

PROTECTING CHILDREN MANDATORY REPORTING OF CHILD ABUSE POLICY

Darul Ulum College is committed to promoting the wellbeing of students and has a policy of zero tolerance towards child abuse. Protecting students and promoting their wellbeing is a shared responsibility between the Board of Directors, school 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 the Board of Directors, 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.

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

All adult members of the community, including staff, parents, volunteers and 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 is an allegation of reportable conduct where a person has a reasonable belief that there has been:

- a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child
- behaviour causing significant emotional or psychological harm to a child
- significant neglect of a child, or misconduct involving any of the above

Implementation

All adult members of the community, staff, including volunteers and those engaged with child-connected work 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.

Procedures for Reporting by Students

Any student who has been exposed to physical or sexual abuse or suspects that another student has been exposed to abuse must immediately report this information to their Head of School or Principal. If they are not available, the student must report the case to any teacher. This is necessary to ensure the victim is protected immediately and the case is reported to relevant authorities.

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 the Department of Families, Fairness and Housing (DFFH) Child Protection as soon as practicable 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.

Mandatory reporters must make a report to DFFH 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.

Life threatening concerns for a child must be made to Victoria Police by calling 000.

To report concerns about the immediate safety of a child **outside of normal business hours** contact the After-Hours Child Protection Emergency Service on 123 12 78.

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; and
- 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 accordance with the Children, Youth and Families Act 2005 (Vic) and our legal obligation of reporting, the school will assist all mandatory reporters in meeting their legal obligations of mandatory reporting.

Reporting Procedure

Mandatory reporters are expected to discuss any cases of suspected physical or sexual abuse directly with the Principal and/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. To avoid any compromise with the safety of a child, mandated professionals must contact the Principal or relevant Head of School without delay so that child protection services are engaged in a timely manner.

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.

Cases of child abuse must remain confidential and the mandated reporter must not discuss this information with anyone other than the relevant Head of School, Principal and Child Protection. 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.

Members from Child Protection or other relevant agencies may contact relevant teachers in relation to a report they have received. The teacher is permitted to share relevant information with confirmed agencies provided the information shared by the teacher is based on their own observation and knowledge and not of a third-party.

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. Failure to disclosure of sexual offence

It is an offence for an adult not to disclose child sexual abuse. The offence requires that any adult who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16) disclose that information to police. The offence applies to all adults in Victoria, not just professionals who work with children, unless they have a reasonable excuse.

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.

In a situation where a staff member suspects that a child is in need of protection, this should be reported to the relevant Head of School or Principal. The staff member's observation must also be documented in a confidential file to be discussed with the Head of School or Principal.

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 / Head of School must consult with DFFH 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.

Retention 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 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.
- Note that where staff or volunteers have formed a reasonable belief that sharing information is necessary to lessen or prevent a serious threat to an individual's life, health, safety or welfare, they may be required to share information despite the wishes of the student that their information remain confidential.

Appendix A: Contact Details

Agencies	Contact Number
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, 2022	Term 2, 2024
Principal's Endorsement: 	