



**ASCOT VALE PRIMARY SCHOOL  
CHILD SAFE STANDARD 5-  
PROCESSES FOR RESPONDING TO AND REPORTING SUSPECTED CHILD  
ABUSE – MANDATORY REPORTING POLICY**  
Approved 25 March 2019

### **PURPOSE**

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

### **SCOPE**

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

### **POLICY**

All children and young people have the right to protection in their best interests. Ascot Vale PS understands the important role our school plays in protecting children from abuse including:

- Physical abuse
- Sexual abuse (including sexual exploitation)
- Family violence
- Emotional abuse
- Neglect (including medical neglect)
- Grooming

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

At Ascot Vale PS we also recognise the diversity of the children and young people at our school and take account of their individual needs and backgrounds when considering child safety.

### **Mandatory Reporting**

Principals, registered teachers, registered medical practitioners, nurses and all members of the police force are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic). As a result of changes to mandatory reporter groups, registered psychologists will be mandatory reporters from 1 March 2019, and then from 21 January 2020, school counsellors will also be mandatory reporters.

All mandatory reporters must make a report to the Department of Health and Human Services (DHHS) Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/ or sexual abuse, and
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Ascot Vale PS to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the principal does not share their belief that a report is necessary.

At our school, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually. We also require/encourage all other staff to undertake this module, even where they are not mandatory reporters.

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

### **Child in need of protection**

Any person can make a report to DHHS Child Protection (131 278 – 24 hour service) if they believe on reasonable grounds that a child is in need of protection.

The policy of the Department of Education and Training (DET) requires **all staff** who form a reasonable belief that a child is in need of protection to report their concerns to DHHS or Victoria Police, and discuss their concerns with the school leadership team.

For more information about making a report to DHHS Child Protection, see the Department's *School Policy and Advisory Guide*: [Child Protection – Making a Report and Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

At Ascot Vale PS we also encourage all staff to make a referral to Child FIRST when they have significant concern for a child's wellbeing. For more information about making a referral to Child FIRST see the *School Policy and Advisory Guide: Child Protection – Reporting Obligations* at:

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

### **Reportable Conduct**

Our school must notify the Department's Employee Conduct Branch (9637 2594) if we become aware of an allegation of 'reportable conduct'.

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

- a sexual offence (even prior to criminal proceedings commencing), sexual misconduct or physical violence committed against, with or in the presence of a child;
- behaviour causing significant emotional or physical harm to a child;
- significant neglect of a child; or
- misconduct involving any of the above.

The Department, through the Employee Conduct Branch, has a legal obligation to inform the Commission for Children and Young People when an allegation of reportable conduct is made. The principal must notify the Department's Employee Conduct Branch of any reportable conduct allegations involving current or former teachers, contractors, volunteers (including parents), allied health staff and school council employees.

If school staff become aware of reportable conduct by any person in the above positions, they must notify the school principal immediately. If the allegation relates to the principal, they must notify the Regional Director.

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

### **Failure to disclose offence**

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 by another person aged 18 years or over.

Failure to disclose information to Victoria Police (by calling 000 or local police station) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"Reasonable belief" is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

"Reasonable excuse" is defined by law and includes:

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

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: [Failure to disclose offence](#).

### **Failure to protect offence**

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (i.e. persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: [Failure to protect offence](#).

### **Grooming**

Grooming is a criminal offence under the *Crimes Act 1958* (Vic). This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in sexual

activity at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer. For more information about this offence and reporting obligations see: [Child Exploitation and Grooming](#).

## **RELATED POLICIES AND FURTHER INFORMATION**

The following sites provide guidance to schools to meet their roles and responsibilities under Child Safety Standard 5: Procedures for responding to and reporting suspected child abuse.

### **Report Abuse:**

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/report.aspx>

### **Identifying Signs of Abuse:**

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/identify.aspx>

### **Identifying and Responding to All Forms of Abuse in Victorian Schools**

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5\\_SchoolsGuide.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_SchoolsGuide.pdf)

### **Fact sheets for school staff**

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5\\_WarningSignsSchoolStaff.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_WarningSignsSchoolStaff.pdf)

## **REVIEW**

Child Safe Standard 5 is scheduled for review in 2 years or as required by the VRQA.

## When to Report

The following table sets out when to report a concern that a child or a young person has been abused, or is in need of protection.

1) <b>Mandatory Reporting – DHHS Child Protection</b>	<b>By Whom</b>	<b>To Whom</b>
<p>Mandatory reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child’s parents are unable or unwilling to protect the child.</p>	<ul style="list-style-type: none"> <li>• Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006 (Vic)</i></li> <li>• Principals of government and non-government schools</li> <li>• Registered medical practitioners</li> <li>• Nurses</li> <li>• All members of the police force</li> </ul>	<ul style="list-style-type: none"> <li>• DHHS Child Protection</li> </ul>
2) <b>Child in need of protection</b>	<b>By Whom</b>	<b>To Whom</b>
<p>Any person may make a report if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:</p> <ul style="list-style-type: none"> <li>• The child has been abandoned and there is no other suitable person who is willing and able to care for the child.</li> <li>• The child’s parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.</li> <li>• The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child.</li> <li>• The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are</li> </ul>	<p>Any person</p>	<ul style="list-style-type: none"> <li>• DHS Child Protection</li> <li>• Victoria Police</li> </ul>

<p>unable or unwilling to protect the child.</p> <ul style="list-style-type: none"> <li>• The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child.</li> <li>• The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.</li> </ul>		
<p><b>3) Child displaying sexually abusive behaviours and in need of therapeutic treatment</b></p>	<p><b>By Whom</b></p>	<p><b>To Whom</b></p>
<p>Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours.</p>	<p>Any person</p>	<ul style="list-style-type: none"> <li>• DHS Child Protection</li> </ul>
<p><b>4) Significant concerns about wellbeing of a child</b></p>	<p><b>By Whom</b></p>	<p><b>To Whom</b></p>
<p>Any person may make a report if they have significant concerns for the wellbeing of a child.</p>	<p>Any person</p>	<ul style="list-style-type: none"> <li>• DHS Child Protection</li> <li>• Child FIRST</li> </ul>
<p><b>5) Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</b></p>	<p><b>By Whom</b></p>	<p><b>To Whom</b></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 police. It is a criminal offence not to make a report, except in the following circumstances:</p> <ul style="list-style-type: none"> <li>▪ The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police</li> <li>▪ The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor.</li> </ul>	<p>Any person aged 18 or over</p>	<p>Victoria Police</p>

<ul style="list-style-type: none"> <li>▪ The victim turned 16 years of age before 27 October 2014.</li> </ul> <p>Reasonable excuses for failing to comply with the requirement include:</p> <ul style="list-style-type: none"> <li>▪ a reasonable belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information</li> <li>▪ a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm</li> </ul>		
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### **Making a report**

This table describes how to make a mandatory report, to report child abuse or child protection concerns.

#### ***Step/***

#### ***Description***

1	<p><b>In case of emergency or if a child is in immediate danger contact Triple Zero (000) or the local police station.</b></p> <p>Alternatively, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hours 7 days, toll free)</p>
2	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> <li>▪ information that has led to concerns about the child's safety (e.g. physical injuries, student behaviour)</li> <li>▪ the source of this information (e.g. observation of behaviour, report from child or another person)</li> <li>▪ the actions taken as a result of the concerns (e.g. consultation with principal, report to DHHS Child Protection etc.).</li> </ul>
3	<p>Discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. The individual staff member should then make their own assessment about whether they should make a report about the child or young person and to whom the report should be made.</p>
4	<p>Gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> <li>• full name, date of birth, and residential address of the child or young person</li> <li>• the details of the concerns and the reasons for those concerns</li> <li>• the individual staff member's involvement with the child and young person</li> <li>• details of any other agencies who may be involved with the child or young person, if known.</li> </ul>
5	<p>Make a report to the relevant agency. To report concerns that are life threatening phone 000 or the local police</p>

	<p>station. To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station or <a href="#">click here</a>)</p> <p>To report concerns about the immediate safety of a child within their family unit to DHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hrs 7 days, toll free)</p> <p>To report concerns to DHHS Child Protection, contact your local child protection office.</p>
6	<p>Make a written record of the report which includes the following information:</p> <ul style="list-style-type: none"> <li>• the date and time of the report and a summary of what was reported</li> <li>• the name and position of the person who made the report and the person who received the report.</li> </ul>
7	<p>Notify relevant school staff and/or Department staff of a report to DHHS Child Protection or Child FIRST. For Victorian government schools, the allegations must be reported to the:</p> <ul style="list-style-type: none"> <li>▪ principal or member of the school leadership team</li> <li>▪ Department's Security Services Unit on (03) 9589 6266</li> <li>▪ relevant Regional Office</li> <li>▪ Student Critical Incident Advisory Unit on (03) 9637 2934 or (03) 9637 2487.</li> </ul> <p>In the case of international students, the principal must notify the International Education Division on (03) 9637 2990 to ensure that appropriate support is arranged for the student.</p> <p>In the case of Koorie students, the principal must notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student.</p>

### Potential Consequences of making a report

See

<http://www.education.vic.gov.au/school/principals/spag/safety/pages/childprotection.aspx#link59> for a table describing the potential consequences of making a report.

### Review

This policy is scheduled for review in 3 years or as required by DET.

### Relevant Documents / Links

1. DET RESOURCES -  
<http://www.education.vic.gov.au/school/principals/spag/safety/pages/childprotection.aspx#link57>
2. DHHS Child Protection & Child FIRST -  
<http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection>  
<http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/family-and-parenting-support/family-services/child-first-child-and-family-information,-referral-and-support-teams>
3. DET – related policies –  
<http://www.education.vic.gov.au/school/principals/spag/safety/pages/childprotection.aspx#link40>

4. Related Legislation
5. <http://www.education.vic.gov.au/school/principals/spag/safety/pages/childprotection.aspx#link39>
6. VRQA Child Safe Standards  
<http://www.vrqa.vic.gov.au/childsafe/Pages/default.html>