove a substantial risk?

Under the offence, a person is taken to have *negligently failed* to reduce or remove a substantial risk if that failure involves a great falling short of the standard of care that a reasonable person would exercise in the same circumstances. The offence does not require a person in authority to eliminate all possible risks of child sexual abuse.

For example, a person in authority who knows that an adult associated with the organisation poses a substantial risk to children, and moves that adult from one location in an organisation to another location where they still have contact with children, is likely to be committing the offence. Another example is where a person in authority employs someone in a role that involves contact with children, when the person in authority knows the employee left their last job because of allegations of sexually inappropriate behaviour involving children.

9. Will this criminalise mistakes made by adults who are caring for or working to protect children?

This law is aimed at protecting children and compelling those in authority to remove or reduce known substantial risks that children may become victims of sexual abuse.

As previously noted, the offence applies to a person in authority whose failure to protect a child from sexual abuse involves a great falling short of the standard of care that a reasonable person would exercise in the same circumstances.

The offence is unlikely to be committed where a person takes reasonable steps to protect a child from the risk of sexual abuse, for example, where an allegation is reported to appropriate authorities and the individual is removed from any role involving unsupervised contact with children pending an investigation.

10. What should a person in authority do to reduce or remove the risk of child sexual abuse posed by an adult associated with their organisation?

A person in authority in an organisation must take reasonable steps to reduce or remove a known substantial risk that an adult associated with their organisation will commit a sexual offence against a child.

For example:

- A current employee who is known to pose a risk of sexual abuse to children in the organisation should be immediately removed from contact with children and reported to appropriate authorities and investigated.
- A community member who is known to pose a risk of sexual abuse to children should not be allowed to volunteer in a role that involves direct contact with children at the organisation.
- A parent who is known to pose a risk of sexual abuse to children in a school should not be allowed to attend overnight school camps as a parent helper.

If you want to report a child in **immediate** risk or danger of a sexual offence please call Triple Zero (000).

11. How can you improve child safety in your organisation, and remove or reduce the risk of harm?

There are a range of measures that organisations can adopt to improve child safety and reduce the risk of harm to children. Victorian child-safe standards provide a framework to assist in ensuring child safety in the organisation. Under the standards, organisations will be expected to have policies, procedures and systems in place to protect children from abuse, including appropriate pre-employment screening arrangements and systems for reporting and responding to allegations of abuse.

Organisations are encouraged to create and implement risk management strategies suitable to their environment to reduce the risk of harm to children. These may include:

- Adopting a child safety policy that outlines a commitment to child safety and provides guidance on how to create a child safe environment.
- Enforcing a code of conduct that sets clear expectations about appropriate behaviour towards children and obligations for reporting a breach of the code.
- Ensuring all new staff and volunteers are appropriately screened, including reference checks, before commencing employment with the organisation (in addition to Working with Children Checks or Victorian Institute of Teaching registration).
- Providing training to staff in prevention, identification and response to child safety risks, including reporting requirements and procedures.

Organisations should review existing policies and practices to identify potential risks and ensure that risk management strategies and action plans are effective. To learn more about creating child-safe organisational environments, the *Guide to Creating a Child-safe Environment* produced by the Commission for Children and Young People provides practical information for organisations seeking to improve child safety and reduce the risk of harm.

Organisations operated, funded and/or regulated by Government can reduce the risk of child harm to children by continuing to comply with departmental standards, screening requirements, program requirements and policies on preventing, reporting and responding to child sexual abuse, for example:

- Protecting the safety and wellbeing of children and young people: A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools (Joint Protocol)
- DHHS's Critical Client Incident Management Instruction; and the Instruction on Responding to Allegations of Physical or Sexual Assault (RAPSA)
- Schools Policy and Advisory Guide (SPAG) for Victorian government schools

Sports and recreation organisations can also refer to the Victorian Code of Conduct for Community Sport and VicSport 'Safeguarding Children' websites for resources about creating child-safe organisations.

12. Will the offence criminalise members of the public who fail to protect a child from a risk of sexual abuse?

No — the failure to protect offence applies to people in authority within an organisation that exercises care, supervision or authority over children. It does not apply to parents or other individuals not connected to these organisations. However, as noted above, a parent who volunteers in an organisation (for example as a sporting coach) may be in a position of authority and subject to the offence.

A separate 'failure to disclose' offence applies to any adult who fails to report a reasonable belief to Victoria Police that a sexual offence has been committed against a child under the age of 16, unless there is a reasonable excuse for not doing so.

13. How does the failure to protect offence interact with mandatory reporting obligations?

This offence is in addition to existing mandatory reporting obligations for specified staff under the *Children, Youth and Families Act 2005*. It applies to any person in authority within a relevant organisation, not just mandatory reporters.

14. What is the penalty for failing to protect a child?

The maximum penalty is five years' imprisonment.

15. When will the offence take effect?

The offence will commence on 1 July 2015.

16. How do I contact Victoria Police?

If you want to report a child in **immediate** risk or danger of a sexual offence please call Triple Zero (000).

If the report is not in relation to an immediate risk, contact your local police station or call Crime Stoppers on 1800 333 000.

APPENDIX 3 – BETRAYAL OF TRUST: FACT SHEET FAILURE TO DISCLOSE

The new **Failure to disclose** offence

Reporting child sexual abuse is a community-wide responsibility. Accordingly, a new criminal offence has been created in Victoria that imposes a clear legal duty upon all adults to report information about child sexual abuse to police.

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

1. What is a 'reasonable belief'?

A '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 professional to form a belief that the child has been sexually abused
- signs of sexual abuse lead to a belief that the child has been sexually abused.

2. Are there any excuses for not reporting child sexual abuse to police?

A person will not be guilty of the offence if he or she has a **reasonable excuse** for not disclosing the information. A reasonable excuse includes:

- fear for safety
- where the information has already been disclosed.

Fear for safety

A reasonable excuse exists in cases where a person has a reasonable fear for their own safety or the safety of another person (such as a child or another family member) and they do not report to police due to those circumstances.

This defence may apply, for example, if a mother decides not to disclose information about her partner sexually abusing her child due to fear of violence to her or her child.

The person's fear must be subjectively reasonable, that is, it must be reasonable from the perspective of that person in those circumstances. This recognises that the person in question is best placed to judge whether their safety is in danger.

The court or jury will consider whether it was reasonable for the person not to report in the circumstances.

Where the information has already been disclosed

It is a reasonable excuse to not disclose where a person believes on reasonable grounds that the information has already been disclosed to police and they have no further information to add. An important example of this exception is where the person has already made a report under the mandatory reporting obligation specified in the *Children, Youth and Families Act 2005*. This obligation requires teachers, doctors and other professionals to report concerns about child welfare to child

protection authorities within the Department of Human Services (DHS).

Under the existing mandatory reporting system, DHS already passes on all allegations of child sexual abuse to police, so it will be a reasonable excuse for not reporting to police if a person has made a report to DHS or reasonably believes a report has been made to DHS. This ensures that people are not required to make multiple reports to different agencies.

3. What is not a reasonable excuse?

A person does not have a reasonable excuse for failing to disclose sexual abuse if they are only concerned for the perceived interests of the perpetrator or any organisation. 'Perceived interests' includes reputation, legal liability or financial status.

For example, a principal's concern for the reputation of a school, or a clergyman's concern for the reputation of a church where the abuse happened will not be regarded as a reasonable excuse.

4. Are there any other exemptions to the offence?

There are a number of other exemptions, which include:

- the victim requests confidentiality
- the person is a child when they formed a reasonable belief
- the information would be privileged
- the information is confidential communication
- the information is in the public domain
- where police officers are acting in the course of their duty.

The victim requests confidentiality

The new offence respects the position of a victim who does not want the offending disclosed and who is sufficiently mature to make that judgment. The obligation to report therefore does not apply where the information comes from a person aged 16 or over and this person requests that the offence not be reported. The law recognises that a child under 16 is not able to make this kind of decision and sometimes lacks the capacity to fully understand the effects of sexual abuse.

A person will still be required to disclose information to police if:

- the victim who requested confidentiality has an intellectual disability, and
- the victim does not have the capacity to make an informed decision about a disclosure, and
- the person who received the information is aware or should be reasonably aware of those facts.

The person is a child when they formed a reasonable belief

If a person was under the age of 18 when they formed a reasonable belief, they will not be obliged to make a disclosure when they turn 18. This protects children from the burden of knowing that they will have to disclose to police when they turn 18.

The information would be privileged

People will not be required to disclose where the information would be privileged. This includes:

- client legal privilege
- journalist privilege
- Religious confessions

For example, if a priest obtains information made in good faith through a rite of confession (as long as the admission is not given for a criminal purpose), the priest is exempt from disclosing.

The information is confidential communication

A registered medical practitioner or counsellor is not required to disclose information to police if the information is obtained from a child whilst providing treatment and assistance to that child in relation to sexual abuse. However, under the mandatory reporting obligations, a registered medical practitioner would still be required to report to DHS if they form a reasonable belief that a child has been sexually abused and is in need of protection. This exemption is not designed to prevent the reporting of child sexual abuse, but rather to protect the registered medical practitioner or counsellor from criminal liability.

If an adult provides information to a medical practitioner or counsellor regarding the sexual abuse of a child, the medical practitioner or counsellor would be required to disclose that information to police unless another exemption applies.

The information is in the public domain

A person does not have to disclose to police if they get the information through the public domain, or form the belief solely from information in the public domain such as television or radio reports.

Where police officers are acting in the course of their duties

A police officer acting in the course of their duty in respect of a victim of child sexual abuse is exempt from the offence.

5. If it is going to be compulsory for everyone to report child sexual abuse, why are there exemptions?

We need to ensure that in creating this legal obligation, we do not put children and their families at even greater risk of harm, especially those who may be experiencing family violence.

6. Won't child sexual abuse continue to occur if exemptions are allowed?

There is currently no requirement for people to report child sexual abuse to police, so introducing this new legal obligation is a big step towards preventing child sexual abuse in our community and ensuring people understand that it is a community-wide responsibility.

Certain exemptions are required to avoid any unintended consequences of this new obligation. It is not intended, for example, that this offence criminalise victims of family violence who don't report due to fear for their own or someone else's safety.

For example, women in family violence situations may have a reasonable fear for the safety of their child or another family member, especially in cases where threats have already been made. They may fear that making a report to police will escalate the situation, putting their child or another family member at even greater risk of harm – or even death.

Preventing the sexual abuse of children is a community responsibility. Other people connected with the child will still be required to make a report, unless they have a reasonable excuse not to do so.

7. Won't this offence discourage people from seeking help where they have experienced child sexual abuse?

The law will not require a medical practitioner or counsellor to disclose information to police when it has been obtained from a victim during treatment for sexual abuse.

Disclosures for the purpose of obtaining legal advice will also be protected by client legal privilege. There are also other exemptions which have been listed above.

**8. The offence requires ‘any adult’ to report suspected child sexual abuse. Isn’t this too broad?
Won’t it lead to people reporting unfounded suspicions?**

The offence requires a person to report to police where they have information that leads them to form a ‘reasonable belief’ that a sexual offence has been committed against a child under 16. Under the offence, people will not be expected to disclose unfounded suspicions as a suspicion does not constitute a ‘reasonable belief’.

The failure to disclose offence is a big step towards preventing child sexual abuse in our community and ensuring people understand that protecting children and preventing sexual abuse is a community-wide responsibility.

9. How will I be protected if I make a disclosure to police?

Your identity will remain confidential unless:

- you disclose it yourself or you consent in writing to your identity being disclosed
- a court or tribunal decides that it is necessary in the interests of justice for your identity to be disclosed.

10. Will any person who knows of child sexual abuse happening in the past be required to report?

A person who knows of child sexual abuse having occurred in the past will not have to report to police unless the victim is still a child when the offence comes into effect.

11. What is the penalty for failing to disclose child sexual abuse?

The maximum penalty is three years imprisonment.

12. When will the failure to disclose offence take effect?

27 October 2014.

13. How do I contact Victoria Police to make a report?

If you want to report a child in immediate risk or danger of sexual abuse please call Triple Zero (000). Alternatively, you can contact your local police station.

If you or someone you know has experienced child sexual abuse in an institutional context, we encourage you to contact Victoria Police's Sano Taskforce via email at sanotaskforce@police.vic.gov.au

APPENDIX 4 – BETRAYAL OF TRUST: FACT SHEET - GROOMING

The new 'grooming' offence

The *Crimes Amendment (Grooming) Act 2014*, which commenced in Victoria on 9 April 2014, introduces the offence of Grooming for sexual conduct with a child under the age of 16 years. This offence targets predatory conduct designed to facilitate later sexual activity with a child.

The Betrayal of Trust report recommended the grooming offence, given the way in which many sex offenders target their victims. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

Many perpetrators of sexual offences against children purposely create relationships with victims, their families or carers in order to create a situation where abuse could occur. For this reason, parents, carers or other family members who have been targeted by perpetrators in order to gain access to a child are also victims.

The *Victim's Charter Act 2006* was amended to expressly provide that a child and a family member of that child are victims of a grooming offence and are entitled to provide a victim impact statement to a court.

GROOMING IS NOW A CRIMINAL OFFENCE

1. What is grooming?

- The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.
- The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.
- Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.
- The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as upskirting and indecent behaviour in public.

2. Who can commit the offence?

The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.

3. What age are the children who are protected by the offence?

The offence applies to communication with children under 16 years, but not communication with 16 and 17 year old children. This distinction between children aged below 16 and those aged 16 or 17 reflects the general age of consent (16 years) recognised by the criminal law in relation to sexual offences.

4. What are the key differences between the Victorian grooming offence and the grooming offences that have been implemented in New South Wales and by the Commonwealth?

The New South Wales grooming offence is confined to circumstances in which an adult engages in conduct that exposes a child to indecent material or provides the child with an intoxicating substance with the intention of making it easier to procure the child for sexual activity. The Victorian offence is broader than this and prohibits an adult from engaging in any form of communication with the intention of facilitating sexual conduct. This is not limited to exposing the child to indecent material or providing them with an intoxicating substance and may include such acts as inappropriately giving them gifts or favours with the intention of engaging in later sexual activity.

The offence is similar to the Commonwealth grooming offence. The key distinction is that the Commonwealth offence is limited to grooming via a communication transmitted through a carriage service. The Victorian offence applies to any form of communication between the adult and child, including communication that occurs in person.

5. What is the purpose of amending the *Victim's Charter Act 2006*?

Amending the *Victim's Charter Act 2006* to expressly include a family member of the child as a victim of a grooming offence (eg. the child's parents) entitles the parents, or another family member, to provide a victim impact statement to the court.

6. What is the penalty for grooming?

The maximum penalty is 10 years imprisonment.

12.2 PROTECT: IDENTIFYING AND RESPONDING TO ABUSE – REPORTING OBLIGATIONS

12.2.1 Introduction

Protection for children and young people is based upon the belief that each person is made in the image and likeness of God and that the inherent dignity of all should be recognised and fostered.

Catholic schools are entrusted with the holistic education of the child in partnership with parents, guardians and caregivers, who are the primary educators of their children. Catholic school staff therefore have a duty of care to students by taking reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to result in harm or injury to the student and to work for the positive wellbeing of the child

Under the National Framework for Protecting Australia's Children 2009–2020, protecting children is everyone's responsibility – parents, communities, governments and business all have a role to play. In Victoria, a joint protocol, Protecting the safety and wellbeing of children and young people, involving the Department of Health and Human Services (DHHS) Child Protection, the Department of Education and Training (DET), the Catholic Education Commission of Victoria and licensed children's services, exists to protect the safety and wellbeing of children and young people. DET has also produced *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* and *Protect : Responding to Suspected Child Abuse: A Template for all Victorian Schools*, both of which are referred to in the joint protocol.

All teachers, other school staff members, volunteers, contractors, other service providers, parish priests, and canonical and religious order administrators of Catholic schools within Victoria must understand and abide by the professional, moral and legal obligations to implement child protection and child safety policies, protocols and practices.

12.2.2 Purpose of This Policy

Ministerial Order No: 870: *Child Safe Standards – Managing the Risk of Child Abuse in Schools* was made under the *Education and Training Reform Act 2006 (Vic.)* and sets out the specific actions that all Victorian schools must take to meet the requirements in the Child Safe Standards for registration.

This Policy is designed to enable Catholic schools to comply with Standard 5 of the Victorian Child Safe Standards: processes for responding to and reporting suspected child abuse, as well as the school-specific requirements for procedures for responding to allegations of suspected abuse in Ministerial Order No 870. All procedures for reporting and responding to an incident of child abuse are designed and implemented by taking into account the diverse characteristics of school communities.

Actions required under the relevant legislation and regulatory guidance when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed are set out in this policy. It also provides guidance and procedures on how to make a report.

This policy assists school staff (which includes volunteers, contractors, other service providers and religious leaders including clergy) to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a 'suspicion' or 'reasonable belief' is formed
- where possible, refer to the principles of the Victorian Charter of Human Rights and Responsibilities as best practice in respecting and protecting the basic rights, freedoms and responsibilities of members of the school community.

- make a report about a child or young person who may be in need of protection
- comply with obligations under the Victorian Reportable Conduct Scheme
- comply with mandatory reporting obligations under child protection law
- comply with legal obligations relating to criminal child abuse and grooming under criminal law.

12.2.3 Legislative and Regulatory Requirements

Schools must comply with the legal obligations that relate to managing the risk of child abuse under the *Children, Youth & Families Act 2005 (Vic.)*, the *Crimes Act 1958 (Vic.)*, the *Child Wellbeing and Safety Act 2005 (Vic.)*, the *Education and Training Reform Act 2006 (Vic.)* and the *Family Violence Protection Act 2008 (Vic.)*

The *Child Wellbeing and Safety Act 2005 (Vic.)* introduced the seven Victorian Child Safe Standards which aim to create a culture where protecting children from abuse is part of everyday thinking and practice. The Child Safe Standards were introduced in response to recommendations made by the **Betrayal of Trust** report.

Child Protection reporting obligations for Catholic schools fall under five separate pieces of legislation with differing reporting requirements.

1. The Children, Youth and Families Act 2005 (Vic.)
2. The Education and Training Reform Act 2006 (Vic)
3. The Crimes Act 1958 (Vic)
4. The *Family Violence Protection Act 2008 (Vic.)*
5. The *Wrongs Act 1958 (Vic.)*

These legislative obligations exist in addition to moral and duty-of-care obligations, which require school community members to protect any child under their care and supervision for foreseeable harm.

12.2.4 Definitions and Obligations

12.2.4.1 Types of Child Abuse and Indicators of Harm

Child Abuse can take many forms. The perpetrator may be a parent, carer, school staff member, volunteer, another adult or even another child. The nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect. Therefore, the legal obligations for reporting allegations of child abuse can vary depending on the circumstances of the incident.

Child abuse is defined in the *Child Wellbeing and Safety Act 2005 (Vic)* to include:

- Sexual offences
- Grooming
- Physical violence
- Serious emotional or psychological harm
- Serious neglect

Sexual Offences	A sexual offence occurs when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child's age and development. Sexual offences are governed by the Crimes Act 1958 (Vic.). Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.
Grooming	Grooming refers to predatory conduct undertaken by an adult (18 years or over) to prepare a child for sexual activity at a later time. It is a sexual offence under section 49M of the Crimes Act 1958 (Vic.) carrying a maximum 10-year term of imprisonment. Under section 49M, the adult's words or conduct must be intended to facilitate the child engaging or being involved in the commission of, or attempt to commit, a sexual offence by the adult or another adult.
Physical Violence	Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or using weapons (such as belts and paddles). Physical harm may also be caused during student fights.
Serious Emotional or psychological harm	Serious emotional or psychological abuse may occur when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child is disturbed, or their emotional development is at serious risk of being impaired. Serious emotional or psychological harm could also result from conduct that exploits a child without necessarily bring criminal, such as encouraging a child to engage in inappropriate or risk behaviours.
Serious neglect	Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. Significant neglect causes harm to a child that is more than trivial or temporary. Serious neglect is when the child is exposed to an extremely dangerous or life-threatening situation and there is a continued failure to provide a child with the basic necessities of life.
Family Violence	Family violence is defined under the <i>Family Violence Protection Act 2008</i> (Vic.) to include behaviour that causes a child to hear, witness or be exposed to the effects of family violence such as abusive, threatening, controlling or coercive behaviour. While family violence does not form part of the official definition of 'child abuse' in the <i>Child Wellbeing and Safety Act 2005 (vic.)</i> , the impact of family violence on a child can be a form of child abuse, for example, where it causes serious emotional or psychological harm to a child. A child can also be a direct victim of family violence.

Child abuse can have a significant effect on a child's physical, social, psychological or emotional health, development and wellbeing. The younger the child, the more vulnerable they are to abuse and the more serious the consequences are likely to be.

There can be physical or behavioural indicators of child abuse and neglect, or a combination of both. While the presence of a single indicator, or even several indicators, does not necessarily prove that abuse or neglect has occurred, the repeated occurrence of either a physical or behavioural indicator, or the occurrence of several indicators together, should alert school staff to the possibility of child abuse or neglect.

Child Sexual Abuse is more commonly perpetrated by someone who is known to and trusted by the child, and is also often someone highly trusted within their families, communities, schools and/or other institutions, such as the Church.

For further definitions of all types of child abuse, a comprehensive list of the indicators of harm and advice on identifying perpetrators of child sexual abuse, refer to the protocol Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools.

12.2.5. Sources of Child Protection Reporting Obligations

12.2.5.1 Children, Youth and Families Act 2005 (Vic.) Mandatory Reporting

Mandatory reporting is a legal requirement under the Children, Youth and Families Act 2005 (Vic.) to protect children from harm relating to physical injury and sexual abuse. A child, for the purpose of the relevant parts of this Act, is any person 17 years of age or younger. The principal, teachers, medical practitioners and nurses are mandatory reporters under this Act.

If, in the course of carrying out their duties, a mandatory reporter forms a reasonable belief that a child is in need of protection from physical injury or sexual abuse, and that the child's parents are unwilling or unable to protect the child, they must report that belief to Department of Health and Human Services (DHHS) Child Protection and/or Victoria Police, including the information prescribed in Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools, as soon as possible after forming the belief.

A subsequent report must be made on each occasion on which the mandatory reporter becomes aware of further reasonable grounds for the belief and even if the reporter knows that another report has been made concerning the same child and suspected abuse.

The threshold for reporting child protection incidents, disclosures, concerns or suspicions has been set deliberately low by the joint protocol Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools. This protocol focuses on Four Critical Actions (refer to Appendix 1) that all school staff must take if they form a suspicion or reasonable belief that child abuse has occurred, or that a child is at risk of suffering abuse.

12.2.5.2 Reasonable Belief

Where school staff members are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. If a staff member has witnessed potentially abusive behaviour, has a suspicion or has received a disclosure of child abuse, they must determine whether these observations or receipt of such information have caused the staff member to form a 'reasonable belief'.

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than rumour or speculation. **A reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds.**

A reasonable belief might be formed if:

- a child states that they have been physically or sexually abused
- any person tells you that they believe someone has been abused; this may include a child who is talking about themselves
- you observe physical or behavioural indicators of abuse, as described in PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools.
- a child or young person exhibits sexually-abusive or age-inappropriate behaviour[s]
- professional observations of the child's behaviour or development cause you to form a belief that the child has been physically or sexually abused or is likely to be abused.

While any indicators of possible child abuse or neglect are concerning, it is important to understand that the presence of a number of indicators that suggest either physical or sexual abuse of a child may be sufficient to form a 'reasonable belief' in a mandatory report's mind which **must** be reported.

12.2.6 Child Wellbeing and Safety Act 2005 (Vic.)

12.2.6.1 Reportable Conduct

The Reportable Conduct Scheme was created under the Child Wellbeing and Safety Act 2005 (Vic.) and requires schools to notify the Commission for Children and Young People (CCYP) if an allegation of reportable conduct (a reportable allegation) is made against one of their employees.

Employees can include a principal, teacher, corporate staff member, board or school council employee, contractor, volunteer, school doctor/nurse/medical professional, allied health staff member, or minister of religion or religious leader.

Reportable conduct is defined under the Child Wellbeing and Safety Act 2005 (Vic.) to mean 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, or significant neglect of a child.

A reportable allegation means any information that leads a person to form a reasonable belief that an employee has committed reportable conduct or misconduct that may involve reportable conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.

The Reportable Conduct Scheme imposes obligations on the head of entity (governing authority). For Catholic Education Melbourne schools, the head of entity (governing authority) is required to:

- have in place systems to prevent reportable conduct and, if reportable conduct is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
- ensure that the CCYP is notified and given updates on the organisation's response to an allegation by contacting the Employee Relations unit on (03) 9267 0431 or by email on ceoir@cem.edu.au
- report to Victoria Police as soon as they become aware that a reportable allegation may involve suspected child abuse or criminal conduct.

Reportable conduct may also include historical reportable allegations. More guidance can be found at [Reportable Conduct Scheme – Historical allegations](#).

All school staff are required to notify the principal or, if the principal is involved in the allegation, the Leadership Team if they have a reportable allegation. The principal or a member of the Leadership Team (as applicable) must notify the Employee Relations unit of the allegation of reportable conduct as soon as possible.

The Reportable Conduct Scheme does not change mandatory reporting or other reporting obligations, including internal reporting and reporting criminal behaviour to Victoria Police. Reportable conduct reporting should be done in addition to these other reporting obligations.

For further support and advice regarding reporting conduct in Catholic schools under the Reportable Conduct Scheme, contact the Employee Relations unit on (03) 9267 0431 or by email on ceoir@cem.edu.au.

12.2.7 Crimes Act 1958 (Vic.)

In response to the *Betrayal of Trust* report three new criminal offences have been introduced under the Crimes Act 1958 (Vic.):

- **failure to disclose offence**, which requires adults to report to police a reasonable belief that a sexual offence has been committed against a child
- **failure to protect offence**, which applies to people in positions of authority within organisations who knew of a risk of child sexual abuse by someone in the organisation and failed to reduce or remove the risk.
- **grooming offence**, which targets communication with a child or their parents with the intent of committing child sexual abuse.

12.2.7.1 Failure to disclose

Any school staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police.

Failure to disclose the information to police is a criminal offence under section 327 of the Crimes Act 1958 (Victoria) and applies to **all adults [18 years and over]** in Victoria, not just professionals who work with children.

The obligation is to disclose that information to the police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

Refer to Appendix 2 for more information on when to report a concern that a child or young person has been sexually abused, or is in need of protection from sexual abuse.

For further information about the 'failure to disclose' offence, see: *Department of Justice and Regulations – Failure to disclose offence and the Betrayal of Trust: Fact Sheet* [included as an attachment to the Emmanuel College Child Safety Policy]

12.2.7.2 Failure to protect

Any school staff member in a position of authority who has the power or responsibility to remove risk, and becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer, sport coach or visitor) poses a risk of sexual abuse to a child under 16 who is in the care or supervision of the organisation, must take all reasonable steps to reduce or remove that risk.

In a school context, this will include the principal, deputy principal and business manager and may also extend to school counsellors, Domain Leaders and Campus Leaders.

Failure to take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation is a criminal offence under section 49O(1) of the Crimes Act 1958 (Vic.).

For further information about the failure to protect offence, see the Department of Justice and Community Safety's 'Failure to protect offence' webpage and [Betrayal of Trust: Factsheet](#).

12.2.7.3 Grooming

The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in section 49M(1) of the Crimes Act 1958 (Vic.). The offence applies to communication with children under 16 years.

Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.

For further information about the grooming offence, see the Department of Justice and Community Safety's '[Grooming offence](#)' webpage and [Betrayal of Trust: Factsheet](#).

For more information about managing and responding to the risk of abuse, see DET's '[Responding to Student Sexual Offending](#)' and '[Risk Management](#)' webpages.

12.2.8 Education and Training Reform Act 2006 (Vic.) – child safety obligations

From a child safety perspective, the key functions of the *Education and Training Reform Act 2006* (Vic.) are to:

- require schools to notify the Victorian Institute of Teaching (VIT) when a school has taken action against a teacher
- make compliance with the [Victorian Child Safe Standards](#) a requirement for registration of all Victorian schools.

A registered school must ensure that the care, safety and welfare of all students attending the school are in accordance with all applicable Victorian and Commonwealth laws, and that all staff employed at the school are advised of their obligations to child safety.

12.2.9 Wrongs Act 1958 (Vic.) and Duty of Care

12.2.9.1 Organisational Duty of Care

The Wrongs Act 1958 (Vic.) creates an organisational liability for child abuse for organisations that exercise care, supervision or authority over children. This is colloquially referred to as an 'organisational duty of care'.

Schools owe a duty to take reasonable precautions to prevent the abuse (sexual or physical) of a child (under 18) by an individual associated with the school while the child is under the care, supervision or authority of the school.

Individuals associated with the school can include employees, volunteers, office holders, contractors, ministers of religion and religious leaders.

Reasonable precautions that a school could take are not defined in the Wrongs Act 1958 (Vic.) but, as examples, the following measures are what courts have previously considered to be reasonable precautions in the context of organisational child abuse:

- conducting employment screening and reference checking
- providing supervision and training
- implementing systems to provide early warning of possible offences
- performing random and unannounced inspections to deter misconduct
- encouraging children and adults to notify authorities or parents about any signs of aberrant or unusual behaviour.

12.2.9.2 School Staff Duty of Care

School staff have a duty to take reasonable steps to protect children and young persons under their care and supervision from harm that is reasonably foreseeable (this duty applies to all school staff). 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.

For more information on the scope of staff duty-of-care obligations and examples of reasonable steps they can take in relation to suspected child abuse, refer to the protocol *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

12.2.10 Victorian Charter Of Human Rights and Responsibilities.

While Victorian Catholic schools are not bound by the Charter of Human Rights and Responsibilities Act 2006 (Vic.), the following principle should be noted:

School staff are required to respond to suspected child abuse with proper consideration for human rights, and, when making decisions and taking actions in response to suspected child abuse, to act compatibly with human rights. This means that school staff should take into account the right to protection without discrimination, the right to protection from torture and cruel, inhuman or degrading treatment and the right to privacy when responding to suspected child abuse.

12.2.11 Procedures

Emmanuel College has a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected, their voices heard and where they are safe and feel safe.

Every person involved in Emmanuel College has a responsibility to understand the important and specific role they have individually and collectively to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make.

It is Catholic Education Melbourne's policy that all schools display the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* diagram in staff rooms and other strategic areas of the school, to ensure all school staff are aware of the actions to take as soon as they witness a child protection incident, receive a disclosure or form a reasonable belief that a child has been, or is at risk of being, abused.

12.2.12 Responding to and Reporting Child Protection Concerns

The approach to responding and reporting child protection concerns in the joint protocol incorporates the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*. Refer to Appendix 1.

A school staff member must act, and follow the Four Critical Actions, as soon as they become aware of a child protection incident, that is, **when a child is experiencing, or is at risk of experiencing, abuse**.

Before the Four Critical Actions can be followed, a school staff member must first be made aware of a child protection incident that will determine if they must take action to protect a child.

12.2.12.1 Becoming aware of a child protection incident

There are four main ways in which a school staff member may become aware that a child is experiencing, or is at risk of experiencing, abuse:

1. Witnessing an incident

If you witness an incident where you believe a child has been subjected to, or may be at risk of, abuse, including exposure to family violence, you must first take immediate action to protect the safety of the child or children involved and then refer to *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*.

2. Forming a suspicion or reasonable belief

All suspicions that a child has been, is being, or is at risk of being, abused must be taken seriously, including suspicions that the abuse is taking or may take place outside school grounds or areas. If your suspicion develops into a reasonable belief, you must act and refer to *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*.

3. Receiving a disclosure about or from a current student

All disclosures must be treated seriously. You should immediately refer to *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*.

4. Receiving a disclosure about or from a former student

If you receive a disclosure from a former student about historical abuse, you must act. If the former student is currently of school age and attending a Victorian school, you must immediately refer to *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*.

If the former student is no longer of school age or attending a Victorian school, you must still report the disclosure to *DHHS Child Protection*.

Notes & Records

School staff members are to keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse using *PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools*.

Even if a school staff member decides not to make a report, they must still accurately document their notes relating to the incident, disclosure or allegation of child abuse using *PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools*.

Notes and records must be kept securely on school grounds and must not be destroyed as they may be needed at a later time.

12.2.12.2 The Four Critical Actions

There are **Four Critical Actions** which must be taken when responding to and reporting a child protection incident, disclosure or suspicion:

- Responding to an Emergency
- Reporting to Authorities
- Contacting Parents/Carers
- Providing Ongoing Support

12.2.12.3 Critical Action 1: Responding to an Emergency

This first step is only applicable if a child has **just been abused** or is at **immediate risk of harm**. If this is not the case, go straight to **Critical Action 2: Reporting to authorities**.

If the child has **just been abused or is at immediate risk of harm** you must take reasonable steps to protect the child, including:

- separating the alleged victim and others involved, ensuring that if the parties involved are all present at the school that they are supervised separately by a school staff member
- arranging and providing urgent medical assistance where necessary, including administering first aid or calling 000 for an ambulance
- 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.

If the child protection incident has occurred at the school, school staff should also ensure that reasonable steps are taken to preserve the environment, the clothing and other items and prevent any potential witnesses (including school staff members, volunteers and contractors) from discussing the incident until Victoria Police or relevant authorities arrive on the premises.

12.2.12.4 Critical Action 2: Reporting to Authorities

All forms and instances of suspected or alleged child abuse must be reported to the appropriate authority.

Once immediate health and safety concerns have been addressed, the school staff member must take steps to report the incident, suspicion or disclosure of child abuse as soon as practicable. Failure to report physical and sexual child abuse may amount to a criminal offence (refer to Failure to disclose).

There are different reporting procedures depending on:

- whether the source of the suspected or alleged abuse comes from within the school or within the family or community of the child;
- the type of abuse.

In all cases, school staff members must report internally to the principal or, if the principal is involved in the allegation, the Leadership Team.

Additionally:

- where the source of the abuse comes from within the school, that is, the suspected or alleged abuse involves a school staff member, volunteer, allied health professional, officer/office holder, contractor or visitor at the school, it must be reported to Victoria Police
- where the suspicion, belief or disclosure relates to sexual abuse or grooming, it must be reported to Victoria Police
- where the source of the abuse comes from within the family or community and is not sexual abuse or grooming, it must be reported to DHHS Child Protection.

DHHS and DET have deliberately set a low threshold for the formation of a 'reasonable belief'. For more information, refer to the [Reasonable belief](#) section of this policy.

[Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) requires all school staff to report all incidents, suspicions and disclosures of abuse as soon as possible to the relevant authorities.

How to Make a Mandatory Report

The table 'Making a Mandatory report' describes the information to include when making a **mandatory report** about child abuse or child protection concerns. If a child is at immediate risk of harm, contact Victoria Police immediately.

Making a Mandatory Report	
Step	Description
1. Keep Notes	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> • a description Of the concerns (eg physical injuries, student behavior) • The source of those concerns (eg observation, report from child or another person) • The actions taken as a result of the concerns (eg consultation with the principal, report to DHHS Child Protections etc.) <p>Emmanuel College uses the template provided in Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools to record their notes.</p>
2. Discuss Concerns	<p>Due to the complexity of child abuse incidents, disclosures and suspicions, it is recommended that concerns and observations regarding suspected physical or sexual abuse of a child are discussed with the principal or a member of the Leadership Team and/or Catholic Education Melbourne's Student Wellbeing Information Line.</p> <p>This is not a legal requirement, however will help to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.</p> <p>You should then make your own assessment about whether you are required to make a report about the child or young person and to whom the report should be made.</p>

	<p>It is important to remember that the duty to report abuse or suspicions of abuse exists even if the principal, member of the Leadership Team or a representative of Catholic Education Melbourne advises you not to proceed with reporting suspected abuse.</p>
<p>3. Gather and document information</p>	<p>Gather the relevant information necessary to make the report. This should include the following:</p> <ul style="list-style-type: none"> • Full name, date of birth and residential address of the child or young person • Details of the concerns and the reasons for those concerns • Your involvement with the child or young person • Details of any other agencies which may be involved with the child or young person. <p>This information should be collected and documented using <u>Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools</u>. The template is to be used to record as much information as possible to provide when you make your report to either Victoria Police or DHHS Child Protection.</p> <p>It is critical that completing the template does not impact on reporting times – if a child is in immediate danger, school staff need to report the matter to Victoria Police immediately.</p>
<p>4. Make the report</p>	<p>To report concerns which are life-threatening phone 000 or the local police station.</p> <p>Where the source of the abuse comes from within the school; that is, the suspected or alleged abuse involves a school staff member, volunteer, allied health practitioner, officer/office holder, contractor or visitor at the school</p> <ul style="list-style-type: none"> • contact Victoria Police, who will contact DHHS Child Protection when appropriate. • report internally to: <ul style="list-style-type: none"> ○ The principal, or the Leadership Team if the principal is involved in the allegation ○ Catholic Education Melbourne’s Student Wellbeing Information Line (9267 0228). <p>Where the source of the suspected or alleged abuse comes from within the child’s family or community, you must:</p> <ul style="list-style-type: none"> • report sexual abuse and grooming to Victoria Police • report the matter to DHHS Child Protection if you consider the child to be in need of protection due to child abuse, or that they have been, are being or are at risk of being harmed due to any form of abuse, including family violence. If after hours call the Child Protection Emergency Service on 13 12 78. • report internally to: <ul style="list-style-type: none"> ○ the principal, or a member of the Leadership Team if the principal is unavailable ○ Catholic Education Melbourne’s Student Wellbeing Information Line (9267 0228) ○

	At the conclusion of the report, request the email address of the intake worker in order to forward an email to the effect, "I am writing to confirm that I have made a report to Child Protection on [date] regarding [student name]. Please confirm this via return email." Include the return email in the required paperwork.
5. Document written records of report	<p>Make a written record of the report, including the following information:</p> <ul style="list-style-type: none"> • The date and time of the report and a summary of what was reported; • The name and position of the person who made the report and the person who received the report. <p>The information initially recorded in <u>Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools</u> and any additional information provided to either Victoria Police or DHHS Child Protection are to be stored securely and maintained indefinitely by the school to ensure that records are accessible upon requests by external authorities investigating the matter.</p>
6. Additional steps for overseas students	Where a child protection incident, disclosure or suspicion involves an international student at the school and the school has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter for that student (thereby assuming responsibility for the child's accommodation, support and general welfare), the school will also need to contact the Victorian Registration and Qualifications Authority (VRQA).

Reporting that is non-mandatory

All teachers, other school staff members, volunteers, contractors, other service providers, parish priests, and canonical and religious order administrators who are not mandatory reporters have professional and moral (and sometimes legal) obligations to report a child protection incident, disclosure or suspicion. Please refer to your school's protocols in relation to reporting a child protection incident, disclosure or suspicion that is not the subject of a mandatory reporting obligation.

How to report allegations of reportable conduct

The table below describes the information to include when making an allegation of reportable conduct about an employee (persons engaged by the entity such as volunteers, contractors, office holders, school board members and officers of a religious body) at the school. The Reportable Conduct Scheme is in addition to a school staff member's mandatory reporting or criminal reporting obligations.

Any allegations of criminal conduct, including physical violence, significant emotional or psychological abuse, sexual offences and significant neglect must be reported to Victoria Police as the priority. However, school staff members may find they also need to make an allegation of reportable conduct for the same incident.

For further support and advice regarding reporting conduct in Catholic schools under the Reportable Conduct Scheme contact the Employee Relations unit on (03) 9267 0431 or by email on ceoir@cem.edu.au.

Making an Allegation of Reportable Conduct	
Step	Description
1.Keep Notes	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> • a description Of the concerns (eg physical injuries, student behavior) • The source of those concerns (eg observation, report from child or another person) • Any actions taken as a result of the concerns (eg consultation with the principal, report to DHHS Child Protections etc.)
2. Discuss Concerns	<p>As soon as you form reasonable belief that an employee (persons engaged by the entity such as volunteers, contractors, office holders, school board members and officers of a religious body) at the school has engaged in reportable conduct or misconduct that may involve reportable conduct, you must report this allegation to the school's principal or, if the principal is involved in the allegation, the Leadership Team who will notify the Employees Relations unit at Catholic Education Melbourne on (03) 9267 0431 or by email on ceoir@cem.edu.au</p>

What should a principal do about a reportable allegation

Below are the steps that a principal should take if there is a potential reportable allegation. These steps are in *general* order of priority, but the guidance may change depending on the circumstances.

What if a student or another child informs you of a reportable allegation	What if a staff member or another adult informs you of a reportable allegation
<p>1. The first step should always be to ensure the student/child is safe. If you believe a child faces immediate danger or risk of harm, contact Victoria Police on 000.</p> <p>2. When speaking with a child or young person, it is important to remember that if they have decided to speak to you, then there is a good chance they trust you.</p> <ul style="list-style-type: none"> • Give the child or young person your full attention. • Listen calmly and empathically. • Reassure the child or young person that it is right to tell. • Accept the child or young person will disclose only what they are comfortable disclosing and recognise the bravery/strength of the child for talking about something that is difficult. • Let the child or young person take their time. • Let the child or young person use their own words. • Don't make promises you can't keep. 	<p>2. Thank the individual for bringing the allegation to your attention. Offer them support and assistance as necessary. If they are staff members refer them to the Employee Assistance Program (EAP), where available</p>

3. Tell the child or your persons what you plan to do next	3. Explain to the person making the report that the school will manage the concern confidentially and, to protect all parties, they should not discuss the matter.
4. Take a moment to make a record of the allegations. If appropriate, use <u>Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools</u> . You may also make a note in your diary. If a staff member, parent or other adult was present, ask them to make a record as well.	
5. Consider whether you need to refer the matter to Victoria Police or DHHS Child Protection. If necessary, report the matter in accordance with the actions documented in <u>Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools</u> and <u>Four Critical Actions for Schools: Responding to Incidents Disclosures and Suspicions of Child Abuse</u> , using <u>Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools</u> .	
6. If relevant, notify the child's parents following advice in <u>Protect: Identifying and Responding to All Forms of Abuse in Victorian School</u> and <u>Four Critical Actions for Schools: Responding to Incidents, Disclosures, and Suspicions of Child Abuse</u> .	
7. As soon as practicable, contact the Employee Relations Unit for advice (including guidance as to whether the alleged conduct is reportable), support and assistance to discuss the circumstances, and notify the head of entity.	
8. If the matter does involve a reportable allegation, the Employee Relations unit will notify the CCYP with authorisation from the school's head of entity.	
9. Conduct a risk assessment (with the assistance of Employees Relations unit resources) to determine any measures that should be put in place to manage the person against whom allegations have been made, and to protect the student(s)/child(ren) against whom reportable conduct may have occurred.	

If you think you have a reportable allegation, it is important that you:

- Do not say or do anything to suggest to the student that you doubt them or make them feel ashamed to have revealed the allegation.
- do not start investigating the allegation, including unnecessarily questioning the student or speaking with the person who is the subject of the allegation, without conducting a risk assessment; otherwise you may be putting the student, the staff member, the school or the investigation at risk.

Reportable allegation involving the head of entity

- The head of entity (i.e. the head of the school) is the person who is primarily responsible for decision-making for the school. In most primary schools and in diocesan secondary schools, this will generally be a parish priest. In other secondary schools (e.g. congregational), there may be other governance arrangements regarding the identity of the head of entity.

Where a parish priest is the head of entity

- If any person, including any employee of the school, becomes aware of a reportable allegation involving a parish priest, as the head of entity, the person should inform the school principal or, if the principal is involved in the reportable allegation, an appropriate member of the school's Leadership Team, who will notify the relevant Regional General Manager and the Employee Relations unit at Catholic Education Melbourne. In all instances of a reportable allegation of a criminal offence, Victoria Police must be notified.

- The Employee Relations unit will advise the Professional Standards Unit, Catholic Archdiocese of Melbourne, which will notify the CCYP. Alternatively, where a person becomes aware of a reportable allegation involving a parish priest, as the head of entity, but is not able to advise the principal or an appropriate member of the Leadership Team, the person shall directly notify the CCYP and, in the instance of an alleged criminal offence, Victoria Police.

Where the school principal, or other person or body, is the head of entity

- Where the governance arrangements of a school are such that a person, i.e. the school principal, or other person or body, is the head of entity, the following actions are required.
- If any person, including any employee of the school, becomes aware of a reportable allegation involving the school principal, as the head of entity, the person should inform an appropriate member of the school's Leadership Team, who will advise the nominated contact, who will notify the CCYP. In all instances of a reportable allegation of a criminal offence, Victoria Police must be notified.
- If any such person becomes aware of a reportable allegation involving a person or body, other than the school principal, as the head of entity, the person should inform the school principal or, if the principal is involved in the reportable allegation, an appropriate member of the Leadership Team, who will advise the nominated contact, who will notify the CCYP. In all instances of a reportable allegation of a criminal offence, Victoria Police must be notified.
- Where a person becomes aware of a reportable allegation involving, relevantly, the school principal, or other person or body, as the relevant head of entity, but is not able to advise the principal or an appropriate member of the Leadership Team, the person shall directly notify the CCYP and, in the instance of an alleged criminal offence, Victoria Police.
- For more information refer to the [Catholic Education Melbourne Guide to the Reportable Conduct Scheme](#), which has been developed to assist employers, principals and school leaders in understanding and complying with their obligations under the Reportable Conduct Scheme.

ChildFIRST/The Orange Door

If you believe that a child is not subject to abuse, including family violence, but you still hold significant concerns for their wellbeing (e.g. risk-taking behaviour, parenting difficulties, isolation from family or lack of support), **you must still act**. This may include making a referral to or seeking advice from Child FIRST/The Orange Door.

Child FIRST/The Orange Door is a family information, referral and support team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to relevant services.

You should make a report to Child FIRST/The Orange Door if:

- you have a significant concern for a child's wellbeing
- your concerns are about circumstances that have a low to moderate impact on the child
- the child's immediate safety is not compromised
- you and the school have discussed the referral to Child FIRST/The Orange Door with the child's parents/carers, and all parties are supportive of this decision.

Where you believe that the child's parents/carers will not be supportive of the referral, or the child is partaking in any risk-taking activity that is illegal and extreme in nature or poses a high risk to the child or others, you may refer the matter to DHHS Child Protection.

If you are unsure of what action to take in response to your concerns about a child, speak to the principal or a member of the school's Leadership Team, or contact DHHS Child Protection or Child FIRST/The Orange Door for further advice.

For more information refer to Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools.

Making Additional Reports

After you have made a report, you may continue to suspect that a child is at risk and in need of protection. Any further observations should continue to be recorded and a report made on each separate occasion where a belief has been formed – on reasonable grounds – that a child is likely to be at risk and in need of protection. Additional reports should use the same format outlined above in this policy at Critical Action 2: Reporting to Authorities.

If there is any suspicion that this relates to a sexual offence involving a person over 18 and a child under 16, then it must be reported to Victoria Police. For more information, refer to the Failure to disclose section of this policy.

Where a school staff member is aware that another school staff member has formed a reasonable belief about the same child on the same occasion, or based on the same indicators of abuse, and has made a report to the appropriate authority, the first school staff member need not make a further report.

However, if the first school staff member has formed a reasonable belief of abuse or significant risk of abuse to the child based on different observations, further indicators or additional information, a further report must be made to the appropriate authority detailing this additional information.

12.2.12.5 Critical Action 3: Contacting Parents/Carers

Where it is suspected that a child at the school has been or is at risk of being abused, it is critical that parents/carers of the child are notified as soon as practicable after a report is made to the authorities.

The school must always seek advice from Victoria Police or DHHS Child Protection to ensure that it is appropriate to contact the parents/carers.

In circumstances of family violence, schools should:

- take care not to inadvertently alert the alleged perpetrator by notifying parents/carers as it could increase risk of harm to the child, other family members or school staff
- seek advice from DHHS Child Protection or Child FIRST/The Orange Door before alerting parents/carers about safe strategies for communicating with a parent/carer who is experiencing family violence and on recommending family violence support services.

Advice from **Victoria Police or DHHS Child Protection** will depend on a number of factors, including whether:

- the parents/carers of the child are alleged to have engaged in the abuse (including in circumstances of suspected family violence)
- a disclosure to the parents/carers may result in further abuse to the child
- the child is a mature minor (at least 17 years of age and assessed to be sufficiently mature and intelligent to make decisions for themselves) and has requested that their parents/carers not be notified – the school should insist that another responsible adult is notified in lieu of the parents/carers

- the notification of parents/carers would adversely affect an investigation of the matter by external authorities.

Where the suspicion of abuse or risk of abuse has not yet warranted a reasonable belief, parents/carers should also be notified promptly after the school has carefully considered the factors listed above.

In some circumstances, a child may have returned to the care of their parent/carer before advice has been received from Victoria Police or DHHS Child Protection. In these circumstances, a school should not share any information with the parent/carer which may place the child or any other person at risk, or where the child is a mature minor.

For detailed guidance on how to have this conversation with a parent or carer, refer to Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools.

12.2.12.6 Critical Action 4: Providing Ongoing Support

School staff members who witness a child protection incident, receive a disclosure or develop a suspicion of child abuse (including exposure to family violence) have a critical role to play in supporting students impacted by the child protection matter to ensure that they feel supported and safe at the school. Schools also play a critical role in building students' resilience and protective factors, which can reduce the long-term impacts of child abuse by providing them with the opportunity to be supported and heard by a school staff member they trust.

Support provided to students at the school includes:

- regular communicating with the student and their parents/carers where appropriate
- convening a Student Support Group of school wellbeing staff and teachers to plan, support and monitor affected students
- the development of Student Support Plans for students impacted by the incident to ensure appropriate levels of care and support are provided depending on their involvement.

You should contact Catholic Education Melbourne's Student Wellbeing Information Line (9267 0228) for a description of the range of school-based support services that may be available, including SAFEMinds and referrals to family violence services, Centres Against Sexual Assault (CASA) or headspace.

Where external authorities are investigating a report of abuse or risk of abuse, it is the role of the principal to ensure that students are supported throughout interviews at the school. For more information on this topic, refer to School Guidelines 2.19a: Police and DHHS Interview Protocols.

The school has a duty to provide support to school staff members who have witnessed an incident or disclosure, or who have made a report to external authorities about a reasonable belief of child abuse. It is important that schools remember that staff members may have also experienced child abuse (including family violence) or be experiencing family violence and abuse in their own lives. School staff members requiring wellbeing support can contact the school's Employee Assistance Program (EAP) provider.

Information to support Victorian Catholic schools in understanding their obligation to employees and to provide suggestions of how to assist employees experiencing family and domestic violence may be found in the Catholic Education Commission of Victoria Ltd's Family and Domestic Violence: A guide to supporting staff.

The school should conduct a review of the reporting process four – six weeks after a report has been made to identify if any follow-up support actions are needed. Refer to [Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#) for more information.

12.2.13. Potential Consequences Of Making A Report

This table describes the potential consequences of making a report.

Potential consequence	Description
Confidentiality	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> the reporter chooses to inform the child, young person or parent of the report the reporter consents in writing to their identity being disclosed a court or tribunal decides that it necessary for the identity of the reporter to be disclosed, to ensure the safety and wellbeing of the child a court or tribunal decides that, in the interests of justice, the reporter is required to provide evidence.
Professional Protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter the reporter cannot be held legally liable in respect of the report.
Interviews	<p>DHHS Child Protection and/or the Police may conduct interviews of children and young people at the school without their parent's knowledge or consent.</p> <ul style="list-style-type: none"> Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner. DHHS Child Protection and/or the Police will notify the principal or a member of the Leadership Team of their intention to interview the child or young person on the school premises. When DHHS Child Protection practitioners/police officers come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person. When a child or young person is being interviewed by DHHS Child Protection and/or the Police, school staff must arrange to have a supportive adult present with the child or young person. <p>For more information on these requests and school responsibilities, see Catholic Education Melbourne's School Guidelines 2.19a: Police and DHHS Interview Protocols.</p>
Support for the child or young person	<p>The roles and responsibilities of the principal or other school staff in supporting children who are involved with DHHS Child Protection may include the following:</p> <ul style="list-style-type: none"> acting as a support person for the child or young person attending DHHS Child Protection case-planning meetings observing and monitoring the child's behaviour liaising with professionals.

Potential consequence	Description
Requests for Information	<p>DHHS Child Protection and/or Child FIRST/The Orange Door and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.</p> <p>In certain circumstances, DHHS Child Protection can also direct school staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection. Refer to <u>Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools</u>.</p>
Witness Summons	<p>If DHHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings. See Catholic Education Melbourne's <u>School Guidelines 2.19a: Police and DHHS Interview Protocols</u>.</p>

12.2.14. Responding to Complaints or Concerns

The school may receive concerns or complaints about school staff management of a child protection incident. These complaints or concerns may be voiced by parents/carers or others within the school community.

The school should follow its internal complaints handling process to ensure that all complaints, concerns or feedback on school policies or processes are effectively captured and appropriately managed.

It is important that, as a first step, the school ensures that the complaint does not raise concerns that child abuse or a risk of child abuse has gone unreported.

If this is the case, the school should follow the [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) to ensure that any new information received through a complaint or concern from a member of the school community is reported to authorities where required.

12.2.14.1 Guiding Principles

Any current or past student from Emmanuel College has the right to make a complaint about any aspect of their school experience.

Complainants who raise allegations of a criminal act will be advised of their right to make a formal complaint to the Police.

All complaints will be taken seriously and will be addressed and responded to as soon as possible.

In circumstances in which students at Emmanuel College have suffered abuse whilst at the school, the school accepts responsibility to support and assist that person, whether it is a current or former student.

When Emmanuel College believes that a complaint should be upheld, the response from the school will include some form of reparations.

Reparations may include, but will not be limited to

- (a) Acknowledgement of any failures in the Emmanuel College duty of care.
- (b) Provision of a formal apology in a format and manner agreed with the complainant.
- (c) Assistance with access to counselling or other support services.
- (d) Remedial actions to prevent the reoccurrence of any similar acts of sexual abuse against Emmanuel College students.
- (e) A financial payment

Reparations may only be offered to the claimant, victim or victims with the recommendation of the Principal and the Emmanuel College Board and approval of the Canonical Administrators.

The Child Safety-Reporting Policy will:

- Be based on principles of procedural fairness for all parties.
- Treat complainants respectfully, supportively and professionally.
- Be as open and transparent as possible, whilst respecting people's rights to privacy and confidentiality.
- Take a humane view, rather than a legalistic approach.
- Reflect a commitment to address past grievances and provide a pathway towards recovery and healing.
- Endeavour to ensure staff maintain confidentiality and appropriate record-keeping.
- Consider the complainant's expressed wishes, gender, culture, language and accessibility, throughout the process.
- Respect the rights of the alleged perpetrator with regard to untested allegations.
- The College will always release its student file to a complainant, subject to "blinking out"/removing material that would identify others (breach the privacy rights of other persons).
- Use de-identified information where it is possible to do so, in the course of the investigation.
- Where a crime appears to have been committed, the complainant will be encouraged to report it to the Police.
- The School will always act in a way consistent with its legal and ethical obligations. The authorities will always be advised, where that is mandated under law, or in circumstances where the School views that as appropriate to prevent further harm (eg where the perpetrator is still teaching at the School or elsewhere). To this extent, the School may not be able to provide an undertaking as to confidentiality to either the complainant or the alleged perpetrator.

The College will investigate all complaints in relation to sexual abuse that may have occurred to students in its care.

- A complaint is a registration of dissatisfaction with the School, lodged verbally or in writing by a complainant or their representative. A complaint may be related to a specific episode, occurrence of failure in provision of service that has resulted in an impact on an individual or group. A general expression of concern is not a complaint.
- A complaint may be made by a person who was the victim of the alleged conduct, or their representative. Where the complainant is not the victim, they will need to demonstrate that they have the authorisation of the victim to make the complaint.
- A complaint may relate to the conduct of a current or past employee, contractor, volunteer or student.

- When received initially by reception or frontline staff, the complainant should be referred to the Principal.
- The Principal will explain and refer the complainant to the Emmanuel College Child Protection Reporting Policy and will encourage the complainant to outline their complaint in writing, if not already done so.
- In accordance with Privacy legislation, Emmanuel College will provide the complainant with full access to and copies of any information and records that contain information about their time at Emmanuel College.
- The Principal will offer the support of the School Counsellor. The Canonical Administrators will be informed about the alleged abuse. The Principal will advise other relevant authorities, eg to the Chair of the Board, CEM, the Police in accordance with Ministerial Order No 870.
- Should the complainant decide that they do not wish to proceed with the complaint, the Principal will offer appropriate support persons or organisations.
- Emmanuel College may seek to proceed with an investigation after a complaint has been withdrawn where it deems it appropriate to do so, especially when it holds concerns for the welfare of any current or former students. Emmanuel College will comply with all recommendations of Ministerial Order No 870

12.2.14.2 Investigations

When the School is made aware of specific allegations/rumours/hearsay, then it will record the specific details in writing, in so far as they can be ascertained, and it will act in accordance with Ministerial Order No 870.

It **will** investigate these matters:

- If formalised as a complaint; or
- If a current student is alleged to have been abused.

It **may** investigate them if it believes this to be appropriate and, in making this decision, will have regard to factors such as:

The particular circumstances involved

- Whether corroborative evidence exists (eg similar allegations against an alleged perpetrator).
- Whether there is a reasonable belief that further harm could be done (eg the alleged perpetrator is still teaching at the School or elsewhere). ?
- The potential impact on the alleged victim.

Incidents involving a current student

The College would follow the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* and would involve the Campus Leader in the initial investigation.

Incidents involving a past student

Any allegations or complaints made by a past student or his or her representatives are to be referred to the Principal [or delegate] who will make the initial contacts and notes.

- The Canonical Administrators shall be informed as soon as possible.
- The welfare of the past student is paramount. Immediate access to counselling services is to be offered, as appropriate.

- The College will, as far as possible, seek to adopt an investigative process sympathetic to the complainant and appropriate to the circumstances.
- The Principal will convene a meeting with relevant Senior Staff to plan an investigation and record all relevant dates, details, names and locations. They may choose to use an outside agency such as the CEM at this point to ensure a balanced and professional investigation process. Insurers will be informed and may become involved when/if formal legal claims are made.
- All evidence will be given to the Canonical Administrators who will discuss the outcome of the investigation and decide on further action.
- All decisions will be explained and relayed personally to the complainant at the end of the investigative process.
- Should there be grounds for criminal investigation, the complainant will be strongly urged to refer the matter to the Police or, in matters of mandatory reporting, Emmanuel College will report the matter itself.

Incidents involving a current staff member

Any allegations or complaints made about a current staff member are to be referred to the Deputy Principal – Campus Leader who will make the initial contacts and notes.

- The Principal shall be informed as soon as possible and they will inform the Canonical Administrators.
- The School will, as far as possible, seek to adopt an investigative process sympathetic to the complainant and appropriate to the circumstances.
- The staff member will be informed of allegations against them and be asked to take leave with pay while the matter is investigated
- The Deputy Principal will convene a meeting with relevant staff to plan an investigation and record all relevant dates, details, names and locations. The CEM will be advised and invited oversee the process to ensure a balanced and professional investigation. Insurers will be informed and may become involved when/if formal legal claims are made.
- All evidence will be given to the Canonical Administrators who will discuss the outcome of the investigation and decide on further action.
- All decisions will be explained and relayed personally to the complainant at the end of the investigative process.
- Should there be grounds for criminal investigation, the complainant will be strongly urged to refer the matter to the Police or, in matters of mandatory reporting, Emmanuel College will report the matter itself.

Incidents involving a past student

- Any allegations or complaints made about a past staff member are to be referred to the Principal who will make the initial contacts and notes.
- The Canonical Administrator shall be informed as soon as possible and CEM advised.
- The College will, as far as possible, seek to adopt an investigative process sympathetic to the complainant and appropriate to the circumstances.
- The Principal will convene a meeting with relevant staff to plan an investigation and record all relevant dates, details, names and locations. The CEM will be advised and invited oversee the process to ensure a balanced and professional investigation. Insurers will be informed and may become involved when/if formal legal claims are made.

- All evidence will be given to the Canonical Administrators who will discuss the outcome of the investigation and decide on further action.
- All decisions will be explained and relayed personally to the complainant at the end of the investigative process.
- Should there be grounds for criminal investigation, the complainant will be strongly urged to refer the matter to the Police or, in matters of mandatory reporting, Emmanuel College will report the matter itself.

If this is the case, the school should follow the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* to ensure that any new information received through a complaint or concern from a member of the school community is reported to authorities where required.

12.2.15 Related Resources

For Further guidance see the College Staff Handbook, notably the following sections

- Child Safety Code of Conduct
- Student Behaviour Policy
- Anti Bullying Policy
- Child Friendly Edition of the Child Safety Policy

APPENDIX 1 – FOUR CRITICAL ACTIONS FOR SCHOOL

FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

YOU MUST TAKE ACTION

As a school staff member, you play a **critical role** in protecting children in your care.

- You **must** act, by following the Four Critical Actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief* that a child has, or is at risk of being abused.
- You **must** act if you form a suspicion/ reasonable belief, even if you are unsure and have not directly observed child abuse (eg. if the victim or another person tells you about the abuse).
- It is strongly recommended that you use the **Responding to Suspected Child Abuse template** to keep clear and comprehensive notes, even if you make a decision not to report.

* A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to **Action 2**.

If a child is at immediate risk of harm you **must** 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.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

2 REPORTING TO AUTHORITIES / REFERRING TO SERVICES

As soon as immediate health and safety concerns are addressed you **must** report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Q: Where does the source of suspected abuse come from?

WITHIN THE SCHOOL

VICTORIA POLICE

You **must** report all instances of suspected child abuse involving a school staff member, contractor, volunteer or visitor to Victoria Police.

You **must also** report **internally** to:

GOVERNMENT SCHOOLS

- School principal and/or leadership team
- Employee Conduct Branch
- DET Security Services Unit.

CATHOLIC SCHOOLS

- School principal and/or leadership team
- Diocesan education office.

INDEPENDENT SCHOOLS

- School principal and/or school chairperson
- Commission for Children and Young People on **1300 782 978**.

All allegations of 'reportable conduct' **must** be reported as soon as possible to:

GOVERNMENT SCHOOLS

- Employee Conduct Branch

CATHOLIC SCHOOLS

- Diocesan education office

INDEPENDENT SCHOOLS

- Commission for Children and Young People on **1300 782 978**.

WITHIN THE FAMILY OR COMMUNITY

DHHS CHILD PROTECTION

You **must** report to DHHS Child Protection if a child is considered to be:

- in need of protection from child abuse
- 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.

VICTORIA POLICE

You **must also** report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You **must also** report **internally** to:

GOVERNMENT SCHOOLS

- School principal and/or leadership team
- DET Security Services Unit.

CATHOLIC SCHOOLS

- School principal and/or leadership team
- Diocesan education office.

INDEPENDENT SCHOOLS

- School principal and/or chairperson.

OTHER CONCERNS

If you believe that a child is not subject to abuse, but you still hold **significant concerns** for their wellbeing you **must** still act. This may include making a referral or seeking advice from:

- Child FIRST/The Orange Door (in circumstances where the family are open to receiving support)
- DHHS Child Protection
- Victoria Police.

3 CONTACTING PARENTS/CARERS

Your principal **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact** the parents/carer (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 must 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.

4 PROVIDING ONGOING SUPPORT

Your school **must** provide support for children impacted by abuse. This should include the development of a **Student Support Plan** in consultation with wellbeing professionals. This is an essential part of your duty of care requirements. Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support.

You **must** follow the **Four Critical Actions** every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

CONTACT

DHHS CHILD PROTECTION

AREA
North Division **1300 664 9777**
South Division **1300 655 795**
East Division **1300 360 391**
West Division (Rural) **1800 075 590**
West Division (Metro) **1300 664 9777**

AFTER HOURS

After hours, weekends, public holidays **13 1278**.

CHILD FIRST

<https://services.dhhs.vic.gov.au/referral-and-support-teams>

ORANGE DOOR

<https://www.vic.gov.au/familyviolence/the-orange-door.html>

VICTORIA POLICE

000 or your local police station
DET SECURITY SERVICES UNIT
(03) 9589 6266

STUDENT INCIDENT AND RECOVERY UNIT

(03) 9651 3622

EMPLOYEE CONDUCT BRANCH

(03) 9637 2595

DIOCESAN OFFICE

Melbourne (03) 9267 0228
Ballarat (03) 5337 7135
Sale (03) 5622 6600
Sandhurst (03) 5443 2377

INDEPENDENT SCHOOLS VICTORIA

(03) 9825 7200

THE LOOKOUT

The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence: <http://www.lookout.org.au>

Family violence victims/survivors can be referred to **1800 Respect** for counselling, information and a referral service: **1800 737 732**.



August 2018 Edition

PROTECT

THE EDUCATION

VICTORIA

GOVERNMENT

CCECV

Child Education Centre of Victoria

CCECV

CCECV

APPENDIX 2 – REPORTING CRITERIA: FAILURE TO DISCLOSE

In accordance with the *Crimes Act 1958* (Vic.), this table sets out when to report a concern that a child or young person has been sexually abused or is in need of protection from sexual abuse.

Type of Reporting	By Whom	To Whom
<p><i>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</i></p> <p>Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to Victoria Police.</p> <p>You will not be guilty of an offence if you do not report in the following circumstances:</p> <ul style="list-style-type: none"> The victim is 16 years of age or older and does not want the information reported to the Police. However, this exception does not apply where the victim is aged under 16 years, or is aged over 16 years and has an intellectual disability and does not have the capacity to make an informed decision about whether or not to report. The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner, counsellor or in religious confession to a member of the clergy. A 'counsellor' is a person who is treating a person for an emotional or psychological condition. <p>Please note that mandatory reporting obligations under the under the <i>Children, Youth and Families Act 2005</i> (Vic.) may override the exceptions to making a disclosure under the <i>Crimes Act 1958</i> (Vic.)</p> <p>The National Catholic Education Commission (NCEC) <u>Privacy Compliance Manual</u> (updated by the Catholic Education Commission of Victoria Ltd (CECV): in April 2018) also provides details relating to the role of school counsellors and their obligations to students, the school at which the students are enrolled and the parents of those pupils (refer to Section 25).</p> <p>Where it is necessary for school counsellors to directly pass on information, which relates to the wellbeing of a student at a school, this information must be conveyed to a person (i.e. school principal) who has a legal obligation to receive it without betraying confidence (Section 25.3). A mandatory report may then need to be made by the person who receives the information (eg the school principal).</p> <p>Reasonable excuses for failing to report to Victoria Police any reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 include:</p> <ul style="list-style-type: none"> a reasonable belief that the information has already been reported to the Police or DHHS Child Protection The victim turned 16 years of age before 27 October 2014. a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm. 	Any person aged 18 or over.	<u>Victoria Police</u>

APPENDIX 3 - CEM SCHOOL GUIDELINES 2.19a - POLICE AND DHHS INTERVIEW PROTOCOLS

These Guidelines are to be read in conjunction with Policy 2.19 PROTECT: Identifying and responding to abuse – Reporting obligations (updated March 2019).

Catholic Education Melbourne is committed to supporting schools to take a proactive role in the care, wellbeing and protection of children and young people.

PURPOSE

These guidelines are designed to assist Principals to:

- understand and comply with their legal requirements when a request is made by Victoria Police or Department of Health and Human Services (DHHS) Child Protection workers to interview students regarding child protection incidents
- cope with what are often stressful and delicate situations.

BACKGROUND

As law enforcement officers, Victoria Police has broad powers to investigate, question, search and detain. For the most part, Victoria Police will conduct interviews of witnesses and suspects at the police station. However, there will be rare urgent circumstances in which Victoria Police may wish to interview a student under the age of 18 at school. How this should be approached will depend upon whether the student concerned is:

- a victim
- a witness
- a suspect

Victoria Police should only interview children at school as a matter of urgency or necessity. DHHS Child Protection workers also have wide powers to investigate and obtain information that is relevant to the protection or development of a child.

Interviews by DHHS Child Protection workers would normally be carried out in the home with parents/carers present but, as for Victoria Police, there will be occasions when DHHS Child Protection workers need to interview a child at school as a matter of urgency or necessity.

GENERAL PROTOCOLS

Principal's must:

- facilitate interviews requested by Victoria Police or DHHS Child Protection workers
- advise children or young people of their right to have an independent supportive adult, parent or carer present at such an interview.

Note: An independent supportive adult may be the principal or a teacher as long as a conflict of interest does not exist. From a practical perspective, this might include a situation where the principal or teacher is related to the perpetrator of the child protection incident, the child is a family member, or the principal or teacher may be the perpetrator

- arrange for the child to choose an independent supportive adult to be present

- balance their obligation to protect the rights of students with their obligation to assist Victoria Police and DHHS Child Protection in their exercise of duty
- ensure there is someone acting as an independent supportive adult for students interviewed at school by Victoria Police or DHHS Child Protection workers
- observe confidentiality at all times in the management of a mandatory reporting or criminal case.

If legal assistance is required, contact Catholic Education Melbourne's Legal Services unit in the first instance.

Important: Neither Victoria Police nor DHHS Child Protection are permitted to interview a student at school unless someone is acting as an independent supportive adult for that student.

CONTACTING PARENTS /CARERS PRIOR TO VICTORIA POLICE OR DHHS CHILD PROTECTION INTERVIEWS.

Before contacting parents/carers, principals must seek advice from Victoria Police or DHHS Child Protection (depending on who the report was made to) to determine if parents/carers should be present at an interview.

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 practicable. This enables parents/carers to take steps to:

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

However, there are some circumstances where contacting parents/carers may place a child at greater risk.

This is why, before contacting parents/carers, the principal (or delegate) must contact Victoria Police or DHHS Child Protection (depending on who the report was made to). They will advise the principal (or delegate) about whether it is appropriate to contact parents/carers at this stage.

STUDENT AS A VICTIM OR WITNESS

When principals allow interviews to take place involving students who may be victims or witnesses, they should:

- support and encourage the student to provide as much information as possible
- inform the student that a note of the circumstances and the content of the interview will be made and communicated to their parents/carers as soon as possible, unless doing so causes a risk of abuse (including family violence).

If Victoria Police asks to speak with a student who has allegedly been abused by another child, this should preferably be done in the presence of the student's parents/carers or another independent supportive adult who is not a school staff member.

By 'independent adult', this means a person aged 18 or over who is not directly connected to the school or to the case being investigated by Victoria Police. For example, a social worker, doctor or nurse, volunteer from the local community (e.g. a youth leader) or legal representative.

If the matter is urgent and the school is unable to find an independent adult, or if the school is unsure about who an independent adult may be in a particular context, the school should call Catholic Education Melbourne's Student Wellbeing Information Line (9 am – 5 pm weekdays) on 9267 0228.

The following table describes how principals should determine when to grant an interview request with a student who may be a victim or witness.

WHEN THE PRINCIPAL	THEN THE PRINCIPAL SHOULD
<ul style="list-style-type: none"> Is asked to allow a child or young person to be interviewed at school 	<ul style="list-style-type: none"> Ensure that the child's parents/carers are present where it is practical and appropriate to make these arrangements. <p>If a parent/carer cannot be present, an independent supportive adult must be present during the interview</p>
<ul style="list-style-type: none"> is asked to allow a child or young person to be interviewed at school without the parents/carers present 	<ul style="list-style-type: none"> allow the interview if there are reasonable grounds to exclude the parents/carers from the interview. <p>Example: The interview relates to an allegation of abuse involving parents, carers, siblings or other members of the student's family, or a person with some relationship to the family, and the student is supported by an independent adult</p>
<ul style="list-style-type: none"> is satisfied that immediate action is necessary and cannot contact the parents/carers or the parents/carers do not agree 	<ul style="list-style-type: none"> allow the interview, with the principal or suitable delegate representing the parents/carers, so long as a conflict of interest does not exist. <p>If a conflict exists, an independent supportive adult must be present – this may be a senior staff member at the school</p>
<ul style="list-style-type: none"> is not satisfied that immediate action is required 	<ul style="list-style-type: none"> only allow the interview when a parent/carer or their nominee is present, or the parents/carers authorise the principal to act as their representative
<ul style="list-style-type: none"> is informed that a number of students need to be interviewed in order to identify potential witnesses 	<ul style="list-style-type: none"> only allow the interview: <ul style="list-style-type: none"> to identify witnesses for further interviews to take place with a parent/carer or suitable delegate authorised by the parents/carers (such as the principal) to act as their representative.

STUDENT AS A SUSPECT

If a student under 18 years of age is suspected of having committed a crime, Victoria Police cannot question the student unless a parent or carer is present. If a parent or carer is not available and the principal is satisfied the matter is urgent, an independent supportive adult must be present.

If Victoria Police asks to speak with a student under the age of 18 who has allegedly abused another child, this should be done in the presence of the student's parents/carers or another independent supportive adult who is not a school staff member.

By 'independent adult', this means a person aged 18 or over who is not directly connected to the school or to the case being investigated by Victoria Police. For example, a social worker, doctor or nurse, volunteer from the local community (e.g. a youth leader) or legal representative.

If the matter is urgent and the school is unable to find an independent adult, or if the school is unsure about who an independent adult may be in a particular context, the school should call Catholic Education Melbourne's Student Wellbeing Information Line (9 am – 5 pm weekdays) on 9267 0228. A student suspect must be given the chance to talk to their parent/carers or an independent adult in a place where they won't be overheard (section 464E of the Crimes Act 1958 (Vic.)).

However, Victoria Police does not have to wait until the parent, carer or independent adult is present where:

- communication would result in the escape of an accomplice or the destruction of evidence
- the safety of other people means that questioning should not be delayed.

A student suspected of perpetrating abuse will only be interviewed by Victoria Police at school without a parent or carer present in very urgent and extreme situations.

When approached by Victoria Police and advised that a student suspect is to be interviewed, the principal must:

- try to advise the parents/carers of the situation
- inform the student that a note of the circumstances and the content of the interview will be made and communicated to their parents/carers as soon as possible
- ensure that an independent supportive adult is present at the interview if the student's parents/carers are unavailable.

In cooperating with a legitimate request from Victoria Police, the principal should always consider:

- their duty of care to the student
- their duty of care to all other students at the school
- the rights of the parents/carers.

ACTING IN THE ABSENCE OF PARENTS/CARERS

This table provides guidance on how the principal should act in the absence of parents/carers.

WHEN THE PARENT/CARERS	THEN THE PRINCIPAL SHOULD ALLOW THE INTERVIEW IF THE QUESTIONING OR INVESTIGATIONS
<ul style="list-style-type: none"> cannot be present because they: <ul style="list-style-type: none"> cannot be contacted have not authorised the principal or their delegate to act as their representative 	<ul style="list-style-type: none"> is urgently necessary to avert injury to others or a miscarriage of justice
<ul style="list-style-type: none"> do not agree to the interviews 	<ul style="list-style-type: none"> is so urgent for the safety of other people that it should not be delayed.

DUTIES OF EMPLOYEES AS PARENTS/CARER REPRESENTATIVES

WHEN	THE EMPLOYEE SHOULD
At all times	support the student ensure the student understands what is happening ensure the student understands their rights
Before the interview	be aware that: <ul style="list-style-type: none"> in more serious cases, the most appropriate advice may be that there is no compulsion to answer police questions and the student should seek legal advice in less serious cases, the most appropriate advice may be to cooperate fully with Victoria Police inform the student that, although it is advisable to do so, they are not legally obliged to provide their name and address to Victoria Police unless: <ul style="list-style-type: none"> they are driving a motor vehicle Victoria Police has reasonable grounds to believe that the student has committed or is about to commit an offence, or the student can assist in the investigation of an indictable offence Victoria Police or an officer authorised under the Transport (Compliance and Miscellaneous) Act 1983 (Vic.) has reasonable grounds to believe that the student has committed or is about to commit an offence against the Transport Act or its Regulations, such as travelling on a train without a valid ticket

WHEN	THE EMPLOYEE SHOULD
During the interview	<p>focus on supporting the student</p> <p>refrain from providing their own opinions or account of events</p> <p>refrain from asking the student questions about the offence or their guilt, or acting as an authority figure</p> <p>ensure that they will be in a position to give an accurate account of the interview in any court proceedings, either by taking notes during the interview or making a note immediately afterwards.</p>

COMPLYING WITH SUBPEONAS OR COURT ATTENDANCE

A subpoena or witness summons is a court order that compels an individual to either produce documents or attend court and give evidence, or both.

The principal or another school staff member will usually be issued with a subpoena or witness summons because a party to legal proceedings believes that the school, the principal or a staff member has information or documents that are relevant to the proceedings.

For advice and support in relation to complying with subpoenas or witness summons, the school can contact Catholic Education Melbourne's Legal Services unit on 9267 0228.

FURTHER INFORMATION

Catholic Education Melbourne's Student Wellbeing Information Line can be contacted between 9 am and 5 pm weekdays on 9267 0228.

The Student Wellbeing Information Line seeks to:

- address matters that impact the wellbeing and educational outcomes of young people arising in Catholic school communities across the Archdiocese of Melbourne using a solution-focused framework
- act as a conduit between the school and family to promote effective communication and resolution of enquiries
- empower and enhance the capacity, competence and confidence of stakeholders to address matters related to the wellbeing of young people.

Date	Comment (e.g. major review, minor review)
19 April 2017	Minor – Updates provided by CEM 24 March
May 2018	Updates from Leadership Review
May 2019	Full Review with recommended CEM updates April 2019

APPENDIX 4 - SCHOOL'S INTERNAL PROCESS AND RELATED DOCUMENTS

Our school records any child safety complaints, disclosures or breaches of the Child Safety Code of Conduct, and stores the records in accordance with security and privacy requirements. Our school complies with legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005* (Vic.), the *Crimes Act 1958* (Vic.) and the recommendations of the *Betrayal of Trust* report available for download at <http://www.parliament.vic.gov.au/fcdc/article/1788>.

Child protection reporting obligations fall under separate pieces of legislation with differing reporting requirements.

Emmanuel College adopts the **CEM Policy 2.19: Child Protection – Reporting Obligations**.

This policy sets out the actions required under the relevant legislation when there is a reasonable belief that a child at our school is in need of protection or a criminal offence has been committed, and provides guidance and procedures on how to make a report.

Our policy assists staff, volunteers and families to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a 'reasonable belief' is formed
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law.

Emmanuel College has also established internal processes to ensure that appropriate action is taken to respond to concerns about the wellbeing and/or safety of a student. [See Appendix 3]

In accordance with the relevant legislation, any school employee, volunteer, contractor or religious cleric employed by or affiliated with Emmanuel College who has evidence that a student has been abused MUST report the matter immediately to the relevant authority or authorities, and to the Emmanuel College Principal.

In accordance with the relevant legislation, any school employee, volunteer, contractor or religious cleric employed by or affiliated with Emmanuel College who has evidence that a student has been abused MUST report the matter immediately to the relevant authority or authorities, and to the Emmanuel College Principal.

Any person within the Emmanuel College school community, including staff, volunteers, parents or students, who is beginning to have concerns regarding the safety of a student at Emmanuel College should discuss these concerns with the Campus Leader/Pastoral Leader who will provide advice and guidance. The Campus/Leader Pastoral Leader will maintain open lines of communication with the Campus Leader/Principal, keeping the Principal up-to-date with any possible action that is being considered in relation to any student whose safety is beginning to be suspected of being at risk.

Should concerns for a student's wellbeing escalate to the level that a reasonable person would believe that the student is at risk of harm, the person who has brought the risk to light will be directed to report the matter to the Principal immediately, or in the Principal's absence, to the Deputy Principal. The Principal or Deputy Principal will work with the person to take all actions required by the relevant legislation on child safety.

Internal Process

Any School staff member who believes on reasonable grounds that a child or young person is in need of:

- protection from physical harm or sexual abuse – must report their concerns to DHHS Child Protection
- protection from harm that is not believed to involve physical harm or sexual abuse – are encouraged to report their concerns to DHHS Child Protection
- protection from the predatory conduct of grooming – must report their concerns to the police
- therapeutic treatment – are encouraged to report their concerns to DHHS Child Protection or Child FIRST.

Procedures

In order to decide whether a report should be made to Child Protection and/or the Police, staff should follow the process outlined below:

- a. form a reasonable belief as outlined in Section 1.2 of **CEM POLICY 2.19** and **PROTECT**, record and maintain confidential notes of their concerns and observations and/or discussions with the student which led to them forming a reasonable belief that the student was at risk;
- b. inform and consult with one of the following senior staff as soon as is practical:
 - The student's House Leader
 - Pastoral Leader
 - Campus Leader
 - Member of the Student Support Team [Counsellor]
 - Principal
- c. review the information with the relevant staff as outlined above: The purpose of this discussion is to support the teacher in preparing to make a report if required and to clarify the nature of concerns

Make the decision whether to make a report to DHHS Child Protection/Police or Child FIRST. The Principal will be informed at this stage if that has not already been done.

Once the decision to make the report has been made, normally the staff member who has formed the reasonable belief will contact DHHS Child Protection/Police to make the report. It is therefore important that the staff member who formed the reasonable belief has kept detailed notes of their observations and concerns. These notes should be in a separate file, should be kept confidential and held securely. A support person may sit with the teacher while they are making the report and assist in preparing required information about the child eg. Name, DOB etc

In some cases it may be more appropriate for a member for the relevant Student Welfare Officer to make the report. The staff member who formed the reasonable belief will be expected to make available their notes to the Student Welfare Officer making the report.

If it is alleged, or a reasonable belief is formed, that a member of the School staff is involved in the abuse of a student, or in grooming activities, the Principal will be informed immediately, and the Principal will inform Catholic Education Melbourne immediately.

A pastoral support team will be established to assist the student as, and when, the need arises. The support team will normally consist of:

- a. House Leader
- b. Pastoral Leader
- c. Member of Student Support Team [counsellor]
- d. Campus Leader

If the student is an Aboriginal or Torres Strait Islander student, the Principal must notify Catholic Education Melbourne to ensure the regional Aboriginal or Torres Strait Islander support officer can arrange appropriate support for the student.

If interviews of the student, about whom the report is made, are to take place at the School by external organisations such as, but not limited to, DHHS Child Protection or Police, a member of the student's Pastoral Support Team will be present at all interviews to support the student. The college will follow the **CEM School Guidelines 2.19a: Police and DHHS Interview Protocols**

Any actions taken by any member of the Pastoral Support Team in support of the student will be documented and added to the student's secure confidential file. This will include record of any interviews with the student held by school or external personnel.

The staff member will be supported by the Emmanuel College Leadership Team, or its delegate, at the time of the report, and following the report being made.

If the concern about a student is related to grooming activities, the staff member who has formed the belief that such activities are taking place should follow the same procedure as outlined above. In addition to DHHS being contacted, the matter will also be reported to the Police.

It is essential that staff members do not promise confidentiality to any student, in these or any other circumstances. To do so may place the staff member in a difficult situation regarding the best course of action to take to help the student. If a student asks for confidentiality, prior to or after a disclosure of any sort, the best response is to indicate:

- a. concern for the student's safety or wellbeing,
- b. the need to seek the advice of a House Leader, Pastoral Coordinator, Student Support Team Member, Campus Leader to work out what might be the best way to get the student the help they need.
- c. If the student then refuses to discuss the issue with the staff member, and the staff member's knowledge of the student leads them to be concerned for the wellbeing of that student, the staff member must contact the student's House Leader or Pastoral Leader or Campus Leader immediately.

12.3. CHILD SAFETY - CODE OF CONDUCT

Emmanuel College, sharing the mission of the Church and the principles of a Marianist education, with its devotion to Mary, the Mother of Jesus, delivers Catholic secondary education, directed particularly to the young women and men from the parishes of the region, supporting all dimensions of their growth and learning, faith, intellectual, emotional, social, psychological and physical.

At Emmanuel College we hold the care, safety and wellbeing of children and young people as a central and fundamental responsibility of our school. Our commitment is drawn from and inherent in the teaching and mission of Jesus Christ, with love, justice and the sanctity of each human person at the heart of the gospel (CECV Commitment Statement to Child Safety).

The person of each individual human being, in his or her material and spiritual needs, is at the heart of Christ's teaching: that is why the promotion of the human person is the goal of the Catholic school (Congregation for Catholic Education 1997, n. 9).

Our values are underpinned by our commitment to bear witness to the following shared values as modelled by Jesus Christ and exemplified in the life of William Chaminade:

Justice	Respect	Responsibility	Honouring	Diversity	Honesty
Compassion	Commitment & Endeavour.				

The essence of the College is learning and teaching, with faith education, and the safety of our young people, as a primary focus.

12.3.1 Purpose

This Code of Conduct has a specific focus on safeguarding children and young people at Emmanuel College against sexual, physical, psychological and emotional abuse or neglect. It is intended to complement child protection legislation, School policies and code of conduct in relation to child safety, mandatory reporting and safety of young people and Victorian Institute of Teaching Codes of Conduct as these apply to staff and personnel.

All staff, volunteers, contractors, clergy and board members at Emmanuel College are expected to actively contribute to a school culture that respects the dignity of its members and affirms the Gospel values of love, care for others, compassion and justice. They are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, by

1. **Upholding the primacy** of the safety and wellbeing of students.
2. **Empowering members of the Emmanuel community** to have a voice and raise concerns in matters of child safety.
3. **Implementing simple, clear and effective practices** in risk-management and employment regarding child safety.

Upholding the primacy of the safety and wellbeing of students - All staff, volunteers, contractors, clergy and board/school council members are responsible for upholding the primacy of the safety and wellbeing of students by:

- adhering to Emmanuel College's child-safe policy and upholding the school's statement of commitment to child safety at all times
- taking all reasonable steps to protect the young people in our care from abuse
- treating everyone in the school community with respect modelling positive and respectful relationships and acting in a manner that sustains a safe, educational and pastoral environment

- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander young people
- promoting the cultural safety, participation and empowerment of young people with culturally and/or linguistically diverse backgrounds
- promoting the safety, participation and empowerment of young people with a disability
- if an allegation of child abuse is made, ensuring as quickly as possible that the young person /people are safe in accordance with the schools Child Safety Policy
- ensure that the appropriate protocol is followed with regard to the authorisation of the relevant Campus Administration Team for school-related contact with a College student outside scheduled school hours eg inter-school competition; incursions/excursions; learning assistance; sports training
- ensure that this code of conduct is followed in any interactions with College students or other young people outside scheduled school hours eg chaplains and Sunday Mass; coaching of local sports teams; attendance at local events

In upholding the primacy of the safety and wellbeing of students - All staff, volunteers, contractors, visitors, clergy and board members must not:

- exhibit behaviours with young people which may be construed as unnecessarily physical
- engage in open discussions of a mature or adult nature in the presence of young people unless directly related to the curriculum (for example, personal social activities)
- use inappropriate language in the presence of young people
- express personal views on culture, race or sexuality in the presence of young people
- discriminate against any young person, on the basis of age, gender, race, culture, vulnerability, sexuality, ethnicity or disability
- photograph or video a young person, except in the case of activities connected with learning and teaching, without the consent of the parent or guardians
- work with a young person while under the influence of alcohol or illegal drugs
- in the school environment, or at other school events where students are present, consume alcohol contrary to school policy or take illicit drugs under any circumstances
- have contact with a young person or their family outside of school without the school's leadership team's knowledge (for example, unauthorised after-hours tutoring, private instrumental/other lessons or sport coaching). This does not include accidental contact, such as seeing people in the street. Staff who will have contact with students outside the college setting, should list these known interactions with student at the bottom of this Code of Conduct. This enables a 'culture of awareness to be created whereby, through a range of diverse activities and associations, staff do not compromise themselves in relation to the Child Safe Standards.**
- have school-related contact with a College student outside scheduled school hours without the authorisation of the relevant Campus Administration Team eg inter-school competition; incursions/excursions; learning assistance; sports training

Empowering members of the Emmanuel community to have a voice and raise concerns in matters of child safety –

All staff, volunteers, contractors, clergy and board/school council members are responsible for:

- listening and responding to the views and concerns of young people, particularly if they are telling you that they or another young person have been abused or that they are worried about their safety/the safety of another young person
- reporting any allegations of child abuse as outlined in the Child Protection – Reporting Obligations

- understanding and complying with all reporting obligations as they relate to mandatory reporting and reporting under the Crimes Act 1958 (Vic.) and as contained in the school's Child Safety Policy
- reporting any child safety concerns as outlined in the Child Protection – Reporting Obligations

In empowering members of the Emmanuel community to have a voice and raise concerns in matters of child safety - All staff, volunteers, contractors, visitors, clergy and board members must not:

- ignore or disregard any suspected or disclosed child abuse

Implementing simple, clear, and effective practices in risk-management and employment regarding child safety -

All staff, volunteers, contractors, clergy and board/school council members are responsible for:

- ensuring as far as practicable that adults are not alone with a young person
- ensuring child safety protocols in the College employment protocol are implemented
- ensuring risk assessments for the appointment, and school-related work, of contractors incorporate child safety
- ensuring risk assessments for extra-campus school related student involvement incorporate child safety

In implementing simple, clear, and effective practices in risk-management and employment regarding child safety –

All staff, volunteers, contractors, visitors, clergy and board members must not:

- develop any 'special' relationships with young people that could be seen as favouritism (for example, the offering of gifts or special treatment for specific young persons)
- put young people at risk of abuse (for example, by locking doors)
- initiate unnecessary physical contact with young people or do things of a personal nature that a young person can do for themselves, such as toileting or changing clothes
- have any online contact with a young person (including by social media, email, instant messaging etc.) or their family, unless that contact is to provide information about the School, or connected directly to the school work of the enrolled student.
- use any personal communication channels/device such as a personal email account to make contact with a student
- exchange personal contact details such as phone number, social networking sites or personal email addresses with a student

****Examples of possible interactions with students outside the school setting may include:**

- Staff member has child at school whose school friends come around to the teacher/child's house
- Staff member coaches the local netball team - students from the school compete both in that team and in other teams – coach may not be aware of students in other teams until match day
- Staff member attends local sporting matches as a spectator in which students from the school are competing

Please list below any situations where you may have interactions with students outside the school setting

I, _____, confirm I have been provided with a copy of the above Code of Conduct and I have listed any known interactions with students. I will update this list when/if there is any alternation to my situation.

Signed: _____

Date: _____

12.3.2 Child safety risk register

For further information on the implementation and use of this template refer to the CECV Guide for Developing and Implementing Child Safety Risk – Management Strategies and references [CECV 2016](#) and [VRQA 2016c](#).

RISK RATING		Consequence				
		Insignificant	Minor	Moderate	Major	Severe
Likelihood	Almost Certain	Medium	High	Extreme	Extreme	Extreme
	Likely	Medium	Medium	High	Extreme	Extreme
	Possible	Low	Medium	Medium	High	Extreme
	Unlikely	Low	Low	Medium	Medium	High
	Rare	Low	Low	Low	Medium	Medium

Risk Description	Controls Already in Place	Initial Risk Rating	Additional Controls Developed	Revised Risk Rating	Position Responsible for the Controls
Senior staff breaching Failure to Protect provision of <i>Crimes Act 1958</i> (Vic.)	Distributed Leadership with equal responsibilities in this area		<ul style="list-style-type: none"> Provision and promotion of Failure to Protect policy. Inclusion of the above in all staff, volunteer & contractor inductions. Inclusion of this policy in the annual training cycle for all staff and volunteers. 		Leadership Team
Children are subjected to Grooming Behaviour			<ul style="list-style-type: none"> Develop and promote a Grooming policy. Inclusion of the above in all staff, volunteer & contractor inductions. Inclusion of this policy in the annual training cycle for all staff and volunteers. 		Leadership Team
Staff breaching Failure to Disclose legal obligations			<ul style="list-style-type: none"> Provision and promotion of Failure to Disclose policy. Inclusion of the above in all staff, volunteer & contractor inductions. Inclusion of this policy in the annual training cycle for all staff and volunteers. 		Leadership Team
Failure of teachers to make a Mandatory Report			<ul style="list-style-type: none"> Provision and promotion of Mandatory Reporting policy. Inclusion of the above in all staff inductions. Inclusion of this policy in the annual training cycle for staff. 		Leadership Team
Staff not aware of their child safety obligations			<ul style="list-style-type: none"> A Child Safe policy and Code of Conduct have been developed, in consultation with staff and volunteers. The Child Safe policy and Code of Conduct are reviewed regularly. The Child Safe policy and Code of Conduct are readily available on 		Leadership Team

			<p>the school's website.</p> <ul style="list-style-type: none"> ▪ The Child Safe policy and Code of Conduct are active components of induction processes for new staff, and records of this induction are maintained centrally and in each staff member's personnel file. ▪ The Child Safe policy and Code of Conduct are included in ongoing staff professional learning each year and central records of this are maintained. 		
Volunteers not aware of their child safety obligations			<ul style="list-style-type: none"> ▪ A Child Safe policy and Code of Conduct have been developed, in consultation with staff and volunteers. ▪ The Child Safe policy and Code of Conduct are reviewed regularly. ▪ The Child Safe policy and Code of Conduct are readily available on the school's website. ▪ The Child Safe policy and Code of Conduct are active components of induction processes for volunteers and records of this induction are maintained centrally. ▪ The Child Safe policy and Code of Conduct are included in ongoing volunteer training each year, and records of this are maintained. 		Leadership Team
Contractors not aware of their child safety obligations			<ul style="list-style-type: none"> ▪ A Child Safe policy and Code of Conduct have been developed. ▪ The Child Safe policy and Code of Conduct are reviewed regularly. ▪ The Child Safe policy and Code of Conduct are readily available on the school's website. ▪ Contractors are retrained in induction material, including the Child Safe Policy and Code of Conduct, 		Leadership Team

			regularly and records of this are maintained.		
Clergy not aware of their child safety obligations			<ul style="list-style-type: none"> ▪ A Child Safe policy and Code of Conduct have been developed. ▪ The Child Safe policy and Code of Conduct are reviewed regularly. ▪ The Child Safe policy and Code of Conduct are readily available on the school's website. ▪ The Child Safe policy and Code of Conduct are active components of induction processes for clergy new to the school, and records of this induction are maintained centrally. ▪ Clergy are retrained in induction material, including the Child Safe policy and Code of Conduct, regularly and records of this are maintained. 		Principal
That appropriate strategies have not been developed and/or implemented to embed a culture of child safety at the school			<ul style="list-style-type: none"> ▪ The school's child safety strategies are recorded in a central document. ▪ The child safety strategies document is included in the school's policy review process and cycle, and is updated regularly. 		Leadership Team
Roles and responsibilities in achieving child safety strategies have not been allocated and/or enacted			<ul style="list-style-type: none"> ▪ Roles and responsibilities for canonical administrator, principal and other appropriate leaders have been defined and documented. ▪ All staff role descriptions include statement of responsibilities regarding child safety. ▪ Child-safe training is included in the school's annual professional learning plan, with records of content and attendance maintained. ▪ Names and roles of those with responsibilities are 		Leadership Team

			publicised to school community through staff handbook, student handbook, school website.		
Inappropriate staff are recruited			<ul style="list-style-type: none"> Systematic and documented selection and screening processes are used for the appointment of all staff. These have been developed according to guidance documents provided by the CECV IR Unit to comply with Child Safe Standard 4. 		Principal
Inappropriate volunteers are permitted to work with students			<ul style="list-style-type: none"> Systematic and documented selection and screening processes are used for the appointment of all staff. These have been developed according to guidance documents provided by the CECV IR Unit to comply with Child Safe Standard 4. 		Principal
Inappropriate contractors are engaged			<ul style="list-style-type: none"> Systematic and documented selection and screening processes are used for the appointment of all staff. These have been developed according to guidance documents provided by the CECV IR Unit to comply with Child Safe Standard 4. 		Principal
Staff, volunteers and contractors are not appropriately supervised and monitored to ensure continued suitability to work with children			<ul style="list-style-type: none"> Staff, volunteers and contractors will be appropriately supervised and monitored to ensure continued suitability to work with children by year checks of WWCC and Leaders monitoring by walking around. Visitors, Guest Speakers/Presenters to be supervised at all times. Contractors are not to be working unsupervised in the school yard or student areas where students are in attendance. 		<ul style="list-style-type: none"> All Staff

Intruder wandering onto school property before, during and after school hours			<ul style="list-style-type: none"> Yard duty teachers appropriately dispersed to supervise the yard before school, recess and lunch times. Gate duties supervising at the end of the day. Lockdown procedure developed. 		<ul style="list-style-type: none"> Leadership Team
Excursions	<ul style="list-style-type: none"> Adequate teacher ratios. Students and Staff briefed prior to excursion. Risk assessment completed prior to excursion approval. 		<ul style="list-style-type: none"> Risk assessment to include Child Safe controls. College to be aware/sight the venues Child Safe Policy and Code of Conduct. The venue to agree to the Emmanuel College Child Safe Code of conduct. Staff and students to be briefed prior as to expectations regarding to Child Safe arrangements (including clearly defined meeting areas and times, emergency phone contacts and behavior expectations). 		<ul style="list-style-type: none"> CAT Team
Fitness Works and other providers/incursions on Campus	<ul style="list-style-type: none"> Risk assessment completed prior to incursion approval. 		<ul style="list-style-type: none"> All visitors/instructors to have a WWCC. All visitors/instructors to agree to the Emmanuel College Child Safe Policy and Code of Conduct. Visitors/instructors to be supervised at all times. 		<ul style="list-style-type: none"> CAT Team Incursion Organiser
Visitors	<ul style="list-style-type: none"> Sign in on arrival 		<ul style="list-style-type: none"> Sign in to register attendance. Will be supervised by a College Staff member whilst on Campus. 		<ul style="list-style-type: none"> Leadership Team Front Office Staff
Sport	<ul style="list-style-type: none"> Adequate teacher ratios. Students and Staff briefed prior to competition/training. Risk assessment completed prior to excursion approval. Officials to have a WWCC. 		<ul style="list-style-type: none"> Visiting schools to agree to Emmanuel College Code of Conduct. Risk assessment to include Child Safe controls. College to be aware/sight the venues Child Safe Policy and Code of Conduct. 		<ul style="list-style-type: none"> Sport Leader CAT Team

			<ul style="list-style-type: none"> ▪ Staff to be briefed prior as to expectations regarding to Child Safe arrangements. ▪ The Child Safe policy and Code of Conduct are active components of induction processes for volunteers and records of this induction are maintained centrally. ▪ 		
Overseas Travel	<ul style="list-style-type: none"> ▪ Risk assessment prior to approval. ▪ Students and Staff briefed prior to tour. 		<ul style="list-style-type: none"> ▪ Risk assessment to include Child Safe controls. ▪ College to be aware/sight the Tour Company's Child Safe Policy and Code of Conduct. ▪ The Tour Company to agree to the Emmanuel College Child Safe Code of conduct. ▪ Staff to be briefed prior as to expectations regarding to Child Safe arrangements. 	<ul style="list-style-type: none"> ▪ Leadership Team ▪ Tour Organiser 	
Camps	<ul style="list-style-type: none"> ▪ Camp site familiarization visit undertaken by key personnel. ▪ Risk assessment prior to approval. ▪ Students and Staff briefed prior to camp. 		<ul style="list-style-type: none"> ▪ Risk assessment to include Child Safe controls. ▪ College to be aware/sight the venues Child Safe Policy and Code of Conduct. ▪ The venue to agree to the Emmanuel College Child Safe Code of conduct. ▪ Staff to be briefed prior as to expectations regarding to Child Safe arrangements. 	<ul style="list-style-type: none"> ▪ CAT Team ▪ Leadership Team 	
College Events (i.e. Open Day, Information Nights, Musical, PT Interviews)			<ul style="list-style-type: none"> ▪ All members of the community to be aware of the Emmanuel College Child Safe Policy via newsletters and Website. ▪ Students to be supervised at all times. 	<ul style="list-style-type: none"> ▪ Leadership Team ▪ CAT Team 	

Emmanuel College events involving visiting adults and/or primary students**Risk assessment/action regarding toilet access****Marianist Day**

- Exposure: ride contractors
- Action: Toilet roster across day

Open Day

- Exposure: adult and children visitors
- Action: Toilet check on the half-hour

Musical productions*Musical Matinees*

- Exposure: primary children visitors
- Action: ensure relevant primary teacher supervises toilet visits

Musical Evening performances/Showcase/Y7 concert

- Exposure: adult and children visitors
- Action: Toilet supervision prior/interval/after performance

PBL Y7 evening

- Exposure: Adult and children visitors
- Action: Toilet supervision prior/after presentation

Visiting schools on campus**Interschool sport/leadership days**

- Exposure: potential adult visitor/visiting team; students
- Action: Toilet access supervised by visiting staff

Parent-teacher interviews

- Exposure: adult and children visitors
- Action: Toilet check on the half-hour

Primary school sport tournaments SPC

- Exposure: adult and primary children visitors
- Action: toilet supervision for duration of tournament

Primary school college tours

- Exposure: primary children visitors
- Action: primary teacher responsible for supervising toilet use

12.3.3 'Child Safety' Risk Register – Work Place Learning Environments

School: Emmanuel College (St Paul's and Notre Dame Campuses)

Program: Work Experience

Year Level: 9, 10, 11 & 12

In addition to the 'Risk Register' entries below, additional requirements include age and working with animals. For students between the age of 14-15 the changes to the Child Employment Act 2003 mean that an employer is responsible for ensuring that a student is directly supervised by any person who holds a valid Working with Children Check card. This requirement does not exist for students over the age of 15.

For students undertaking work experience involving animals, the 'Guidelines for Students Undertaking Work Experience with Animals' a completed 'Proposed Work Experience with Animals Summary of Student's Experience' must be sent to the employer alongside the completed 'Work Experience Arrangement Form' and if required the 'Work Experience Travel and Accommodation Form'.

Risk Title & Description	Risk Causes & Consequences	Existing Controls	Treatment
Define the risk event including a risk title and a short description.	Describe the risk event cause/s and consequence/s.	Describe any existing policy, procedure, practice or device that acts to minimise the risk	Describe the actions to be undertaken for those risks requiring further treatments.
Risk Title Non-reporting Risk Description There is a risk that teachers who visit a student in a work place learning environment do not report child safety issues.	Causes <ul style="list-style-type: none"> Lack of reporting protocols Staff not aware of reporting protocols Staff not aware of their reporting obligations Familiarity of relationships Poor child safety culture Consequences <ul style="list-style-type: none"> Inappropriate behaviour not reported Child safety incident occurs/continues Physical or psychological injury Stress for all personnel involved Litigation / adverse court ruling Reputation damaged for school and CEM 	<ul style="list-style-type: none"> Child safety standard periodically discussed at School Leadership Team meetings, staff meetings and briefings Teachers briefed before conducting work place learning visits / phone calls. Teachers fill in report after work place learning visit / phone call. Form handed to Careers Leader. Breaches to be written up using attached proforma and school leadership informed. Students inducted before attending work place learning environment; encouraged to communicate any child safety concerns with visiting teacher, parent / legal guardian, Careers Leader, and or school leadership or personnel. 	<ul style="list-style-type: none"> Train students and staff to detect inappropriate behaviour Review protocols and adjust 'Child Safety' Risk Register accordingly

Risk Title & Description	Risk Causes & Consequences	Existing Controls	Treatment
Define the risk event including a risk title and a short description.	Describe the risk event cause/s and consequence/s.	Describe any existing policy, procedure, practice or device that acts to minimise the risk	Describe the actions to be undertaken for those risks requiring further treatments.
<p>Risk Title Neglect / Unintentional / accidental harm</p> <p>Risk Description There is the risk of a child safety incident when a child is left unsupervised in a work place work environment.</p>	<p>Causes</p> <ul style="list-style-type: none"> • Lack of student supervision <p>Consequences</p> <ul style="list-style-type: none"> • Child safety incident occurs • Physical or psychological injury • Stress for all personnel involved • Litigation / adverse court ruling • Reputation of College affected 	<ul style="list-style-type: none"> • Employee/staff supervision to student ratio in the work place learning environment is observed. • Child safety standard discussion item on School Leadership Team meetings and all staff meetings. • Reminders to staff of this risk during School Leadership Team meetings, staff meetings and or staff briefings. • Students inducted in OH&S before work experience placement by Careers Leader • Students complete OH&S Safe@work General and Specific modules • Work Experience Arrangement form accurately filled in. • Overview of employer responsibilities together with copy of the work experience arrangement form sent to respective employer before work experience placement commences. • Students contacted at least once during their work experience placement to ensure adequate supervision together with other child safe practices as presented in this 'Child Safety' risk register. • Construction Induction (White Card) training organised and delivered to students identified as working on a construction site, or visiting a construction site. Construction Induction training completed before student(s) entering their respective work placement learning environment. 	<ul style="list-style-type: none"> • Develop, implement and review policy and procedures to eliminate any situation where a child may be unsupervised including during recreational or other activities. • Monitoring and reviewing of student practices and behaviours for 'warning signals' • Review protocols and adjust 'Child Safety' Risk Register accordingly

Risk Title & Description	Risk Causes & Consequences	Existing Controls	Treatment
Define the risk event including a risk title and a short description.	Describe the risk event cause/s and consequence/s.	Describe any existing policy, procedure, practice or device that acts to minimise the risk	Describe the actions to be undertaken for those risks requiring further treatments.
<p>Risk Title Psychological abuse</p> <p>Risk Description There is the risk of psychological abuse, i.e., bullying, threatening language, intentional ignoring and or shaming...in a work place learning environment</p>	<p>Causes</p> <ul style="list-style-type: none"> Malicious complaint Unethical behaviour Discrimination Jealousy <p>Consequences</p> <ul style="list-style-type: none"> Physical or psychological injury Stress for all personnel involved Reputation damage for school and CEM. 	<ul style="list-style-type: none"> Reporting protocols developed, implemented and periodically reviewed Teachers briefed before conducting work place learning visits / phone calls. Teachers fill in report after work place learning visit / phone call. Form handed to Careers Leader to follow through with any child safety concerns / issues. Breaches to be recorded and Campus & College Principals notified of breach. Students inducted before attending work place learning environment particularly with respect to the importance of communicating any child safety concerns with visiting teacher, parent / legal guardian, Careers Leader, principal(s) and or school personnel. 	<ul style="list-style-type: none"> Ensure visiting members of staff informed of importance of monitoring and reviewing student practices and behaviours for 'warning signals' whilst visiting students on their work experience visits and or in telephone conversations. Monitor and review student practices and behaviours for 'warning signals' Review protocols and adjust 'Child Safety' Risk Register accordingly.
<p>Risk Title Physical abuse</p> <p>Risk Description There is the risk of a child safety incident occurring due to unknown personal issues of staff or other students in a work place learning environment. For example, physical punishment (pushing, tripping, grabbing, biting...).</p>	<p>Causes</p> <ul style="list-style-type: none"> Natural trust of long term employees (who may have developed issues over time) Stress e.g. gambling, addiction, self esteem Mental health issues Domestic issues e.g. relationship break ups, domestic violence Peer pressure <p>Consequences</p> <ul style="list-style-type: none"> Child safety incident occurs Physical or psychological injury Stress for all personnel involved Litigation / adverse court ruling Reputation damage for school and CEM. 	<ul style="list-style-type: none"> Teacher monitoring and review of student behaviour whilst visiting and or by way of telephone conversation with student and student's supervisor whilst student is in the work place learning environment Child safety standard discussion item on School Leadership Team meetings, staff meetings, and briefings. Students trained before attending work place learning environment; to communicate any child safety concerns with visiting teacher, parent / legal guardian, respective program leader and or school personnel. Teachers briefed before conducting work place learning visits / phone calls. Teachers fill in report after work place learning visit / phone call. Form handed to respective program leader. Program leader to follow through with any child safety concerns / issues. Breaches to be followed up by respective leaders and or School leadership. 	<ul style="list-style-type: none"> Monitoring and reviewing of student practices and behaviours for 'warning signals' Review protocols and adjust 'Child Safety' Risk Register accordingly

Risk Title & Description	Risk Causes & Consequences	Existing Controls	Treatment
Define the risk event including a risk title and a short description.	Describe the risk event cause/s and consequence/s.	Describe any existing policy, procedure, practice or device that acts to minimise the risk	Describe the actions to be undertaken for those risks requiring further treatments.
<p>Risk Title Cultural abuse</p> <p>Risk Description There is the risk of cultural disrespect, i.e., racial or cultural vilification or discrimination and or a lack of support that enables the student to be aware of and express their cultural identity.</p>	<p>Causes</p> <ul style="list-style-type: none"> On line child safety issues via media services: <ul style="list-style-type: none"> email Facebook, Instagram, Twitter and other social media YouTube mobile phone SMS messages and other mobile messaging media telephone, Skype and other media for making voice calls photography and videography any other electronic media. <p>Consequences</p> <ul style="list-style-type: none"> Psychological injury (stress / bullying) Stress for staff dealing with incident Litigation / adverse court ruling Reputation damage for school and CEM 	<ul style="list-style-type: none"> Ongoing awareness of the school's online policies and procedures. Teachers briefed before conducting work place learning visits / phone calls. Teachers fill in report after work place learning visit / phone call. Form handed to respective program leader. Program leader to follow through with any child safety concerns / issues. Breaches to be followed up by respective leaders and or School leadership. Students trained before attending work place learning environment; to communicate any child safety concerns with visiting teacher, parent / legal guardian, respective program leader and or school personnel. 	<ul style="list-style-type: none"> Train students and staff to detect inappropriate behaviour Monitoring and reviewing of student practices and behaviours for 'warning signals' Review protocols and adjust 'Child Safety' Risk Register accordingly

Risk Title & Description	Risk Causes & Consequences	Existing Controls	Treatment
Define the risk event including a risk title and a short description.	Describe the risk event cause/s and consequence/s.	Describe any existing policy, procedure, practice or device that acts to minimise the risk	Describe the actions to be undertaken for those risks requiring further treatments.
<p>Risk Title Sexual abuse</p> <p>Risk Description There is a risk sexual abuse, assault and exploitation. This includes: grooming, inappropriate touching, inappropriate conversations of a sexual nature (either face-to-face, online or via other technology) and crossing professional boundaries.</p>	<p>Causes</p> <ul style="list-style-type: none"> • Lack of awareness of local conditions (unknown people and environments) • School fails to monitor who is in vicinity of school camps / excursions • Lack of supervision • Fail to consider child safety risks • Lack of appropriate risk management practices in place for recreational or other activities <p>Consequences</p> <ul style="list-style-type: none"> • Child safety incident occurs • Physical or psychological injury • Disruption to work place learning • Stress for all personnel involved • Litigation / adverse court ruling • Reputation damage for school and CEM. 	<ul style="list-style-type: none"> • Child safety standard discussion item at CAT Meetings via 'Students of Concern' • Child safety regularly discussed at CPT/PaLT Meetings • Teachers briefed before conducting work place learning visits / phone calls. • Teachers fill in report after work place learning visit / phone call. Form handed to respective program leader. Program leader to follow through with any child safety concerns / issues. Breaches to be followed up by respective leaders and or School leadership. • Students trained before attending work place learning environment; to communicate any child safety concerns with visiting teacher, parent / legal guardian, respective program leader and or school personnel. Employee/staff supervision to student ratio in the work place learning environment is observed. • Students inducted in OH&S before work experience placement by Careers Leader • Students complete OH&S Safe@work General and Specific modules • Work Experience Arrangement form accurately filled in. • Overview of Employer responsibilities together with copy of the work experience arrangement form sent to respective employer before work experience placement commences. • Students contacted at least once on their work experience placement. 	<ul style="list-style-type: none"> • Train students and staff to detect inappropriate behaviour • Monitoring and reviewing of student practices and behaviours for 'warning signals' • Review protocols and adjust 'Child Safety' Risk Register accordingly

PROTECT



Education
and Training



12.3.4 Responding to suspected child abuse: template for Victorian schools

12.3.4.1 When to use this template?

School staff should use this template to document any incident, disclosure or suspicion that a child has been, or is at risk of being abused. This template should be used in conjunction with the following: Four Critical Actions For Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse.

Completing this template should not impact on reporting times. If a child is in immediate danger, school staff should report immediately to Victoria Police.

Whilst you may need to gather the information to make a report, remember it is not the role of school staff to investigate abuse, leave this to Victoria Police and/or DHHS Child Protection.

12.3.4.2 Why record this information?

When completing this template your aim should be to provide as much information as possible. This information will be critical to any reports and may be sought at a later date if the matter is the subject of Court proceedings. These notes may also later assist you if you are required to provide evidence to support any decisions.

It is a requirement under *Ministerial Order No. 870- Child Safe Standards- Managing the risk of child abuse in schools* for schools to keep clear and comprehensive notes on all observations, disclosures and other details that led them to suspect the abuse.

12.3.5 Responding to an Incident, Disclosure or Suspicion of Child Abuse

PLEASE NOTE: IF YOU ARE MAKING A REPORT TO DHHS CHILD PROTECTION OR VICTORIA POLICE YOU MUST SEEK ADVICE BEFORE CONTACTING PARENTS/CARERS SO AS NOT TO COMPROMISE ANY INVESTIGATION OR PLACE A CHILD AT FURTHER RISK

STAFF MEMBER LEADING THE RESPONSE

NAME:

OCCUPATION:

LOCATION (SCHOOL ADDRESS):

RELATIONSHIP TO CHILD:

12.3.5.1 Critical Action 1: Immediate Response to an Incident

If anyone is in immediate danger school staff should report immediately to Victoria Police on 000.

See action 1 of Four Critical Actions For Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse.

RESPONDING TO AN EMERGENCY

DID THE CHILD REQUIRE FIRST AID? PROVIDE DETAILS IF 'YES'.

WHO ADMINISTERED THIS? (NAME AND TITLE)

DID THE CHILD REQUIRE FURTHER IMMEDIATE MEDICAL ASSISTANCE?

CURRENT LOCATION AND SAFETY STATUS:

E.G. ARE ALL IMPACTED STUDENTS SAFE AND NOT IN ANY IMMEDIATE DANGER?

IF A CHILD IS IN IMMEDIATE DANGER SCHOOL STAFF SHOULD REPORT IMMEDIATELY TO VICTORIA POLICE ON 000

CHILD'S INFORMATION

PERSONAL DETAILS

NAME:

GENDER:

YEAR LEVEL/CLASS:

DATE OF BIRTH:

RESIDENTIAL ADDRESS:

PARENT/CARER NAME/S:

PARENT/CARER CONTACT:

LANGUAGE(S) SPOKEN BY CHILD:

DISABILITIES, MENTAL OR PHYSICAL HEALTH ISSUES:

CHILD'S BACKGROUND**CULTURAL STATUS AND RELIGIOUS BACKGROUND**

IF THE CHILD IS OF ABORIGINAL OR TORRES STRAIT ISLANDER BACKGROUND, GOVERNMENT SCHOOLS MUST CONTACT THEIR KOORIE ENGAGEMENT SUPPORT OFFICER, AND CATHOLIC SCHOOLS MUST CONTACT THE DIOCESAN EDUCATION OFFICE TO ARRANGE CULTURALLY APPROPRIATE SUPPORT. IF THE CHILD IS AN INTERNATIONAL STUDENT YOU MUST NOTIFY THE INTERNATIONAL EDUCATION DIVISION ON (03) 9637 2990

ANY KNOWN PREVIOUS HISTORY OF SUSPECTED ABUSE

(PRIOR TO THIS INCIDENT, DISCLOSURE OR SUSPICION OR INVOLVEMENT WITH AGENCIES):

FAMILY BACKGROUND

FAMILY COMPOSITION (IF KNOWN):

LIST PARENTING OR CARE ARRANGEMENTS AND SIBLING NAMES AND AGES

ANY OTHER PEOPLE LIVING WITH THE CHILD (IF KNOWN):

FAMILY BACKGROUND

DISABILITY, MENTAL OR PHYSICAL HEALTH ISSUES IN FAMILY (IF KNOWN):

LIKELY REACTION TO A REPORT BEING MADE (IF KNOWN):

DETAILS OF THE INCIDENT, DISCLOSURE OR SUSPICION**GROUND'S FOR YOUR BELIEF THAT A CHILD HAS BEEN, OR IS AT RISK OF ABUSE**

INDICATORS OR INSTANCES WHICH LED YOU TO BELIEVE THAT A CHILD/CHILDREN ARE SUBJECT TO CHILD ABUSE, OR AT RISK OF ABUSE:

DETAIL ANY DISCLOSURES OR INCIDENTS OR SUSPICIONS (INCLUDING NAMES, TIMES AND DATES DOCUMENTING A CHILD'S EXACT WORDS AS FAR AS POSSIBLE). INCLUDE SPECIFIC DETAIL HERE ON WHAT LED YOU TO FORM A REASONABLE BELIEF THAT A CHILD HAS BEEN, OR IS AT RISK OF BEING ABUSED.

ANY PHYSICAL INDICATORS OF ABUSE:

ANY BEHAVIOURAL INDICATORS OF ABUSE:

ANY PATTERNS OF BEHAVIOUR OR PRIOR CONCERNS LEADING UP TO AN INCIDENT, DISCLOSURE OR SUSPICION:

DETAILS OF PERSONS ALLEGED TO HAVE COMMITTED THE ABUSE (IF KNOWN)

NAME:

GENDER

DATE OF BIRTH:

RELATIONSHIP TO CHILD:

NOTHING IF THEY ARE WITHIN THE SCHOOL OR WITHIN THE FAMILY AND COMMUNITY (THIS WILL IMPACT ON WHO YOU REPORT TO)

ADDRESS:

CONTACT DETAILS:

12.3.5.2 Critical Action 2: Reporting

See Action 2 of Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse

REPORTING TO AUTHORITIES

TICK THE AUTHORITIES YOU HAVE REPORTED TO:

- ☐ VICTORIA POLICE
- ☐ DHHS CHILD PROTECTION
- ☐ CHILD FIRST
- ☐ DECISION NOT TO REPORT

IF YOU'VE DECIDED NOT TO REPORT, LIST YOUR REASONS HERE. ALSO INCLUDE ANY FOLLOW-UP ACTIONS UNDERTAKEN BY YOU BELOW:

PROVIDE DETAILS OF YOUR INTERNAL DISCUSSIONS TO EITHER OF THE FOLLOWING:

GOVERNMENT SCHOOL STAFF MUST REPORT TO SECURITY SERVICES UNIT AND ALSO TO THE EMPLOYEE CONDUCT BRANCH IF THE INCIDENT, DISCLOSURE OR SUSPICION INVOLVES A STAFF MEMBER, CONTRACTOR OR VOLUNTEER.

CATHOLIC SCHOOL STAFF MUST REPORT TO THEIR CATHOLIC DIOCESAN EDUCATION OFFICE

DATE:

TIME:

AUTHORITY:

OUTCOMES FROM THE REPORT:

REPORTING INTERNALLY**PROVIDE DETAILS OF YOUR DISCUSSION WITH SCHOOL LEADERSHIP**

TIME:

DATE:

NAMES:

DISCUSSION OUTCOMES:

PROVIDE DETAILS OF YOUR INTERNAL DISCUSSIONS TO EITHER OF THE FOLLOWING:

GOVERNMENT SCHOOL STAFF MUST REPORT TO SECURITY SERVICES UNIT AND ALSO TO THE EMPLOYEE CONDUCT BRANCH IF THE INCIDENT, DISCLOSURE OR SUSPICION INVOLVES A STAFF MEMBER, CONTRACTOR OR VOLUNTEER

CATHOLIC SCHOOL STAFF MUST REPORT TO THEIR CATHOLIC DIOCESAN EDUCATION OFFICE

TIME:

DATE:

NAMES:

DISCUSSION OUTCOMES:

12.3.5.3 Critical Action 3: Contacting Parents/Carers

See Action 3 of Four Critical Actions For Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse

ACTIONS TAKEN

PROVIDE DETAILS OF YOUR DISCUSSION WITH PARENTS/CARERS (IF APPROPRIATE):

SCHOOL STAFF MUST CONSULT WITH VICTORIA POLICE AND/OR DHHS CHILD PROTECTION TO DETERMINE IF IT IS APPROPRIATE TO CONTACT PARENTS, IF IT IS, PARENTS MUST BE CONTACTED AS SOON AS POSSIBLE (PREFERABLY ON THE SAME DAY OF THE INCIDENT, DISCLOSURE OR SUSPICION).

HAVE YOU SOUGHT ADVICE FROM DHHS CHILD PROTECTION OR VICTORIA POLICE?

- ☐ NO
☐ YES

IS IT APPROPRIATE TO CONTACT PARENT/CARER

- ☐ NO
☐ YES

LIST REASONS IF IT IS NOT APPROPRIATE TO CONTACT PARENT/CARER:

IF CONTACTING PARENT/CARER, PROVIDE THE FOLLOWING DETAILS:

NAME OF STAFF MEMBER MAKING THE CALL:

NAME OF PARENT/CARER RECEIVING THE CALL:

DISCUSSION OUTCOMES:

12.3.5.4 Critical Action 4: Providing Ongoing Support

See Action 4 of Four Critical Actions For Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse

PLANNED ACTIONS

INCLUDE DETAIL ON WHAT FOLLOW-UP ACTIONS HAVE OCCURRED TO SUPPORT THE STUDENT (FOR EXAMPLE, REFERRAL TO WELLBEING PROFESSIONALS AND OTHER SPECIALISED SERVICES, THE CONVENING OF A STUDENT SUPPORT GROUP AND DEVELOPMENT OF SUPPORT PLANS):

FOLLOW UP ACTIONS**SUPPORT:****REFERRALS(S):**

12.3.6 Process Of Review

COMPLETE THIS SECTION BETWEEN 4-6 WEEKS AFTER AN INCIDENT, SUSPICION OR DISCLOSURE OF ABUSE IN CONJUNCTION WITH YOUR SCHOOL LEADERSHIP TEAM.

THIS WILL SUPPORT YOU AND YOUR SCHOOL TO CONTINUE TO PROTECT CHILDREN IN YOUR CARE AND TO REFLECT ON YOUR PROCESSES AND THE NEED FOR ANY FOLLOW- UP ACTION.

12.3.6.1 Safety and Wellbeing

CURRENT SAFETY AND WELLBEING OF THE CHILD

IS THE CHILD SAFE FROM ABUSE AND HARM?

- ☐ NO
☐ YES

IF NOT CONSIDER THE NEED TO MAKE A FURTHER REPORT

DOES THE CHILD HAVE ANY WELLBEING ISSUES THAT ARE NOT CURRENTLY BEING ADDRESSED?

- ☐ NO
☐ YES

IF SO, CONSIDER HOW THESE CAN BE ADDRESSED AND CAPTURED WITHIN A STUDENT SUPPORT PLAN

CURRENT WELLBEING OF OTHER CHILDREN WHO MAY BE IMPACTED BY THE ABUSE

ARE THERE ANY OTHER CHILDREN WHO MAY BE IMPACTED BY THE ABUSE?

- ☐ NO
☐ YES

IF SO HAVE THEIR WELLBEING NEEDS BEEN MET

- ☐ NO
☐ YES

IF SO, CONSIDER HOW THESE CAN BE ADDRESSED AND CAPTURED WITHIN A STUDENT SUPPORT PLAN

CURRENT WELLBEING OF IMPACTED STAFF MEMBERS

DOES THE STAFF MEMBER WHO MADE THE REPORT/ WITNESSED THE INCIDENT, FORMED A SUSPICION OR RECEIVED A DISCLOSURE REQUIRE ANY SUPPORT?

- ☐ NO
☐ YES

IF SO HAS THIS BEEN RECEIVED?

- ☐ NO
☐ YES

REVIEW OF ACTIONS TAKEN

HAVE SCHOOL STAFF FOLLOWED THE FOUR CRITICAL ACTIONS FOR SCHOOLS: RESPONDING TO INCIDENTS, DISCLOSURES OR SUSPICIONS OF CHILD ABUSE?

WAS AN APPROPRIATE DECISION MADE IN RELATION TO WHEN TO ACT?

- ☐ NO
☐ YES

COULD THE SUSPECTED ABUSE HAVE BEEN DETECTED EARLIER?

- ☐ NO
☐ YES

ACTION 1

DID THE SCHOOL TAKE APPROPRIATE ACTION IN AN EMERGENCY?

- ☐ NO
☐ YES

ACTION 2

WAS A REPORT MADE TO THE APPROPRIATE AUTHORITIES AND INTERNALLY?

- ☐ NO
☐ YES

WERE SUBSEQUENT REPORTS MADE IF NECESSARY?

- ☐ NO
☐ YES

ACTION 3

DID THE SCHOOL CONTACT THE PARENTS/CARERS ASAP?

- ☐ NO
☐ YES

HAVE THE PARENTS CONTINUED TO BE ENGAGED IF APPROPRIATE?

- ☐ NO
☐ YES

ACTION 4

HAS THE SCHOOL PROVIDED ADEQUATE SUPPORT FOR THE STUDENT?

- ☐ NO
☐ YES

HAS A STUDENT SUPPORT PLAN BEEN ESTABLISHED, IMPLEMENTED AND REVIEWED?

- ☐ NO
☐ YES

HAS A STUDENT SUPPORT GROUP BEEN ESTABLISHED?

- ☐ NO
☐ YES

WAS THE STUDENT APPROPRIATELY SUPPORTED IN ANY INTERVIEWS?

- ☐ NO
☐ YES

HAVE ANY COMPLAINTS BEEN RECEIVED?

- ☐ NO
☐ YES

HAVE THE COMPLAINTS BEEN RESOLVED?

- ☐ NO
☐ YES

Policy	12 - Child Safe Standard
Date Updated	May 2019
Updated by	Leadership Team
To Be Reviewed	2022