

CHILD SAFETY POLICY

Mandatory Reporting of Physical or Sexual Abuse

RATIONALE

Darul Ulum College is committed to promoting the wellbeing of its students and protecting them from abuse. Promotion of student wellbeing is a shared responsibility between the community and staff of the school as all children have a right to feel safe and protected from all forms of abuse. All members of the school community, including staff, parents, guardians, volunteers, students on placements and contractors share a legal and moral responsibility to protect children from abuse and to respond to incidents involving the abuse and/or neglect of children. A child is anyone who is under 18 years of age.

This policy must be read in conjunction with the Critical Incident Policy, Code of Conduct for Staff and Others Who Interact with Students, Child Safe Policy, Child Safety Risk Management Policy and Staff Guidelines for Safe and Responsible Use of Web Tools and Electronic Publishing.

In line with the College's vision which promotes a child safe school environment, these policies are written with reference to the *Ministerial Order No. 870 - Child Safe Standards* and the *Reportable Conduct Scheme* administered by the *Commission for Children and Young People (CCYP)*.

The Child Safe Standards are:

- *Standard 1: Strategies to embed an organisational culture of child safety, including through effective leadership arrangements*
- *Standard 2: A child safe policy or statement of commitment to child safety*
- *Standard 3: A code of conduct that establishes clear expectations for appropriate behaviour with children*
- *Standard 4: Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel*
- *Standard 5: Processes for responding to and reporting suspected child abuse*
- *Standard 6: Strategies to identify and reduce or remove risks of child abuse*
- *Standard 7: Strategies to promote the participation and empowerment of children.*

The principles and guidelines outlined in this policy are based on the following three legislative sources:

- 1) **Children, Youth and Families Act 2005 (Vic)** which legislates for mandatory reporting by teachers of suspected cases of physical abuse, sexual abuse or failure to protect a child from harm of that type.
- 2) Relevant to community obligations under the **Crimes Act (1958)** together with the **Crimes Amendment (Protection of Children) Act 2014** to disclose, or protect a child from, sexual abuse. The following offences are identified by the **Crimes Amendment (Protection of Children) Act 2014**:
 - failure to disclose a sexual offence,
 - grooming for sexual conduct; and
 - failure to protect a child from a sexual offence

Staff, parents, volunteers and adult members of the community, including students 18 years or above, are mandated to comply by the Act and are individually responsible to report any such conduct to the police.

3) Reportable Conduct Scheme Administered by the Commission for Children and Young People (CCYP):

Schools have obligations to report allegations against staff members, workers or volunteers of child abuse and misconduct involving children to the Commission for Children and Young People.

What is Reportable Conduct?

The Reportable Conduct Scheme is a child protection scheme that requires Victorian education providers to notify the Commission for Children and Young People if there is an allegation of 'reportable conduct' made against one of its employees (including a principal, teacher, corporate staff member or school council employee), contractors, volunteers, or allied health staff members. There are five types of reportable conduct which include:

- sexual offences (against, with or in the presence of, a child);
- sexual misconduct (against, with or in the presence of, a child);
- physical violence (against, with or in the presence of, a child) ;
- behaviour that causes significant emotional or psychological harm; and
- significant neglect

IMPLEMENTATION

All staff members, including volunteers, must act as soon as an incident is witnessed, received or a disclosure is made or if they form a reasonable belief that a child has, or is at risk of being abused, neglected or exploited by following the Four Critical Actions which are:

1) responding to an emergency; 2) reporting to authorities and referring to services; 3) contacting parents / carers; and 4) providing ongoing support, as per the guidelines outlined in this policy.

PART A: OBLIGATIONS OF MANDATORY REPORTING

The principal, registered teachers, early childhood workers, school counsellors and registered psychologists are mandatory reporters and are legally obliged to notify Child Protection if they form a belief that a child is likely to suffer harm due to physical injury or sexual abuse or if there are signs of neglect from the child's parents whereby they are unlikely to protect the child from such harm. Failure to report physical and sexual abuse may amount to a criminal offence and termination of employment.

Procedures

Mandatory reporters must make a report to Victoria Police and/or 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.

Forming a belief on reasonable grounds may include:

- a child stating that they have been abused;
- any person telling you they believe someone has been abused (sometimes the child may be talking about themselves);
- physical indicators of abuse such as nonaccidental or unexplained injuries;
- persistent neglect, or inadequate care and supervision lead you to believe that the child has been abused;
- behavioural indicators of abuse lead you to believe that the child has been abused;
- other signs such as family violence, parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child's safety, stability or development.

In line with the Children, Youth and Families Act 2005 (Vic), the school will assist all mandatory reporters in meeting their legal obligations of mandatory reporting.

Reporting Procedure

Mandatory reporters are expected to report any cases of suspected physical or sexual abuse directly to the Principal or relevant Head of School. The Principal / relevant Head of School will thereafter contact Child Protection or Victoria Police. The Principal / Head of School will confirm to the reporter the course of action that they will take i.e. a formal report will be lodged or otherwise.

The reporter, who may be a teacher or any other mandatory reporter, retain the legal obligation of ensuring that an official report is made to the relevant agency and that the report consists of all aspects that formed the reporter's belief. Should the Principal or Head of School disagree with the teacher's observation, the teacher - or any other mandatory reporter- must report directly to the relevant agency.

Where a mandated reporter undertakes the responsibility of a making a report through delegation or any other means, it must be ensured by the initial mandated reporter that the alleged abuse is reported.

Mandatory reporters are expected to record their observations in a confidential file and must attempt to report within the same day of their observation. Mandatory reporters are also required to make a report each time they become aware of any further reasonable grounds of their belief.

Mandated reporters are legally and professionally protected. As such, they cannot be subjected to any form of disciplinary action for fulfilling their legal obligation of reporting.

Reporting to Authorities / Referring to Services

Abuse within the school environment:

All instances of suspected child abuse involving a school staff member, contractor, volunteer or visitor occurring within the school environment must be reported to Victoria Police. Internally, the Principal or relevant Head of School must also be notified. A report must also be made by the Principal / Head of School to the Commission for Children and Young people.

The school environment is defined as: Any physical or virtual place made available or authorised by the school administration for use by a child during or outside school hours, including:

- (a) school grounds;
- (b) online school environments (including email and intranet systems); and
- (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).

A suspension of employment will be issued to a staff member who is under investigation internally or by police for allegedly committing physical or sexual abuse. If found guilty of committing sexual or physical abuse either by an internal investigation or by court, the member's employment with the College will be automatically terminated.

Abuse outside the school environment:

All instances of suspected child abuse occurring within the family or community must be reported to **DHHS Child Protection**. A report **must also** be made for all instances of suspected sexual abuse (including grooming) to Victoria Police. Internally, the Principal or relevant Head of School must also be notified.

Referrals to Child FIRST should be made by the Principal or teachers when they have significant concern for a child's wellbeing, but do not believe that the child needs protection.

Members from the Department of Human Services or relevant agencies who visit the school following a notification may interview staff and/or children in the presence of the Principal or the Principal's delegate.

Contact details of DHHS Child Protection, Child FIRST, CCYP and Victoria Police are in Appendix A of this policy.

PART B: COMMUNITY OBLIGATIONS TO DISCLOSE A SEXUAL OFFENCE AND PROTECT CHILDREN

Under the Crimes Act 1958 (Vic) and the Crimes Amendment (Protection of Children) Act 2014 (Vic) the following offences are identified:

- i. failure to disclose a sexual offence,
- ii. grooming for sexual conduct, and
- iii. failure to protect a child from sexual offence.

i. Disclosure of sexual offence

Parents, guardians, and all adults, including volunteers and students who are 18 years or above are expected to familiarise themselves with the content of this policy to understand their legal responsibility to protect children from sexual abuse. This implies that any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under the age of 16 is obliged to report the matter to Victoria Police.

ii. Protection from grooming for sexual conduct of a child under the age of 16 years

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.

iii. Protection of a child from criminal sexual abuse

If a person in authority knows that someone within their organisation poses a risk of committing a sexual offence against a child and they fail to remove that person who poses the risk, that person in authority will be guilty of a criminal offence. As soon as a person in authority becomes aware of a risk of child sexual abuse, they are liable to take steps to remove or reduce the risk.

As such, the school is committed to facilitate and implement all reasonable measures in an attempt to reduce or remove any significant risk that a child will become a victim of a sexual offence committed by an adult associated with the school.

It is the responsibility of staff members and students 18 years or above to immediately inform the Principal or the relevant Head of School of any risk associated with a student in this regard. The Principal or Head of School will thereafter take the relevant course of action to remove the risk or reduce it, as per the procedures outlined above.

The Principal will ensure that all personnel connected with the school environment, including students of 18 years or above will be informed of the College's mandatory reporting procedures and their responsibilities.

PART C: IMPLEMENTATION OF THE REPORTABLE CONDUCT SCHEME

A reportable allegation means information that leads a person to form a reasonable belief that a worker or volunteer has committed:

- reportable conduct or
- misconduct that may include reportable conduct.

Based on allegations provided to the **Principal** against a worker or a volunteer in the school, the **Principal** will:

- take immediate measures to protect the child from any further possible harm;
- contact Victoria Police if the allegation is a criminal conduct;
- report the allegations to the ***Commission for Children and Young People*** (CCYP) within three business days of becoming aware of the allegation irrespective of where the conduct occurs;
- conduct an internal investigation provided that police confirm clearance on criminal matters;
- inform the CCYP of who is undertaking the investigation;
- provide the CCYP with detailed information of the incident and any action taken by the school within 30 days of the allegation;
- Report to CCYP the finding with the detailed outcome and reasons of any disciplinary action

The Reportable Conduct Scheme does not change a person's mandatory reporting or other reporting obligations. For example, school staff must still contact Victoria Police if they suspect a criminal offence involving a child has occurred, in addition to following the notification steps required by the Reportable Conduct Scheme.

Staff members are strongly advised to refer to the detailed examples of 5 reportable conducts outlined in the Health and Human Services web page: Victoria's new reportable conduct scheme - Fact sheet.

Working with Children Check and Victorian Institute of Teaching Referrals

In addition to any action that the school may take, if an employee is found to have committed reportable conduct, the Commission may, in certain circumstances, refer the conduct to the Working with Children Check Unit for reassessment of your Working with Children Check. The referral can occur even if you do not hold a Working with Children Check card. If you are a registered teacher, VIT will be notified of the findings of all reportable conduct allegations.

Contacting Parents / Carers

The 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); and
- how to communicate with all relevant parties with consideration for their safety.

Providing Ongoing Support

Students who have been subjected to abuse will be supported by being referred to the school's Student Wellbeing Coordinator who will prepare a Student Support Plan in consultation with wellbeing professionals. Where deemed necessary, the school will engage an external service provider to further support the student. The Student Wellbeing Coordinator will monitor the student and possibly other siblings and will alert the Head of School or the Principal of any pertinent concerns.

Retainment of Records

All records and allegations of child abuse and the school's response to the allegations will be retained by the Principal in a secured filing cabinet in the Principal's office and marked 'Confidential'. It is the responsibility of the three Heads of School to provide the complete files for their respective sub-schools to the Principal and the Principal will ensure these files are retained in the secured cabinet.

Important Notes

All staff are mandated to exercise reasonable measures / adequate responses towards any child whom they believe is at risk of abuse, should the outlined policies and procedures fail to cater for a given situation. Fulfilling the roles and responsibilities stipulated in the procedures outlined herein does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

In the absence of the Principal / Head of School, all allegations of child abuse must be referred to the relevant Senior / Lead Coordinator to manage the allegation. The Senior / Lead Coordinator will inform the Principal of the allegation as soon as practicable.

Appendix A: Contact Details

Contact Personnel	Extension / Contact Number
Student Well-Being Coordinators	<u>Male Campus</u> Ibrahim Merhi: 212 <u>Female Campus</u> Aniza Baharin: 243
Heads of School	<u>Primary Female Campus</u> Rakia Chebib: 252 <u>Secondary Female Campus</u> Mouna Abdelhay: 262 <u>Boys Campus</u> Abdullah Elleissy: 209
Principal	Abdurrahman Gokler: 210
Police	000
Commission for Children and Young People	1300 782 978
Child Protection Services (Northern Division) Vic Government Agency	1300 664 977
Child FIRST (Hume Orange Door)	1300 786 433

Date of Review	Next Review
Term 2, 2020	Term 2, 2022
Principal's Endorsement: 	