FINTONA

CHILD SAFETY RESPONSE AND MANDATORY REPORTING POLICY AND PROCEDURE

1. INTRODUCTION

Fintona Girls' School (the School) is committed to providing a safe and child-friendly environment, where children and young people are safe and feel safe and their participation is valued, their views respected, and the voices are heard about decisions that affect their lives. The School strives to create a safe, inclusive, respectful, and nurturing environment where each member of the school community plays an important role promoting student safety and wellbeing and promptly raising issued or concerns about a child's safety.

This policy forms part of the School's commitment to child safety and covers all forms of suspected or actual child abuse, neglect, safety, sexual assault, grooming and legal reporting obligations that apply to all school staff and adults in the school community.

This document should be read in the context of the School's Child Safety and Wellbeing Policy, Child Safety Code of Conduct and the Reportable Conduct Scheme Policy.

2. PURPOSE

The purpose of this policy is to clearly explain:

- what is child abuse;
- how to raise a concern relating to child abuse, neglect, or safety in relation to a child or student connected to the school environment;
- how will the school staff respond to an incident, disclosure, allegation or suspicion of suspected child abuse, neglect, and safety, made by or in relation to a child or student, school staff, contractor, volunteers, or adult member of the school community; and
- how to meet your legal obligations to report child abuse.

3. SCOPE

This policy applies to all staff (including employees) of the School, as well as volunteers, contractors, parents, students, and other people who are associated with, or come in contact with, the School.

Fulfilling the roles and responsibilities contained in this document does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse such as reporting to Police, Child Protection, or other authorities. In the application and implementation of this policy, full consideration is required regarding the needs of our students including culture, diversity and age.

This document applies to all school activities during and outside of school hours, which are considered the school environment.

4. WHAT IS CHILD ABUSE?

Child abuse can take many forms. The perpetrator may be a parent, carer, staff member, volunteer, another adult or another child. The nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect.

While family violence does not form part of the official definition of “child abuse” in the Child Wellbeing and Safety Act, 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.

Child abuse can have a significant effect on a child’s physical or emotional health, development and wellbeing. The younger a child is, 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 often someone highly trusted within their families, communities, schools and/or other institutions.

5. INDICATORS OF HARM

There are numerous indications of possible child abuse and harm. They include, but are not limited to:

5.1 PHYSICAL ABUSE

Physical indicators could include bruises, burns, fractures (broken bones), cuts and grazes to the face, and multiple injuries including internal injuries. Behavioural indicators could include disclosure of an injury inflicted by someone else, wearing unusual clothes to hide injuries, wariness or fear of a parent or other family member, reluctance to go home, habitual absences from school without explanation, regressive behaviour, and alcohol or drug misuse.

5.2 SEXUAL ABUSE

Physical indicators could include injury to the genital area, discomfort in toileting, the presence of sexually transmitted diseases, pregnancy, bruising to breasts, buttocks and thighs, and anxiety related illnesses (anorexia/bulimia). Behavioural indicators could include disclosure of sexual abuse, age-inappropriate sexual activity or behaviour, drawings that are sexually explicit, writing stories that are sexually explicit, regressive behaviour, truancy, depression, delinquent or aggressive behaviour, and sudden decline in academic performance.

5.3 EMOTIONAL ABUSE

Physical indicators could include speech disorders, delays in physical development and failure to thrive. Behavioural indicators could include being overly compliant, passive and undemanding behaviour, attention-seeking behaviour, poor self-image, age-inappropriate behaviour, fear of failure, setting overly high standards, excessive neatness and depression.

5.4 SERIOUS NEGLECT AND MEDICAL NEGLECT

Physical indicators could include consistently being unwashed, inappropriate dressing for weather conditions, consistent hunger and tiredness and unattended health problems. Behavioural indicators could include begging or stealing food, gorging food, alienation from peers, withdrawal, aggressive behaviour, appearing miserable and irritable and poor attendance at school.

6. HOW TO RAISE A CONCERN ABOUT CHILD ABUSE, NEGLECT OR SAFETY

Concerns about the safety and wellbeing of children can range from an uncomfortable feeling through to a direct observation of abuse.

What we always need to know:

- abuse is wrong – morally socially and legally - and is never the child's fault;
- the prevention of child abuse us is everyone's responsibility;
- offenders can be anyone;
- it is rare for children to lie about child abuse – the average age of disclosure is 24 years old; and
- every child has the right to be heard and to raise a concern if they are a victim of abuse or concerned about abuse.

If you have any concern or suspicion that a student may be experiencing any form of abuse, neglect, sexual offending, psychological or emotional harm, exposure to family violence or grooming you must raise your concerns with the Principal or one of our Child Safety Officers.

Whenever there are concerns that a child is in immediate danger, call the police on 000.

Examples of child safety concerns include:

- any disclosure by a child that they, or someone they know, has been abused or harmed;
- inappropriate or special relationships developing between staff, volunteers or contractors and students;
- breaches of the School's Child Safety Code of Conduct, particularly if they are persistent;
- feelings of discomfort about interactions between any adult, staff member, volunteer or contractor and a student;
- reasonable suspicions or belief that students are at risk of harm;
- observations of concerning changes in behaviour;
- observations or concerns about grooming behaviours (secret friendships or gifts received);
- concerns about a physical environment that may pose a risk to a student; and
- concerns about the student not being able to live at home.

The School's Child Safety Officers are:

Deputy Principal

Head of Senior School

Head of Middle School

Head of Junior Campus

School Counsellor

Please note that consulting with the Principal or a Child Safety Officer does not change any obligation you have under legislation to report to an external authority such a Victoria Police or Child Protection. Refer to 'How to meet your legal obligations to report child abuse' below.

7. HOW WILL SCHOOL STAFF RESPOND TO CONCERNS OF CHILD ABUSE, NEGLECT AND SAFETY?

The school staff will respond promptly and sensitively to any incident, disclosure, allegation or suspicion of child abuse, neglect, and safety made by, or in relation to, a child or student, school staff member, contractor, volunteer, or any adult member of the school community.

Whenever there are concerns that a child is in immediate danger, call the police on 000.

At the time of disclosure school staff should follow the PROTECT Four Critical Actions for Schools and:

- listen to concerns;
- discuss the concerns and gather information;
- be sensitive to diverse needs, cultural and language differences of the student(s) and school community; (obtain assistance if required);
- provide support for the alleged victim or other students involved;
- protect the privacy of the person reporting, but if the student is in danger declare that this information will need to be passed on;
- inform the Principal or a Child Safety Officer of the concern and any actions/records taken;
- assist with recording information using the PROTECT Responding to Suspected Child Abuse template; and
- if required by law make a report to the appropriate authorities, (refer to 'How to meet your legal obligations to report child abuse' below).

The Principal and Child Safety Officers are the key persons to whom allegations or disclosures of child abuse should be discussed to ensure staff feel empowered and supported in their decision making and reporting of child safety concerns.

If a Child Safety Officer has been notified, or been made aware, of an allegation or disclosure of child abuse they will immediately inform the Principal.

Upon learning of an allegation or a disclosure of child abuse, the Principal, or a Child Safety Officer, will ensure that the School:

- responds to the allegation or disclosure of child abuse in a timely and sensitive way, being mindful of the diversity and characteristics of the individual and those in the school community;
- provides a safe environment for the alleged victim and any other students alleged to be involved or affected;
- provides provide clear information to the alleged victim about what the School will do in response to their allegations or disclosure;
- informs the student of the obligation of the School to report the allegations or disclosure to the appropriate authorities;
- provides appropriate support to the alleged victim and student who has disclosed the child abuse;
- calls for medical and/or Police assistance in cases of emergency;
- contacts the parents/carers of the alleged victim, unless it is not appropriate in the circumstances or not allowed to do so by authorities, such as Police or the Department of Families, Fairness and Housing (DFFH) and Child Protection;
- keeps contemporaneous notes and records of all conversations, disclosures and of all follow up actions using the PROTECT Responding to Suspected Child Abuse template; and
- provides ongoing support for children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professionals.

In the case of an historic allegation, these will be managed by the Principal and School Board.

The Principal must

Upon being informed of a reportable allegation towards children made against a school staff member (employee, contractor, volunteer or officer of the School), the Principal must report the allegation to the Commission for Children and Young People (CCYP) within three business days of the allegation. Then investigate the allegation or engage an independent investigator to undertake an investigation (refer to the Reportable Conduct Policy).

In the absence of the Principal, the Deputy Principal becomes responsible for managing the School's response.

In the event of a reportable allegation involving the Principal, any person, including an employee of the School, should, in addition to any legal reporting obligation, inform the Chair of the Board and may do so directly.

The Principal will inform the School Board of the concerns and the actions taken so it can be documented in the risk register.

If the allegation is made against a registered teacher, the Principal is also required to inform the Victorian Institute of Teaching.

Mandatory Reporters must

The *Children, Youth and Families Act 2005 (Vic) (CYFA) (section 184)* requires Mandatory Reporters to make a report to the Department of Families, Fairness and Housing (DFFH) Child Protection and/or Victorian Police, when they believe that a child (aged under 17) is in need of protection from significant harm from physical injury or sexual abuse. A report must be made on each occasion a reporter forms a reasonable belief. In addition to these actions, staff:

- must inform the Principal or a Child Safety Officer of their concern and any actions taken;
- must inform the Principal or a Child Safety Officer of the details of any reportable allegation of which they become aware;
- are not required to assess the validity of any allegations or to prove that child abuse did indeed take place before taking action according to their mandatory reporting obligations.

Reporting Contact details:

- Victoria Police 000 (24 hours)
- Child Protection Services, Department of Families, Fairness and Housing (DFFH)
  - East Division intake: 1300 360 391 (8:45am to 5:00pm Monday to Friday)
  - After hours emergency services 13 12 78
- Orange Door (Was Child FIRST) Inner Eastern Melbourne 1800 354 322

8. HOW TO MEET YOUR LEGAL OBLIGATIONS TO REPORT CHILD ABUSE

8.1 DUTY OF CARE

All school staff and volunteers have a legal obligation to take reasonable steps to minimise the risk of reasonably foreseeable harm to a student, under their care, including;

- ensuring suspected child abuse must be reported to the Principal or Child Safety Offices and relevant authorities;
- provision of suitable and safe premises;
- provision of an adequate system of supervision;
- implementation of strategies to prevent bullying; and
- ensuring that medical assistance is provided to a sick or injured student.

The duty of care is non-delegable, meaning that it cannot be assigned to another party.

Refer to the School's Duty of Care Policy for more information.

8.2 REPORTING TO POLICE

Failure to Disclose (All Adults)

The Crimes Act 1958 (Vic) requires all adults aged 18 years or over (meaning students aged 18 are included) who have information that leads them to form a reasonable belief that a sexual offence has been committed in Victoria by another adult against a child under the age of 16 years must disclose that information to the Police as soon as it is practicable to do so. Unless the adult has a reasonable excuse for not doing so, it is an offence under the Crimes Act 1958 to fail to make such a disclosure to the Police. The offence carries a maximum imprisonment term of 3 years.

The offence does not concern rumour or speculation about another person or a small piece of information that may be relevant. The offence is concerned about the failure of an adult to disclose information of a sufficient quality that would lead that adult to form a reasonable belief that a relevant sexual offence has been committed.

The circumstances in which an adult will have a reasonable excuse for failing to disclose information to the Police include the following:

- where the adult may reasonably fear for their safety, or the safety of the child or another; person (other than the alleged offender), if the offender was to find out that the offence had been disclosed to the police and the failure to disclose the information was a reasonable response in the circumstances;
- where the adult believes on reasonable grounds that the information has already been disclosed to the Police and the adult has no further information to add; and
- the victim, now being over 16 years of age, requests that the information not be disclosed to the Police (unless the victim has an intellectual disability and does not have the capacity to make an informed decision).

Please note that the School requires staff, wherever they are located, to report to local police if they have a reasonable belief that a sexual offence has been committed against a child. For example, if the offence occurred outside of Victoria on an interstate or international trip.

If any staff member has concerns about whether they are required to disclose information to the Police, they should speak to the Principal or a Child Safety Officer as soon as possible so that assistance can be provided in relation to the staff member's obligations.

In relation to cases of sexual abuse or sexual assault, all adults at the School, with the support of the Principal or a Child Safety Officer, will report any incident to the Sexual Offences and Child Abuse Investigation Team (“SOCIT”) of the Victoria Police.

Failure to Protect

An adult in a position of authority has a duty to act immediately to reduce or remove a risk where a child under the age of 16 is at risk of a sexual offence. A person in authority includes, but not limited to, Teachers, and School Principals.

Grooming

Grooming of a child (aged under 16 years) or a person who has care, supervision or authority of a child (such a parent) with the intention of facilitating the child’s involvement in sexual conduct at a later time is considered an offence under the Crimes Amendment (Grooming) Act 2014.

In relation to cases of sexual abuse or sexual assault, all adults at the School, with the support of the Principal or a Child Safety Officer, will report any incident to the Sexual Offences and Child Abuse Investigation Team (“SOCIT”) of the Victoria Police

8.3 MANDATORY REPORTING TO CHILD PROTECTION

The *Children, Youth and Families Act 2005 (Vic) (CYFA) (section 184)* requires Mandatory Reporters (refer to Definitions) to make a report to the Department of Families, Fairness and Housing (DFFH) Child Protection, when they believe that a child (aged under 17) is in need of protection from significant harm from physical injury or sexual abuse. A report must be made on each occasion a reporter forms a reasonable belief.

Mandatory Reporters

A mandatory reporting obligation arises under the CYFA when a mandated reporter forms the belief on reasonable grounds that, in the course of carrying out his or her duties as an employee of the School, a child is in need of protection. A mandatory reporter is obliged to report their reasonable belief, and the grounds for the belief, to DFFH Child Protection as soon as practicable after forming the belief that the child needs protection.

If you are not a Mandatory Reporter, you still have the option of making a report to DFFH Child Protection if you believe on reasonable grounds that a child is in need of protection. The CYFA states that any person who believes on reasonable grounds that a child is at risk of harm should report their concerns to Child Protection.

It is the School's policy that all mandatory reports should be made after the Principal (or as delegated by the Principal to one of the School's Child Safety Officers) has been made aware of the mandatory report obligation that has arisen. The Principal, or delegate, will support the staff member in relation to their reporting obligations.

A staff member who, on reasonable grounds, believes that a child is in need of protection but finds these beliefs are not supported by the Principal or a Child Safety Officer must still make a mandatory report and provide documentation in line with the Record Keeping section of this policy.

Where a reasonable belief is shared by mandated reporters, and where one of the mandated reporters has expressed intentions to make a report based on their reasonable beliefs, but has not done so, the other mandated reporter must make a report.

Reasonable Grounds

A mandatory report must be made when you form a belief on reasonable grounds that a child is in need of protection where the child has suffered, or is likely to suffer, significant harm as a result of:

- physical injury; or
- sexual abuse; and
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

It is an offence to fail to make a mandatory report when the circumstances suggest that a reasonable person ought to have arrived at the belief that a child was at risk. Therefore, mandated reporters are encouraged to discuss any concerns about the safety and wellbeing of students and their obligation to make a mandatory report with the Principal or a Child Safety Officer.

Parents Have Not Protected, or are Unlikely to Protect, the Child From Harm

A parent who "has not protected or is unlikely to protect that child from harm of that type" includes a parent who wants to protect his or her child from harm but lacks the means to. It also includes a parent who has the means to protect his or her child from harm but does not want to.

A parent may be rendered “unlikely to protect” that child for many reasons. For example:

- that parent does not, or refuses to recognise that harm is occurring; or
- that parent or child may be subject to domestic violence; or
- that parent's partner may be abusive or harmful to the child.

It is also noted that mandatory reporters should not inform the parents or guardians of a child in respect of whom they have made a report to Child Protection, nor do they require their consent to do so. Child Protection will manage any relevant communications with parents and guardians when required.

Protection of Reports Made in Good Faith

A mandatory reporter who makes a report in good faith is given protection by the *Children, Youth and Families Act 2005.* In particular, if a report is made in good faith:

- making the report does not constitute unprofessional conduct or breach professional ethics;
- the reporter is not subject to any liability as a result of making the report; and
- evidence in a legal proceeding that identifies the reporter or is likely to lead to the identification of the reporter, is only admissible if the Court grants leave for the evidence to be given or the reporter consents in writing to that evidence being given.

In relation to cases of mandatory reporting, and with the support of the Principal or a Child Safety Officer, the mandatory reporter will make a report to:

Reporting Contact details:

- Victoria Police 000 (24 hours)
- Child Protection Services, Department of Families, Fairness and Housing (DFFH)
  - East Division intake: 1300 360 391 (8:45am to 5:00pm Monday to Friday)
  - After hours emergency services 13 12 78
- Orange Door (Was Child FIRST) Inner Eastern Melbourne 1800 354 322

8.4 REPORTABLE CONDUCT SCHEME

The Child Wellbeing and Safety Act 2005 (Vic) (the CWS Act) requires the School to investigate and report to the Commission for Children and Young People (CCYP) allegations of a school staff member (employee, contractor, volunteer or officer of the School) reportable conduct or misconduct that may involve reportable conduct (a reportable allegation).

As soon as a person forms a reasonable belief that a school staff member has engaged in reportable conduct or misconduct that may involve reportable conduct (a reportable allegation) the person must notify the Principal.

Upon being informed of a reportable allegation towards children made against a school staff member, the Principal must report the allegation to the CCYP within three business days of the allegation.

What must be notified to the CCYP?

The Principal must notify the CCYP in writing of:

- the reportable allegation as soon as possible, and in any event within three business days being notified (Three Day Notification);
- the proposed next course of action (see below), as soon as practicable, and within 30 days of becoming aware of the reportable allegation (30 Day Update);

- the identity of the person who will investigate the reportable allegation as soon as practicable (Investigator Update); and
- the outcome of the School's internal investigation into the matter as soon as practicable after the internal investigation has concluded (Investigation Outcome Update).

These notifications must all be made using the online forms available through the CCYP's website

The Principal will also make a confidential record of the following information:

- the date of disclosure or when the School was first advised of the allegation of child abuse or sexual assault;
- the name of the person making the allegation or disclosure and to whom the allegation/disclosure was made;
- details of the allegations of child abuse including the identity of the alleged abuser/s and other persons involved (such as witnesses);
- details of the mandatory report to Child Protection or Police; and
- the procedures followed by the School in responding to the disclosure or allegations and its response.

For more information refer to the School's Reportable Conduct Scheme Policy.

8.5 RECORD KEEPING

All Staff members must make a clear and contemporaneous records relating to any incidents, disclosures or allegations of child abuse. These records are to be retained and provided to the Principal.

The following PROTECT templates should be used by staff to ensure their documentation is comprehensive:

- Responding to suspected child abuse template
- Responding to student sexual offending template

When using the template, you should aim to provide as much information within the template as possible. These records will help make a report of the abuse to the relevant authorities.

If you do not use the template, you must still ensure you are making an effort to collect all the information that is required by the template. Note that you only need to complete the relevant sections of the template.

Even if you decide not to make a report, you must still document the incident, disclosure or allegation and the reasons for your decision.

This information may be sought at a later date if the matter is the subject of an investigation or court proceedings. These notes may also later assist you if you are required to provide evidence to support your decisions.

All documentation and evidence received and collated by the School in relation to an allegation of child abuse, sexual assault or mandatory report will be securely stored in files under the supervision of the Principal. The School must ensure that these records are kept securely. For example, if you have a hard copy file, you should make sure it is kept in a locked cabinet. If you have an electronic record, you need to make sure it is password protected and only staff members who need the information have access.

All personal information collected, held and stored by the School will be managed in accordance with the School's Privacy Policy as sensitive information and in accordance with Public Records

Office Victoria (PROV), Recordkeeping Standards including minimum retention periods. Nothing in this policy should be read as prohibiting staff from making records in relation to an incident, allegation or disclosure of child abuse.

8.6 PRIVACY AND INFORMATION SHARING

School staff members and certain professionals are permitted to share certain information about a child who has been impacted by abuse. However, any information sharing with external parties may be subject privacy laws, and legislated requirements and should be reviewed and approved by the Principal before sharing.

Information sharing with school staff

Privacy laws allow school staff to share a child's personal and health information to enable other school staff to:

- support the education of the student, plan for individual needs and address any barriers to learning;
- support the social and emotional wellbeing and health of the student;
- fulfil duty of care obligations to the student, other students, staff and visitors;
- make reasonable adjustments if the student has a disability, including a medical condition or mental illness; and
- provide a safe and secure workplace.

Therefore, a school staff member is permitted to share certain information about a child with other staff members, without the consent of a parent or guardian and without breaching privacy laws.

What kind of information can be shared with school staff?

The type of information that may be appropriate to share with other school staff about a child who is impacted, or suspected to be impacted by child abuse may include:

- that the child is in a difficult situation;
- that the child should be monitored and may need support; and
- the content of any Student Wellbeing or Support Plan, including any signs or symptoms that the child may display when they are in need of support, and any strategies or support services that have been put in place to support the child while they are at school.

Information sharing with DFFH and Victoria Police

Privacy legislation permits a school staff member disclosing personal information about a child to Department Families Fairness and Housing (DFFH) Child Protection if:

- it is authorised or permitted by law; or
- if it is necessary to lessen or prevent a serious and imminent risk to health, safety or welfare of any person.

Reporting suspected child abuse to DFFH Child Protection or Victoria Police does not constitute a breach of Victorian privacy laws because these disclosures are specifically permitted under the *Children Youth and Families Act 2005* and the *Privacy and Data Protection Act 2014*.

Disclosure of information to DFFH Child Protection in good faith does not constitute unprofessional conduct or a breach of professional ethics for school staff. This means that a school staff member cannot be successfully sued or suffer formal adverse consequences in their work.

If you've made a report or referral your identity will be protected, unless you consent to its disclosure, or the disclosure is specifically authorised by a Court or Tribunal.

Requests for Information about a student

If a school staff member receives a request for information relating to a child who has been impacted, or is suspected to have been impacted, by child abuse from an officer from DFFH Child Protection or Victoria Police or an Information Scheme Entity (ISE) under the Child Safety Information Sharing Scheme or Family Violence Information Sharing Scheme the school staff member should:

- obtain the request for information in writing; and
- ensure that the written request includes the following information:
    - the name of the officer, the organisation in which they work, and their contact details
    - description of the information and documents that are being sought
    - the reasons why the information and documents are being sought
    - what authority the person or their organisation believes that they have to access the requested information and documents.

These requests should then be referred to the Principal for review and approval.

9. SUPPORT OF CHILDREN CONNECTED TO ALLEGED CHILD ABUSE

The School will provide ongoing support within the school environment for children who are involved in allegations of child abuse and who may be vulnerable. This support may involve, as the circumstances require:

- developing an individual wellbeing or support plan for vulnerable children which is sensitive to the diversity and characteristics of the individual and those in the school community;
- working with the child's family, as appropriate, being sensitive to the diversity of characteristics of that family, to ensure the safety and welfare of the child while in the school environment;
- appointing a support staff member or members, such as the School Counsellor or a Head of School, to oversee the student's safety and welfare and to observe and monitor the child's behaviour and assess their ongoing needs;
- taking such action as is considered necessary to protect any child connected to the alleged child abuse until the allegation is resolved, which may include removing the alleged perpetrator from the school environment or preventing them from having further contact with the child; and
- ensuring that the School has accurate and relevant information about the values and childrearing practices of the cultural group to which the child belongs so that it understands and can act within the child's cultural context.

10. PROCEDURE BREACH

Any breach of this policy and procedures will be considered by the Principal, or their delegate, will be dealt with on a case-by-case basis, and may lead to disciplinary action. A failure by a mandated staff member to report a reasonable belief that a child is in need of protection may result in the person being prosecuted and a court imposing a fine under the *Children, Youth and Families Act 2005*. All breaches, near misses and risks related to this policy should be reported to the Principal.

11. PROCEDURE REVIEW

We will review and ensure ongoing improvement of our child safety policies, practices, and procedures by:

- reviewing of this policy and procedure every 2 years or after any significant child safety event;
- analysing any complaints, concerns and safety incidents to improve our policy and practice; and
- acting with transparency and share pertinent learnings and review outcomes with school staff and our school community.

12. DEFINITIONS

Child	An individual who is under the age of 18 years and who is enrolled as a student at the School.
Child Abuse	Child abuse includes (a) any act committed against a child involving – (i) a sexual offence; or (ii) the offence of grooming; and (b) the infliction, on a child, of - (i) physical violence; or (ii) serious emotional or psychological harm; and (c) serious neglect of a child.
Child-connected Work	Work that is authorised by the School that is performed by an adult in the school environment while children are present or reasonably expected to be present.
Child Safety	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.
Child Safety Officers	The School Child Safety Officers are persons holding the following positions: • Deputy Principal • Head of Senior School • Head of Middle School • Head of Junior Campus • School Counsellor
Family Violence	Under the Family Violence Protection Act 2008 (Vic.) it includes 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.
Grooming	The Crimes Amendment (Grooming) Act 2014 introduced 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 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.

Further information can be obtained at:

https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/grooming-offence

Mandatory Reporters

Mandatory reporters include teachers, the Principal, nurses, school psychologists, persons in religious ministry and medical practitioners.

The following persons employed at the School are mandated reporters:

- the Principal
- a registered teacher
- a person who has been granted permission to teach by VIT
- School Counsellor

Reasonable Grounds

Requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well-founded and based on information from a reliable source. A report must be made on each occasion a reporter forms a reasonable belief.

The following may be reasonable grounds for forming such a belief if:

- A student states they have been physically or sexually abused
- A student states they know someone who has been physically or sexually abused
- Someone who knows the student states the student has been physically or sexually abused
- A student shows signs of being physically or sexually abused
- The staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a student's safety, stability or development
- The staff member observes signs of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision; or
- A student's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the student.

Grounds for belief include matters of which a person has become aware and any opinions based on those matters.

"Significant" means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. What is "significant" is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare or wellbeing. Significant harm can result from a single act or omission or an accumulation of these.

Reportable allegation

Any information that leads a person to form a reasonable belief that an employee, contractor, volunteer or officer of the School has committed:

- reportable conduct;

- 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 with the School.

Reportable Conduct

(a) a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded;

(b) sexual misconduct committed against, with or in the presence of, a child;

(c) physical violence committed against, with or in the presence of, a child;

(d) any behaviour that causes significant emotional or psychological harm to a child; or

(e) significant neglect of a child.

Sexual Misconduct

Conduct that includes behaviour, physical contact or speech or other communication of a sexual nature, inappropriate touching, grooming behaviour and voyeurism.

School Environment

Any physical or virtual place that was made available or authorised by the School for use by a child/student, and includes:

(a) the Junior Campus on Balwyn Road, Balwyn

(b) the Senior Campus on Balwyn Road, Balwyn

(c) online school environments including email, inFintona and web based / networked systems

other locations provided by the School, including locations used for school camps, sport, excursions, competitions and other events.

School Staff

Individuals working in the school environment who are:

- directly engaged or employed by the School;
- a volunteer or a contracted service provider.

Sexual Assault

Any unwanted sexual behaviour that causes humiliation, pain, fear or intimidation and includes offences under the *Crimes Act 1958* (Vic) including rape, indecent assault, indecent act with a child and grooming.

Sexual Offence

A sexual offence for the purposes of the reporting obligation includes the following offences committed against a child under the age of 16 by an adult and includes:

- any attempt to commit any of these offences; or
- an assault with intent to commit any of these offences.

The offences include:

- rape
- indecent assault
- sexual penetration of a child under 16
- indecent act with a child under 16
- administration of a drug with the intention of rendering the child incapable of resistance to enable a person to take part in an act of sexual penetration or commit an act of indecency with the child.

Student

A person who is enrolled at or attends the School.

Volunteer	A person who performs work without remuneration or reward for the School in the school environment.

13. POLICY REVIEW AND APPROVAL

This policy will be reviewed on a two-yearly basis or more frequently, if required, following any significant incidents and to keep up-to-date with changes to laws and regulations. This policy is to be reviewed by the Deputy Principal with the Child Safety Officers and then the Principal and members of the Leadership Team. All updates and changes have to be reviewed and approved by the School Board.

14. REFERENCE POINTS/BACKGROUND PAPERS

- *Child Wellbeing and Safety Act 2005*
- *Children, Youth and Families Act 2005 (Vic)*
- *Crimes Act 1958 (Vic)*
- *Education and Training Reform Act 2006 (Vic)*
- *Ministerial Order 1359 Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools*
- *Privacy Act 1988 (Cth)*
- *Reportable Conduct Scheme July 2017*
- *Status of Children Act (Vic) 1974*
- *Wrongs Amendment July 2017*

15. RELATED SCHOOL POLICIES/DOCUMENTS

- SW04.00 Child Safety and Wellbeing Policy
- SW04.02 Child Safety Officer Role Description
- SW04.04 Child Safety Code of Conduct
- SW06.00 Reportable Conduct Scheme Policy
- SG02.00 Privacy Policy

16. IMPORTANT LINKS/CONTACTS

- **Child Protection** Eastern Division Intake – Metropolitan – **1300 360 391**
- Commission for Children and Young People (CCYP) – https://ccyp.vic.gov.au/ (03) 8601 5281
- Department of Education – Child Protection https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/default.aspx
- Department of Families, Fairness and Housing (DFFH) – Mandatory Reporting https://providers.dffh.vic.gov.au/mandatory-reporting
- Department of Families, Fairness and Housing (DFFH) – Child Safe Standards
- https://www.dffh.vic.gov.au/publications/child-safe-standards
- Orange Door – Inner Eastern Melbourne – **1800 354 322**
- Victoria Police – **000**
- Public Records Office Victoria, Recordkeeping Standards
- PROTECT Responding to suspected child abuse template
- PROTECT Responding to student sexual offending template

17. ACCESSIBILITY

This document is available on:

- Fintona website>About>Policies
- inFintona>Staff Services>Policies
- inFintona>Parent Services>Policies
- Fintona Board Portal