

# Child Safety Responding and Reporting Obligations (including Mandatory Reporting)

## POLICY AND PROCEDURES



This **Child Safety Responding and Reporting Obligations (including Mandatory Reporting) Policy and Procedures (Policy)** outlines how to raise a concern or complaint about child abuse and how Balcombe Grammar will respond and make reports to relevant external authorities. It has been developed in accordance with the Victorian Child Safe Standards and Ministerial Order 1359, *Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises*, made under the *Education and Training Reform Act 2006* (Vic).

**If there is concern for the immediate safety of a child, please call 000 (Triple Zero).**

This Policy is publicly available on our website, along with other child safety and wellbeing policies and procedures. This includes our **Child Safety Dictionary**, which outlines the key definitions used in these policies and procedures.

If you would like a paper copy of this Policy, or are a non-English speaker who needs help to understand this policy, please contact Natalie Kurelja – Head of Faith & Wellbeing,

**PLEASE NOTE:** This Policy applies to any concerns or complaints of child abuse (including harm or breach of our **Child Safety Code of Conduct**) made by or in relation to a child or student, school staff, Volunteers, Contractors, service providers (also known as Third Party Contractors), visitors or any other person while connected to Balcombe Grammar School. For all other concerns or complaints not relating to child abuse, see our **Child Safety Complaints Management Policy and Procedures**.

Balcombe Grammar School has a positive complaints culture that encourages staff, Contractors, Volunteers, students, parents and our School community to raise concerns and complaints related to child abuse. We are committed to the protection of all children from all forms of child abuse. We have a comprehensive child safety program curriculum with age-appropriate education and awareness programs. This is further supported by our actions and processes which empower our students to have a voice and pro-actively raise any complaints or concerns. This makes it more difficult for breaches of our **Child Safety Code of Conduct**, misconduct or child abuse to occur and remain hidden.

All complaints and concerns of child abuse are treated seriously, whether made by an adult or child, and will be responded to promptly and thoroughly. If there is an incident, disclosure or suspicion of child abuse, all School staff, Volunteers and Contractors are to respond by following the processes set out in this Policy.

As part of this Policy, Balcombe Grammar School adopts and applies the policy and procedures set out in the *PROTECT - Identifying and responding to all forms of abuse in Victorian Schools* This guide is **attached** to this policy and available at [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).

This guide is primarily directed at people working at or for a school, but Balcombe Grammar School encourages all School community members to read it. It contains easy to understand information about identifying signs of child abuse, understanding obligations to protect children from abuse, how schools respond to child abuse concerns and incidents and other concerns about child safety and wellbeing, information sharing and contact details for support within and external to school communities.

### Objectives

The purpose of this Policy is for Balcombe Grammar School to have clear child-focused, culturally safe and easily understood processes and procedures for responding to complaints or concerns relating to child abuse that:

- cover all forms of child abuse
- are sensitive to the diversity and characteristics of our School community and pay particular attention to the needs of:
  - Aboriginal and Torres Strait Islander students
  - lesbian, gay, bisexual, trans and gender diverse, intersex and queer (LGBTQIA+) students
  - students with disability
  - students from culturally and linguistically diverse backgrounds
  - students with refugee backgrounds
  - students who are unable to live at home
  - international students

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- vulnerable students
- are publicly available
- are accessible to children, students, staff, Volunteers, Contractors and the School community
- apply to complaints and concerns relating to child abuse made by or in relation to a child or student, staff, Volunteers, Contractors, service providers, visitors or any other persons while connected to the School environment
- identify the roles and responsibilities of school staff and leadership to act and report on complaints and concerns relating to child abuse, including:
  - ensuring that the complaint or concern is taken seriously
  - promptly and thoroughly managing Balcombe Grammar School's response
  - responding appropriately to a child or student who raises or is affected by the complaint or concern
  - monitoring Balcombe Grammar School's overall compliance with the procedures
  - managing an alternative procedure where a person allocated responsibility cannot perform their role
- do not displace or discharge any other obligations that arise if a person, in fulfilling the roles and responsibilities in the procedures, reasonably believes that a child is at risk of child abuse
- clearly describe the actions Balcombe Grammar School will take to respond to a complaint or concern relating to child abuse, including actions to:
  - report allegations, suspicions or disclosures to relevant authorities, regardless of whether there is a legal obligation to report, and to co-operate with law enforcement
  - protect any child or student connected to the complaint or concern relating to child abuse until the complaint or concern is resolved
  - make, secure and retain records of the complaint or concern and Balcombe Grammar's response
- ensure all record keeping, reporting, private and employment law obligations are met when responding to child abuse complaints and concerns
- ensure that all school staff understand:
  - mandatory reporting under the *Children and Young Persons Act 2005 (Vic)*
  - the failure to disclose offence under the *Crimes Act 1958 (Vic)*
  - the failure to protect offence under the *Crimes Act*
  - the grooming offence under the *Crimes Act 1958*
- ensure that all school staff and relevant Volunteers and Contractors engaged in child-connected work understand and training is provided to school staff annually and to relevant Volunteers and Contractors as is appropriate to the nature and responsibilities of their role:
  - the procedures for responding to complaints and concerns relating to child abuse
  - recognising indicators of child harm, including harm caused by other children, students, or adults (including family violence)
  - responding effectively to issues of child safety and wellbeing and supporting colleagues who disclose harm
- ensure that all newly appointed school staff, CSV Board members and relevant Volunteers and Contractors engaged in child-connected work receive information appropriate to their roles that includes the procedures for managing child abuse complaints and concerns an induction
- ensure students have access to age-appropriate sexual abuse prevention programs and relevant related information
- ensure that Balcombe Grammar School is compliant with all laws, regulations and standards relevant to child safety and protection in Victoria, including Ministerial Order 1359.

### Scope

This Policy applies to all:

- CSV Board members, staff, Volunteers and Contractors
- School environments, including physical, virtual and online places on-site and off-site, including locations provided by Balcombe Grammar School through a third party provider for a student to use (e.g. extra-curricular activities such as sport and other programs, camps and excursions, interstate and overseas)
- complaints and concerns relating to child abuse made by or in relation to a child or student, school staff, Volunteers, Contractors, service providers, visitors or other persons while connected to the school environment
- persons bound by this Policy who are required to report concerns about, or incidents of, child abuse or neglect.

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**NOTE:** Fulfilling the roles and responsibilities set out in this Policy 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 this Policy we use terms defined in our Child Safety Dictionary. Additionally, when we refer to 'authorities', we mean Victorian government organisations responsible for receiving reports about children when there are concerns the child is in need of protection from child abuse or neglect:

- Victoria Police for concerns of child abuse and all instances of sexual abuse concerns, including grooming, of a child under 16.
- Department for Families, Fairness and Housing Child Protection service (**DFFH - Child Protection**) for mandatory reporting by mandatory reporters of concerns of child physical and sexual abuse of a child under 17 (and, in specified circumstances where a protection order applies, up to 18 years).
- Commission for Children and Young People (**CCYP**) for concerns of child abuse and neglect of a child under 18 by a person employed or engaged by a defined organisations (including a school) under the *Child Wellbeing and Safety Act 2005 (Vic)*'s Reportable Conduct Scheme.

### Roles and Responsibilities

Roles and responsibilities for child safety are set out in **Child Safety and Wellbeing Policy**. Additionally, under this Policy, the following people have particular responsibilities:

Role	Responsibilities
<b>Principal</b>	<b>The Principal</b> is responsible for implementing this Policy and receiving and responding to complaints as outlined in this Policy.
<b>CSV Board Chair</b>	<b>The CSV Board Chair</b> is responsible for receiving and responding to complaints, including against the Principal or other Board members, as outlined in this Policy.
<b>Deputy Principals &amp; CSV Board Deputy Chair</b>	<b>The Deputy Principals and CSV Board Deputy Chair</b> are responsible for receiving and responding to complaints against the Principal or CSV Board Chair as outlined in this Policy.
<b>Head of Faith &amp; Wellbeing, Child Safety Officers</b>	<b>The Head of Faith &amp; Wellbeing and Child Safety Officers</b> are responsible for receiving and responding to complaints as outlined in this Policy, including being the first point of contact for students who are experiencing issues with other students.
<b>Staff, Volunteers and Contractors</b>	<b>Staff and relevant Volunteers and Contractors</b> are responsible for undergoing child safety induction and training, including about this Policy, and for complying with this Policy.  For more information, refer to our <b>Child Safety Training and Supervision Policy and Procedures</b> and the 'Breach' section below.

### Policy

Balcombe Grammar School is committed to ensuring the safety, wellbeing, and participation of all children and young people under our care. We have zero tolerance for child abuse.

### What is Child Abuse?

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

Under the *Child Wellbeing and Safety Act 2005 (Vic)*, child abuse includes:

1. any act committed against a child involving a sexual offence
2. grooming

3. the infliction on a child of physical violence
4. the infliction on a child of serious emotional or psychological harm
5. serious neglect, including exposure to family violence and its effects.

### 1. Sexual offences

The *Child Wellbeing and Safety Act 2005* uses the definition of 'sexual offences' contained in other legislation.<sup>1</sup>

These include sexual behaviours that are committed against, with or in the presence of a child. Victoria Police explains that:

Sexual offences can refer to a broad range of sexual behaviours that make a person feel:

- uncomfortable
- frightened
- threatened.

Sexual offences can include rape, sexual assault and child sexual abuse.

Sexual offences are often perpetrated by someone known to, and trusted by, the victim and those close to them. Sexual offending can occur anywhere. This could be within the family home, the community and institutional settings (such as a school, church, club, aged care facility or disability service). A sexual offence may be experienced as a one off or repeatedly over a longer period.<sup>2</sup>

### 2. Grooming

Grooming by an adult for sexual conduct with a child under the age of 16 is a crime under section 49M of the *Crimes Act 1958* (Vic) and included in the definition of child abuse under the *Child Wellbeing and Safety Act 2005* (Vic).

Grooming refers to behaviours that manipulate and control a child with the intent of gaining access to the child, obtaining the child's compliance, maintaining the child's silence and avoiding discovery of the sexual abuse.

Grooming is an offence under section 49M of the *Crimes Act 1958*. The Department of Justice and Community Services explains that:

- The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.
- The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.
- Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.
- The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as upskirting and indecent behaviour in public.
- The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.
- The offence applies to communication with children under 16 years, but not communication with 16 and 17 year old children. This distinction between children aged below 16 and those aged 16 or 17 reflects the general age of consent (16 years) recognised by the criminal law in relation to sexual offences.

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<sup>1</sup> Clause 1 (Sexual Offences) of Schedule 1 (Serious Offender Offences) of the *Sentencing Act 1991* (Vic) referred to paragraph (a) of the definition of child abuse in section 3(1) of the *Child Wellbeing and Safety Act 2005* (Vic).

<sup>2</sup> <https://www.police.vic.gov.au/reporting-sexual-offences-child-abuse>

- The maximum penalty is 10 years imprisonment.<sup>3</sup>

### 3. Physical violence

The *Child Wellbeing and Safety Act 2005* does not further describe what child abuse from the infliction on a child of physical violence means. The standard definition used by the Department of Education for 'child abuse (physical)' is:

*Physical child abuse is any non-accidental infliction of physical violence on a child by any person. It can be inflicted in many ways, including beating, shaking or burning and assault with implements and female genital mutilation.<sup>4</sup>*

### 4. Serious emotional or psychological harm

The *Child Wellbeing and Safety Act 2005* does not further describe what child abuse from the infliction on a child of serious emotional or psychological harm means. The standard definition used by the Department of Education for 'child abuse (emotional)' is:

*Emotional child abuse occurs when a child is repeatedly rejected, isolated, or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health.*

### 5. Serious neglect, including exposure to family violence and its effects

The *Child Wellbeing and Safety Act 2005* (Vic) does not further describe what child abuse from serious neglect means. It uses the same definition of family violence as contained in section 5 of the *Family Violence Protection Act 2008* (Vic).

The Department of Education's standard definitions for 'neglect' and 'family violence' are:

*Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. The law differentiates between three different levels of neglect:*

- 'Minor' neglect is low-level neglect that is trivial or temporary.
- 'Significant' neglect is medium-level neglect that causes harm to a child that is more than trivial or temporary.
- 'Serious' neglect is the highest level of neglect. It involves the continued failure to provide a child with the basic necessities of life and can also occur if an adult fails to adequately ensure the safety of a child exposed to extremely dangerous or life-threatening situations.

The *Family Violence Protection Act 2008* (Vic) defines family violence as:

a) behaviour by a person towards a family member of that person if that behaviour:

1. is physically or sexually abusive; or
2. is emotionally or psychologically abusive; or
3. is economically abusive; or
4. is threatening; or
5. is coercive; or
6. in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or

b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to above.

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<sup>3</sup> See: [https://files.justice.vic.gov.au/2021-06/grooming\\_betrayal\\_of\\_trust\\_factsheet\\_2017.pdf](https://files.justice.vic.gov.au/2021-06/grooming_betrayal_of_trust_factsheet_2017.pdf)

<sup>4</sup> <https://www.vic.gov.au/child-safe-standards-definitions>

The *Family Violence Protection Act* provides examples of behaviours that may mean a child has heard, witnessed or otherwise been exposed to the effects of the behaviours listed in paragraph a):

- overhearing threats of physical abuse by one family member towards another family member;
- seeing or hearing an assault of a family member by another family member;
- comforting or providing assistance to a family member who has been physically abused by another family member;
- cleaning up a site after a family member has intentionally damaged another family member's property;
- being present when police officers attend an incident involving physical abuse of a family member by another family member.<sup>5</sup>

Behaviour may be considered family violence even if it is not a criminal offence.<sup>6</sup>

Without limiting the types of behaviour that may be considered family violence, paragraph specifically includes these behaviours:

- assaulting or causing personal injury to a family member or threatening to do so
- sexually assaulting a family member or engaging in another form of sexually coercive behaviour or threatening to engage in such behaviour
- intentionally damaging a family member's property, or threatening to do so
- unlawfully depriving a family member of the family member's liberty, or threatening to do so
- causing or threatening to cause the death of, or injury to, an animal, whether or not the animal belongs to the family member to whom the behaviour is directed so as to control, dominate or coerce the family member.<sup>7</sup>

For more information see *PROTECT – Identifying and Responding to All Forms of Abuse in Victorian Schools*.

### Recognising Child Harm and Possible Child Abuse

Understanding and recognising indicators of child harm, including harm caused by other children, students or adults (including family violence), is important to reduce child safety and wellbeing risks in our school environment and protect children from child abuse.

Guidance on indicators of child harm is included as part of the training and information provided to school staff (annually) and to relevant Volunteers and Contractors engaged in child-connected work (as is appropriate to the nature and responsibilities of their role).

Examples of indicators of child harm and possible child abuse include, but are not limited to:

#### **Physical abuse**

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

#### **Sexual abuse**

Physical indicators can 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 can include disclosure of sexual abuse, age inappropriate sexual activity or behaviour,

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<sup>5</sup> Section 5(1) Example 2 of the *Family Violence Protection Act 2005* (Vic).

<sup>6</sup> Section 5(3) of the *Family Violence Protection Act 2005* (Vic).

<sup>7</sup> Section 5(2) of the *Family Violence Protection Act 2005* (Vic).

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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.

### **Emotional abuse**

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

### **Neglect**

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

For more information see *PROTECT – Identifying and Responding to All Forms of Abuse in Victorian Schools*.

### **How to Raise a Child Abuse Related Concern or Make a Complaint**

Child safety and wellbeing is everyone's responsibility. Whilst raising a concern or making a complaint about child abuse can be challenging, the protection of children and young people within our School community is paramount. A concern that might seem unimportant could, once raised, reveal a bigger issue or could prevent a situation from happening.

We strongly encourage anyone who is concerned that a child may be experiencing any form of abuse to immediately raise these concerns with:

- the Head of Faith & Wellbeing
- a Child Safety Officer
- a Deputy Principal
- the Principal
- CSV Board Chair.

Our Head of Faith & Wellbeing is also a Child Safety Officer and recommended as a first point of contact for any child abuse concerns:

<b>Head of Faith &amp; Wellbeing / Child Safety Officer</b>	<b>Telephone</b>	<b>Email</b>
Natalie Kurelja	03 5970 1100	n.kurelja@balcombegrammar.vic.edu.au

In the case of a concern or complaint about the Principal or a CSV Board member, the CSV Board Chair should be contacted by:

- email: [chairman@csvlimited.vic.edu.au](mailto:chairman@csvlimited.vic.edu.au)
- writing to: *Private and Confidential*  
CSV Board Chair  
CSV Ltd  
PO Box 302  
CRANBOURNE VIC 3977.

If the concern or complaint is about the CSV Board Chair, the CSV Board Deputy Chair should be contacted.

To maintain our focus on our students and their safety needs, Balcombe Grammar School provides a supportive environment that strongly encourages concerns relating to child abuse to be raised and for everyone in our School community to feel comfortable doing so, no matter their nature.

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For this reason, we encourage our students to raise concerns about anything that makes them feel uncomfortable or unsafe, whether occurring at or outside School or by an adult or another child with any school staff member, Volunteer or Contractor.

School staff members and relevant Volunteers and Contractors are trained to recognise indicators of child harm, including child abuse, the different ways students express concerns or distress, to respond effectively by being accessible and helping students feel confident and supported to raise issues at any time. Our Child Safety Officers have also completed additional specialised training and operate across all Balcombe Grammar School campuses.

### How Balcombe Grammar School Responds to Child Abuse Related Incidents, Concerns or Complaints

Whenever an incident, concern or complaint related to child abuse is raised, all school staff and relevant Volunteers and Contractors **must** follow the *PROTECT - Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* and use the *PROTECT Responding to Suspected Child Abuse: A Template for all Victorian Schools*, which form part of this Policy (with modifications as necessary to reflect Balcombe Grammar Schools status as an independent school, e.g. where information specifically applies to government schools only or to Catholic schools).

A copy of *PROTECT - Four Critical Actions for Schools* is available at

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_ChildAbuse.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf).

A copy of *PROTECT - Responding to Suspected Child Abuse: A Template for all Victorian Schools* is available at

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT\\_Responding\\_TemplateSchools.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf).

Applying the **Four Critical Actions**, means that Balcombe Grammar School staff and relevant Volunteers and Contractors are required to:

- report allegations, suspicions or disclosures to relevant authorities, regardless of whether there is a legal obligation to report (legal obligations are separately listed below), and to co-operate with law enforcement
- protect any child or student connected to the complaint or concern relating to child abuse until the complaint or concern is resolved
- make, secure and retain records of the complaint or concern and Balcombe Grammar School's response.

NOTE: *PROTECT* policies and procedures identify and respond to all forms of child abuse, including student sexual offending. Information and guidance on sexual offending by students. Students are advised on the *PROTECT* processes as part of our age-appropriate school curriculum. These policies and procedures are available at <https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/stusexual.aspx>.

The **Four Critical Actions** are:

#### Action 1: Respond to an emergency

This information applies to responding to all forms of child abuse and the actions required to be taken if a child has just been abused or is at immediate risk of harm. If this does not apply, go to **Action 2**.

Immediate safety must be ensured by:

- separating the alleged victims and others involved and ensuring all parties are supervised by a school staff member
- arranging and providing urgent medical assistance where necessary by administering first aid or calling 000 for an ambulance and following instructions
- calling 000 for urgent police assistance if the person alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person and identifying a contact person at the school for future liaison with police.

School staff may also need to maintain the integrity of the potential crime scene and preserve evidence. This might include, but is not limited to, preserving the environment (not cleaning up, cordoning off areas, etc.), clothing, other



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physical items, and taking precautions to prevent discussions about the child sexual abuse between potential witnesses.

More information on Action 1, including the actions that must be taken if a child has just been abused or is at immediate risk of harm and the action required to be taken to preserve evidence is available at <https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/actionone.aspx>.

### Action 2: Report to authorities

This information applies to external and internal reporting of all forms of child abuse.

As soon as immediate health and safety concerns are addressed all school staff and volunteers must report all incidents, suspicions and disclosures of child abuse as soon as practicable to one or more of the authorities. Failure to do so may be a criminal offence. Which authority to report to will depend on the source of the suspected child abuse.

For suspected child abuse within the School:

- All instances of suspected child abuse involving a school staff member, Contractor, Volunteer, allied health practitioner, visitor, officer or office holder must be reported to Victoria Police and reported internally to the Principal and/or CSV Board Chair.

For suspected child abuse within the family or community:

- All instances of suspected sexual abuse (including grooming) must be reported to Victoria Police and reported internally to the Principal and/or CSV Board Chair.
- Where a child is considered to be:
  - in need of protection due to child abuse, and
  - at risk of being harmed, or has been harmed, and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development, and
  - if the child's parents or carers have not protected, or unlikely to protect, the child from harm- this must be reported to DFFH - Child Protection and internally to the Principal and/or CSV Board Chair.

For Victoria Police contact, it is important that the first point of contact is the local police station (unless a child is in immediate risk of harm when 000 should be called). Where appropriate, Victoria Police will refer the reporter to the local Sexual Offence and Child Abuse Investigation Team.

It is important to note that reporting internally does not mean that reporting obligations have been met. Where a reasonable belief that a child has been, or is at risk of being abused or a child is at immediate risk of harm has been formed, a report must still be made to DFFH - Child Protection or Victoria Police.

This is the case even if the person to whom the internal report is made advises not to proceed. Failing to report may mean your duty of care has not been discharged or be a criminal offence. (See below under **Legal obligations to report child abuse and Balcombe Grammar School reporting responsibilities**).

Further reports must be made on becoming aware of any further reasonable grounds for the belief even if DFFH - Child Protection were previously involved or already involved with the child or their family or another part, such as a family member, has already raised concerns with the relevant authorities. There may be times when two or more staff members (e.g. a teacher and a principal) form a reasonable belief about the same child on the same occasion and on the same information where it may be sufficient that only one person makes the report. The other staff member should still ensure the report has been made and that all their reasonable belief grounds are included. Where different views are held about whether to make a report, a report should be made by the staff member who continues to hold a reasonable belief that the child is in need of protection.

It is strongly recommended that any decision not to report is documented using the *PROTECT - Responding to Suspected Child Abuse template*.

If there is a belief that a child is not subject to child abuse, but significant concerns for their wellbeing are still held, action must still be taken. These concerns could include risk taking behaviour, parental difficulties, isolation of a

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family or lack of support. This may include making a referral or seeking advice from Child FIRST/The Orange Door (in circumstances where the family are open to receiving support), DFFH - Child Protection or Victoria Police.

In some circumstances, DFFH - Child Protection or Victoria Police may still need to be contacted, for example, extreme risk behaviour or harm to an unborn baby.

Student sexual offending must be reported to Victoria Police on 000 in all instances, DFFH - Child Protection in specific circumstances and internally to the Principal and/or CSV Board Chair.

Additional reporting obligations most likely apply if the abuse relates to international students. The Victorian Registration and Qualifications Authority must be contacted if the School issues a confirmation of appropriate accommodation and welfare letter.

More information on **Action 2**, including the actions that must be taken to report all incidents, suspicions and disclosure of child abuse including making additional reports, taking action if significantly concerned about a child's wellbeing, reporting student sexual offending and international students is available at <https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/actiontwo.aspx>.

Reporting authority and other organisation contact details are provided in **Four Critical Actions for Schools** and in the above link.

### **Action 3: Contact parents or carers**

This information applies to reporting all forms of child abuse including student sexual offending, when parents and carers should be notified if their child is a suspected child abuse victim and which relevant authorities need to be notified.

In many cases of suspected child abuse, it is extremely important that the child's parents or carers are notified as soon as possible, but not always. There are some circumstances where this might place a child at greater risk.

This means that after any person has formed a suspicion or reasonable belief that a child is subject to abuse and before contacting the parents or carers, advice must be sought by the Principal (or their delegate) from Victoria Police or DFFH - Child Protection (depending on which authority the report has been made to). The relevant authority will advise whether or not parents or carers can be contacted at this stage. This might include, for example, advice:

- not to contact a parent or carer (for example, in circumstances where a parent or carer is alleged to have engaged in the abuse and disclosure might alert the perpetrator and place the child or others at greater risk or the child is a mature minor and does not wish for their parent or carer to be contacted)
- to contact the parents or carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- on how to communicate with all relevant parties with consideration for their safety.

More information on **Action 3**, including the actions that must be taken by the Principal (or delegate); how to communicate with parents or carers in a sensitive and professional manner (when advice is received to do so; and what to do if a student has returned home before the advice from Victoria Police or DFFH - Child Protection is received; and information available at

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

Additional advice on what information can be shared as part of the reporting process and with the school community is also referred to in Action 3 and applies as part of this policy and procedures. See *Privacy and Information Sharing* and, in particular, *Information sharing with the school community* at <https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/infosharing.aspx>.

### **Action 4: Provide ongoing support**

This information relates to all forms of child abuse and the actions that schools must take, where deemed appropriate, to support students who are impacted by child abuse, including student sexual offending.

In addition to reporting requirements, schools have a duty of care to ensure that students feel safe and supported at school. Careful planning and working in partnership with wellbeing professionals, parents and carers and educators provides a holistic approach to address the trauma and significant mental health and wellbeing impacts of child abuse.

### Working together and planning support for students

Working together and planning support means, where appropriate:

- Establishing regular communication between staff and the child's parent or carer to discuss the child's progress, wellbeing and the effectiveness of planned strategies, for example, developing a student Support Plan or convening a Student Support Group.
- Engaging with allied health and wellbeing professionals, for example, Student Wellbeing staff members, nurses, School counsellors, [Respectful Relationships Liaison Officers in instances of family violence] and those engaged by the student and families. Allied health and wellbeing professionals can provide intensive support to children and their families, critical input into student support plans and advice to school staff members on how to appropriately support the student.
- Referral to non-school based specialist services such as family violence, sexual assault and tailored mental health support. Further information on these organisation is available in *PROTECT – Identifying and Responding to All Forms of Abuse in Victorian Schools* as attached and at [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).

Whilst a child's background should not impact or distract from a decision to report suspected child abuse, school governing authorities have obligations under the Victorian Child Safety Standards to recognise the diversity of all children. School staff need to be sensitive to a child's individual circumstances and provide developmental and cultural support and working with families impacted by abuse. This includes, in particular, taking into account the needs of:

- Aboriginal and Torres Strait Islander students
- LGBTQIA+ students
- students with disabilities
- students from culturally and linguistically diverse backgrounds
- students with refugee backgrounds
- students who are unable to live at home
- international students
- vulnerable students.

For Balcombe Grammar School, considering the support needs of these students might include (but is not limited to):

- arranging appropriate support and receiving advice on culturally appropriate support strategies
- engaging interpreters when communicating with the student's family or translator services to assist with understanding and completion of documents if needed
- considering the student's chronological age, development age and cognitive functioning to tailor developmentally appropriate support strategies for students with disabilities and the need to make a further report or implement risk mitigation strategies to protect their vulnerability to ongoing abuse
- providing additional support to students who are unable to live at home and international students whose family may not be present to provide support within the home environment.

For all students, Balcombe Grammar School may also consider, on a case by case basis:

- providing academic support
- acting as a support person for the student when they engage with relevant authorities
- attending meetings with relevant authorities, e.g. DFFH - Child Protection case planning meetings
- escalating matters using a relevant authority's complaints management process where a case has been closed, but concerns about a student persist.

In the context of student-to-student offending, school staff have a duty of care to support all students who are impacted by the abuse. This include the students subjected to the abuse, the students who perpetrated the abuse,

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and any students who witnessed or were otherwise impacted by the abuse. For more information about this, see specifically the information listed under the heading 'Student-to-student offending' in Action 4: Providing ongoing support guidance.

### **Providing support for impacted staff and others**

It can also be stressful for school staff involved in any incidents, concerns or complaints about child abuse, including family violence. It is important to remember that staff members may also have experienced, or be experiencing family violence or abuse in their own lives. The Principal and Head of Faith & Wellbeing must support impacted staff members to access necessary support.

At Balcombe Grammar School we extend such support to Volunteers.

### **Complying with subpoenas or court attendance**

A subpoena or witness summons is a court order compelling production of documents, court attendance, or both. They are usually issued where a party to legal proceedings believes person or organisation has information that is relevant to the proceeding.

Balcombe Grammar School staff and Volunteers who receive a subpoena or witness summons for a child abuse incident, concern or complaint related to Balcombe Grammar School should contact the Principal for advice and assistance in meeting their legal obligations.

### **Responding to complaints or concerns**

There may be concerns or complaints about school staff management of a child abuse incident, concern or complaint, in particular by parents and carers. This is a very stressful time for them and concerns that they do not believe they have been dealt with fairly may quickly escalate.

As a first step, school staff must consider whether the complaint raises any concerns about unreported abuse or risk of abuse. If so, then this Policy applies. If not, refer to our **Child Safety Complaints Management Policy and Procedures**, which is also publicly available.

### **Counselling and support organisations**

The guidance provides information and contact details for the following organisations which may provide additional support as required:

- The Lookout
- Safe Steps
- 1800 Respect
- The Centre Against Sexual Assault
- Gatehouse Centre, Royal Children's Hospital
- Children's Protection Society
- Australian Childhood Foundation
- Djirra
- Child Wise
- Headspace.

More information on *Action 4*, including the actions that schools must take (where appropriate), to work together and plan support for students who are impacted by child abuse; to ensure the diversity of all children is taken into account; student-to-student offending; providing support for impacted school staff members; complying with subpoenas or summons; responding to complaints or concerns; and external organisations for counselling and support is available at

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

### Legal Obligations to Report Child Abuse and Reporting Responsibilities

There are legal obligations on adults to report child abuse depending on the type of abuse, the age of the child and, in some cases, based on their job or professional obligations. Failure to report as and when required may be a criminal offence.

Regardless of whether a person has a legal obligation to report or not, Balcombe Grammar School's focus remains on protecting children from harm and the risk of child abuse. Anyone with a concern that a child may be experiencing any form of abuse (irrespective of whether they have yet to form a reasonable belief that obliges them to make a report in the particular circumstances) should immediately raise these concerns with a Child Safety Officer, the Head of Faith & Wellbeing, Deputy Principals, the Principal, or the CSV Board Chair. A concern that might seem unimportant could, once raised, reveal a bigger issue or could prevent a situation from happening.

All Balcombe Grammar School all CSV Board members, School staff, relevant Volunteers and Contractors are required to be familiar with this policy and procedures and their legal obligations to report child abuse. Under no circumstances should these people investigate an allegation themselves. DFFH - Child Protection is the lead agency responsible for the care and protection of children. Victoria Police is responsible for conducting criminal investigations into alleged child abuse. Protocols between DFFH -Child Protection and Victoria Police require that all reports received by DFFH - Child Protection relating to child physical abuse, sexual abuse or serious neglect must be reported to Victoria Police to investigate whether a criminal offence has occurred.

We strongly encourage any concerns or complaints to be raised with a Child Safety Officer who can provide assistance with the **Four Critical Actions** process and making a report.

However, it is important to understand that consulting a Child Safety Officer does not change any legal obligation a person has to report to one or more of the relevant authorities. It is each individual's responsibility to be aware of and on the lookout for indicators of child abuse and their requirements to report.

### Offence of failure to disclose a reasonable belief of a sexual offence against a child under 16

Reporting child sexual abuse is a community-wide responsibility.

Under section 327 of the *Crimes Act 1958* (Vic) all adults who have a reasonable belief that an adult has committed a sexual offence against a child under 16 in Victoria have an obligation to report this information to Victoria Police as soon as practicable to do so, unless they have a reasonable excuse for not doing so, or are exempt from the offence. The maximum penalty is 3 years imprisonment.

The Department of Justice and Community Services explains that:

- You only need to report to police when you have seen or heard something that has led you to form a 'reasonable belief' that an adult has sexually abused a child.
- You have a 'reasonable belief' if a reasonable person in the same circumstances as you would believe that an adult had sexually abused a child, for the same reasons you believed it. For example, you might form a reasonable belief that a child has been sexually abused if:
  - the child tells you they have been sexually abused
  - the child tells you they know someone who has been sexually abused (which may be a way of talking about themselves)
  - someone who knows the child tells you the child has been sexually abused
  - you observe signs of sexual abuse in the child
  - you are a qualified professional who observes the child's behaviour or development, which leads you to believe the child has been sexually abused.
- You do not need to report rumours or unfounded suspicions.
- You may have a 'reasonable excuse' for not reporting information about child sexual abuse to police if, for example:
  - you fear for your safety, or the safety of another person, or

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- you believe the information has already been reported to the police.
- You will not be guilty of an offence if you have a reasonable excuse for not reporting. You have an excuse for not reporting to police if:
  - you reasonably fear for your safety or the safety of another person, except the person you believe committed, or was involved in, the sexual offence, and
  - your failure to report is a reasonable response in the circumstances.
- The fear must be reasonable from the perspective of that person in those circumstances. This recognises that this person is best placed to judge whether their safety, or the safety of another person, is endangered.
- You have an excuse for not reporting to police if:
  - you believe on reasonable grounds that another person has already disclosed the information to police, and
  - you have no further information to add.
- For example, you may have this belief if you have disclosed the information in a 'mandatory report' under the *Children, Youth and Families Act 2005* (Vic).
- You do not have a reasonable excuse for failing to disclose information if you are only concerned about the 'perceived interests' of:
  - the person you believe committed, or was involved in, the sexual offence, or
  - any organisation.
- 'Perceived interests' includes reputation, legal liability and financial status. For example, a religious minister's concern for the reputation of a church where an adult sexually abused a child is not a reasonable excuse for not reporting to police. This ensures that a child's best interests are placed first.
- You may be exempt from the offence if:
  - a victim aged 16 or over has provided the information and requests confidentiality
  - you were a child when you received the information
  - the information would be privileged
  - the information is a 'confidential communication'
  - the information is in the public domain
  - you are a police officer acting in the course of your duty.

For more information, see <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>.

**Reporting responsibilities:** All adults within the Balcombe Grammar School community who have a reasonable belief that an adult has committed a sexual offence, including grooming, against a child under 16 are required to report this information to Victoria Police. We strongly encourage any concerns or complaints to be raised in the first instance with a Child Safety Officer to assist and provide support in making a report to Victoria Police.

School staff must also report internally to the Principal and/or CSV Board Chair. If a concern or complaint relates to the Principal, this must be reported to the CSV Board Chair.

### **Offence of failure to protect a child under 16 from a substantial risk of child sexual abuse**

Under section 49O of the *Crimes Act 1958* (Vic), people in authority at Balcombe Grammar School (as a defined 'relevant organisation') will commit an offence if they know of a substantial risk of child sexual abuse by an adult and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. The maximum penalty is 5 years imprisonment.

The Department of Justice and Community Services explains that:

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- The offence applies to people in authority within a '*relevant organisation*'. A relevant organisation is one that exercises care, supervision or authority over children, whether as part of its primary function or otherwise.
- A person in authority is someone whose position within a relevant organisation means that they have the power or responsibility to reduce or remove a substantial risk that a child under the age of 16 years, who is under their care, supervision or authority, may become the victim of sexual abuse committed by an adult associated with the organisation.
- Whether someone is considered to be a person in authority will depend on the degree of supervision, power or responsibility the person has to remove or reduce the substantial risk posed by an adult associated with the organisation. People in authority will usually have the ability to make management level decisions, such as assigning and directing work, ensuring compliance with the organisation's volunteer policy and other operational arrangements.
- The offence relates to risk of sexual abuse by adults. Children under the age of 18 who pose a risk of sexually abusing other children are not covered by this offence.
- The offence requires a person in authority to reduce or remove a known '*substantial*' risk that an adult associated with the organisation may commit a sexual offence against a relevant child. It does not make it a criminal offence to fail to address every possible risk that a sexual offence may be committed against a child.
- There are a number of factors that may assist in determining whether a risk is a substantial risk. These include:
  - the likelihood or probability that the child will become the victim of a sexual offence
  - the nature of the relationship between a child and the adult who may pose a risk to the child
  - the background of the adult who may pose a risk to the child, including any past or alleged misconduct
  - any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence
  - any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.
- This offence requires a person in authority to act if they know that there is a substantial risk that a child may become the victim of a sexual offence. A person is generally taken to know that there is a risk if he or she is aware that it exists or will exist in the ordinary course of events. This is more than merely holding a tentative belief or suspicion.
- However, it is expected that a person in authority will take steps to follow up on a suspicion or belief that children in their organisation were at risk of harm.
- Under the offence, a person is taken to have '*negligently failed*' to reduce or remove a substantial risk if that failure involves a great falling short of the standard of care that a reasonable person would exercise in the same circumstances. The offence does not require a person in authority to eliminate all possible risks of child sexual abuse.
- This offence is in addition to existing mandatory reporting obligations for specified staff under the *Children, Youth and Families Act 2005*. It applies to any person in authority within a relevant organisation, not just mandatory reporters.

For more information, see <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to>.

**Reporting responsibilities:** Balcombe Grammar School requires all school staff to assume this obligation applies to them whether they are or are ultimately considered to be a '*person in authority*' or not and to make a report to Victoria Police in accordance with the *Four Critical Actions*. We strongly encourage any concerns or complaints to be raised in the first instance with a Child Safety Officer who can assist and provide support, including in making a report to Victoria Police.

School staff must also report internally to the Principal and/or CSV Board Chair. If a concern or complaint relates to the Principal, this must be reported to the CSV Board Chair.

### **Mandatory reporter obligations for children needing protection**

For the purpose of this obligation, a 'child' refers to a person under 17 years (and, in specified circumstances where a protection order applies, up to 18 years) and the term 'parents' is broadly defined.<sup>8</sup>

All mandatory reporters must comply with their mandatory reporting obligations under the *Children, Youth and Families Act 2005* (Vic). At Balcombe Grammar School, mandatory reporters include (but are not limited to) the Principal, Deputy Principals, Head of Faith & Wellbeing, teachers, nurses and school counsellors.

All mandatory reporters must undertake training to learn how to protect the safety and wellbeing of students on commencement and annually by completing the Department of Education and Training's online eLearning module, *Protecting Children - Mandatory Reporting and Other Obligations*. This is available at <https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/online-learning-for-schools.aspx#link39>.

Under section 184 of the *Children, Youth and Families Act 2005* (Vic), mandatory reporters must make a report to DFFH - Child Protection if:

- in the course of practising their profession or carrying out duties of their office, position or employment
- they form a belief on reasonable grounds that:
  - a child is in need of protection from physical injury or sexual abuse, and
  - the child's parents have not protected or unlikely to protect the child from harm of that type.

The harm may be from single act, omission (failure to act) or circumstance or accumulate through a series of acts, omissions or circumstances.<sup>9</sup>

A belief is considered as being formed on reasonable grounds if a reasonable person doing the same work (for example, practising the same profession or carrying out the duties of the office, position or employment) would form the same belief based on the same information. Grounds for forming a belief are matters which the person has become aware of and include any opinions relating to those matters.<sup>10</sup>

DFFH - Child Protection provides the following examples of when a reasonable belief might be formed:

- a child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows the student states that the child has been physically or sexually abused
- professional observations of the child's physical condition and/or behaviour or development leads a professional to form a belief that the child has been physically or sexually abused
- other circumstances lead you to suspect that a child has been abused.<sup>11</sup>

A mandatory report must be made as soon as practicable after the reasonable belief is formed and after each occasion that the mandatory reporter becomes aware of any further reasonable grounds for the belief.

A fine of 10 penalty units applies for non-compliance. A *penalty unit* is an amount of money set by parliament on 1 July each year. Currently, one penalty unit is over \$180.

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<sup>8</sup> In section 3(1) of the *Children, Youth and Families Act 2005* (Vic) under paragraph (b) of the definition of 'child' in where a protection order under section 275 of the Act or a [child protection order](#) or interim order under of Schedule 1 continues in force, a child also means a person who is under the age of 18 years. A 'parent' includes (but is not limited to) the child's mother and father, or their spouse or domestic partner, any person who has parental responsibility for the child or is legally recognized as the father of the child.

<sup>9</sup> Section 162(2) of the Act.

<sup>10</sup> Sections 184(4) and 186 of the Act.

<sup>11</sup> *Mandatory Reporting – Frequently Asked Questions - February 2020* available at <https://providers.dffh.vic.gov.au/mandatory-reporting-child-protection-victoria-frequently-asked-questions>.



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**Reporting responsibilities:** All mandatory reporters must make a mandatory report to DFFH - Child Protection if they reasonably believe a student or child is in need of protection from physical injury or sexual abuse and the child's parents have not, or unlikely to, provide that protection. We strongly encourage any concerns or complaints to be raised in the first instance with a Child Safety Officer to assist and provide support with this process.

School staff must also report internally to the Principal. If a concern or complaint relates to the Principal, this must be reported to the CSV Board Chair.

The Head of Faith & Wellbeing is responsible for co-ordinating the School's response to DFFH - Child Protection in consultation with the Principal and relevant Deputy Principal.

### **Reportable Conduct Scheme Obligations to Children under 18**

Victoria has a *Reportable Conduct Scheme (Scheme)* established under the *Child Wellbeing and Safety Act 2005 (Vic)* and administered by the CCYP. The CCYP oversees defined allegations of child abuse and misconduct made against adults working for or engaged by the heads of specified organisations.

These organisations include (but are not limited to) schools and religious bodies. Adults who are considered to be employed or engaged by those organisations to provide services include (but are not limited to) employees, volunteers, contractors, office holders and officers (whether this relates to children or services provided to children or not), ministers of religion and religious leaders.<sup>12</sup>

Balcombe Grammar School must comply with its obligations under the Scheme and make a '*reportable allegation*' of '*reportable conduct*' to the CCYP.

There are five types of reportable conduct:

- sexual offences committed against, with or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- physical violence against, with or in the presence of a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

To be considered a reportable allegation, the person must have a reasonable belief that there has been reportable conduct or misconduct involving reportable conduct (even if it occurred outside of the person's employment). Failure to notify the CCYP within three business days of becoming aware of a reportable allegation and comply with notification requirements under the Scheme can be an offence. A fine of 10 penalty units applies.

For more information, see <https://ccyp.vic.gov.au/reportable-conduct-scheme/>.

**Reporting responsibilities:** The CSV Board Chair, assisted by the Principal, is the person (head of the organisation) responsible for complying with Balcombe Grammar School's obligations under the Scheme, including making reportable allegations. Any person with information that might assist the CSV Board Chair to form a reasonable belief that there has been reportable conduct or misconduct involving reportable conduct should contact the CSV Board Chair, and in all cases if that information relates to the Principal.

### **Other Legal Obligations Relating to Child Abuse**

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<sup>12</sup> Definitions of organisations ('*entities*'), heads of organisations for the purpose of the Scheme, '*employees*' and '*religious bodies*' are contained in section 3(1) of the *Child Wellbeing and Safety Act 2005 (Vic)*.

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### **Duty of care**

The law imposes obligations to protect individuals from suffering harm from acts or omissions (failures to act) where a 'duty of care' is owed. Balcombe Grammar School owes such a duty of care to its students.

The Department of Education explains that:

- All staff working with students owe a duty of care to those students.
- All staff must take reasonable steps to reduce the risk of reasonably foreseeable harm to students.
- All staff must take reasonable precautions to minimise the risk of child abuse by an individual associated with the school.
- The requirement to take reasonable steps to reduce the risk of reasonably foreseeable harm continues even when another party is involved (for example, a third party providing services for an excursion or school camp).
- In some circumstances, a school's duty of care will extend beyond school hours and outside of school grounds.

For more information see: <https://www2.education.vic.gov.au/pal/duty-of-care/policy>.

### **Victorian Institute of Teaching**

Balcombe Grammar School must immediately notify the Victorian Institute of Teaching (**VIT**) if it becomes aware that a registered teacher:

- is currently charged with, or has been convicted or found guilty of specified criminal offences, including (but not limited to) offences related to child abuse
- has been given a Working with Children Check Exclusion, indicating that a person has made an application to Working with Children Check Victoria and they have been refused a Working with Children Check and is not permitted to engage in child-related work.

For more information, see <https://www.vit.vic.edu.au/>.

### **Privacy, Information Sharing and Record Keeping Obligations**

#### **Privacy and information sharing**

The obligations to protect the privacy of child abuse related incidents, concerns and complaints and to share information lawfully is paramount.

Balcombe Grammar School collects, uses, and discloses information about children and their families in accordance with Victorian privacy laws, and other relevant laws. For information on how our school collects, uses and discloses information, see our **Privacy Policy**.

Guidance on the specific information sharing requirements relating to child abuse related incidents, concerns and complaints is provided in *PROTECT - Identifying and responding to all forms of abuse in Victorian Schools* as **attached** to this policy, adopted and applied as part of this policy and procedures to the extent they are relevant to Balcombe Grammar School as an independent school is attached and also available at [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).

Balcombe Grammar School also adopts and applies the summary of child privacy and information sharing obligations about children impacted by abuse based on the above information as set out on the Department of Education and Training's website (to the extent that it applies to us as a non-government school). For example, the *Data Protection Act 2014 (Vic)*, which applies to the Victorian public sector. This means we are not required to comply with that Act and are subject to the *Privacy Act 1988 (Cth)* instead.

For more information, see <https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/infosharing.aspx>.

### **Sharing information to support child wellbeing and safety**

Whilst school staff must be aware of and comply with their obligations with respect to the collection, use and disclosure of child abuse information, this does not mean that information cannot be shared as required to improve the wellbeing and safety of Victorian children and reduce family violence.

The Victorian government has introduced reforms aimed at improving information sharing amongst a range of Victorian education and care workforces, government reforms, including information to support child wellbeing and safety. Information about this and the ability to share information between schools is provided on the above website.

Balcombe Grammar School, as a non-government school, is an organisation prescribed under the Child Information Sharing Scheme and the Family Violence Information Sharing Scheme (see below).

### **Information sharing with school staff**

The Department of Education and Training guidance explains that 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
- provide a safe and secure workplace.

School staff members are therefore 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. 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
- the content of any Student 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 at school.

Planning and care should be taken before providing any information about child abuse to the school community. You and your principal should be aware that that even confirming the existence of an allegation can lead to the identification of a victim.

### **Information sharing with DFFH - Child Protection and Victoria Police**

Privacy legislation permits disclosure of personal information about a child to DFFH Child Protection if it is:

- authorised or permitted by law, or
- 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* (Vic).

Disclosure of information to DFFH - Child Protection in good faith does not constitute unprofessional conduct or a breach of professional ethics. This means that school staff cannot be successfully sued or suffer formal adverse consequences in their work. If a report or referral has been made, their identity will be protected unless consent is given for its disclosure, or the disclosure is specifically authorised by a Court or Tribunal.



### **Request for information from DFFH - Child Protection or Victoria Police**

If a request from an officer from DFFH - Child Protection or Victoria Police for information relating to a child who has been impacted (or is suspected to have been impacted) by child abuse is received, you should:

- obtain the request for information in writing
- 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.

In these cases, you may be permitted to share the requested information and documents but you are not compelled to do so.

### **Information Sharing with 'Information Sharing Entities'**

Balcombe Grammar School can receive requests to share child safety related information about our students.

In addition to requests for child safety information from external authorities (e.g. Victoria Police, CCYP and DFFH – Child Protection), there are prescribed organisations who can request child safety information from us and to which Balcombe Grammar School, as a school, has a legal obligation to share information with them under the:

- Child information Sharing Scheme, established pursuant to the *Child Wellbeing and Safety Act 2005* (Vic), and
- Family Violence Information Sharing Scheme, established under the *Family Violence Protection Act 2008* (Vic).

This includes the requirement to share '*confidential information*' if the request being made by the prescribed organisation, known as an '*Information Sharing Entity*' (**ISE**) to another ISE is for the purpose of promoting the wellbeing or safety of a child or group of children. Schools and a range of service organisations are ISEs, e.g. Aboriginal and Torres Strait Islander, family, children and youth services, sexual abuse, drug and alcohol counselling, health and hospital services.

The Victorian government provides an online ISE List searchable by the prescribed ISE name or services, which is available at <https://www.vic.gov.au/information-sharing-entity-list>.

The following details must be recorded before Balcombe Grammar School shares student child safety information:

- who requested the information and the date of the request (if any)
- who shared the Information
- why the Information was shared (e.g. whether it was shared pursuant to a statutory or other legal obligation)
- who the Information was shared with
- whether informed consent was sought from, and if so whether it was provided by, the student and/or their parent or carer
- the approval of the Information Sharing Manager to share the Information
- the date that the Information was shared.

For more information, refer to our **Sharing Information Relating to a Student's Safety or Wellbeing Policy and Procedures**, and our **Privacy Policy**, which are publicly available on our website.

### **Record keeping**

We acknowledge that good record keeping practices are a critical element of child safety and wellbeing.

Effective child safety record keeping is one of Balcombe Grammar School's key strategies in the management of its child protection obligations, including the fulfilment of our duty of care. We securely store information associated with any incident, concern or complaint of child abuse of a student by having:

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- hard-copy documentation stored in a locked filing cabinet (or similar); and
- electronic documentation stored in a password-protected folder (or similar)
- restricted access by authorised persons only,

It is through such record keeping we ensure that, should there ever be a need for evidence of our child safe culture or precautions and preventative measures taken in response to the risk of child abuse, our experience is well documented and available.

For more information on how we manage our records, including those related to child abuse, see our **Child Safety Record Keeping Policy and Procedures** and our **Record Management Policy**.

### Breach

Compliance with this Policy is monitored and enforced by Balcombe Grammar School. Any instances of non-compliance will be investigated and reviewed. This may result in a range of measures being taken, including (depending on the severity of the breach):

- remedial education
- counselling
- increased supervision
- restriction of duties
- appointment to an alternate role
- suspension
- in the case of serious breaches, termination of the employment, contract or engagement.

### Review

Balcombe Grammar School is committed to the continuous improvement of our child safety and wellbeing policies and procedures.

We review this Policy at least every two years or earlier if required, such as due to changes in legislation or after any significant child safety incident. This includes seeking input from students, parents and carers and the Balcombe Grammar School community.

### Related Policies and Procedures

- Child Safety Dictionary
- Child Safety Code of Conduct
- Child Safety and Wellbeing Policy
- Child Safety Training and Supervision Policy and Procedures
- Child Safety Complaints Management Policy and Procedures
- Child Safety Record Keeping Policy and Procedures
- Privacy Policy
- Sharing Information Relating to a Student's Safety or Wellbeing Policy and Procedures
- Regular Reviews and Continuous Improvement Policy and Procedures

### Policy Administration

<b>Status</b>	Approved by the Board on 8 February, 2023
<b>Person Responsible</b>	The Principal
<b>Approver(s)</b>	The CSV Board is responsible for approval of this Policy and ensuring it is reviewed and updated as needed.
<b>Approval Date</b>	8 February, 2023
<b>Version Number</b>	1.0
<b>Version History</b>	Created 2022
<b>Review Frequency</b>	At least every 2 years or earlier if required.
<b>Next Review Date</b>	January 2023

# Child Safety Responding and Reporting Obligations (including Mandatory Reporting)

## POLICY AND PROCEDURES



BALCOMBE  
GRAMMAR SCHOOL

<b>Risk Rating</b>	High
<b>Location</b>	CompliSpace