IVANHOE GIRLS' GRAMMAR SCHOOL

OUR GIRLS SPEAK FOR THEMSELVES.

Policy Title	Responding to Child Abuse Policy
Policy Owner	Principal
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Approved by	Board
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Internal Only Document ☐	Public Document ☒

1. Purpose

1.1 Rationale

Schools have an important role to play in supporting children and their families and in protecting students who may be at risk of harm due to abuse or neglect. Mandatory Reporting legislation is clear that all teaching staff, the Principal, Early Learning Centre (ELC) staff and school counsellors are mandated by law to notify the Department of Families, Fairness and Housing (DFFH) of any instance of possible or known child physical or sexual abuse.

The Reportable Conduct Scheme requires the School's Principal to do certain things upon becoming aware of a reportable allegation about school personnel. Where a reportable allegation is about the Principal, the Board Chair will assume responsibility for complying with the obligations under the Reportable Conduct Scheme.

Under an amendment to the Crimes Act 1958, all Victorian adults (including all staff and students 18 years or older) have a legal duty to report sexual abuse of children to Police.

This Responding to Child Abuse Policy is designed to ensure that all types of mandated reporting responsibilities and subsequent action takes place in a framework of maximum care and support. This Policy should be read in conjunction with the Prevention of Child Abuse Policy.

This Policy and the procedures described within apply to complaints or concerns relating to child abuse made by or in relation to a child or students, staff, volunteers, contractors, service providers, visitors or other persons whilst connected to the School environment.

2. Definitions

The School	Ivanhoe Girls' Grammar School
School Environment	Any physical or virtual place made available or authorised by the School's governing authority for use during or outside school hours, including: • a campus of the School; • online school environments (including email, collaboration apps/platforms and intranet systems); and • other locations provided by the School wherever and whenever staff may be as a result of their School duties (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).
Child Abuse	Includes: a) any act committed against a child involving – i. a sexual offence; or ii. an offence under section 49B(2) of the *Crimes Act 1958* (grooming); and b) the infliction, on a child, of – i. physical violence; or serious emotional or psychological harm; and serious neglect of a child.
Child Safety	Child safety includes 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 suspicions, incidents, disclosures or allegations of child abuse.

3. Policy

3.1 Legal Requirements

Mandatory Reporters - Children, Youth and Families Act 2005 (Vic)

All VIT[1] registered teaching staff, staff who have been granted permission to teach (by VIT), the Principal, qualified ELC staff (other than teachers), school counsellors (registered psychologists) and any registered doctors and nurses or people in religious ministry engaged by the School from time to time are mandated to report child physical and sexual abuse[2].

This legal requirement arises from Section 184 of the *Children, Youth and Families Act* and subsequent amendments. This section prescribes that if in the course of a person's duties, a mandated reporter forms the belief on reasonable grounds that a child under 17 years of age is in need of protection because they believe that a child has 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, the person must notify the DFFH of that

[1] Victorian Institute of Teaching

[2] This is not an exhaustive list, rather it addresses the nature and type of individuals either employed or engaged by the School – the complete list can be found in Section 182 of the *Children, Youth and Families Act 2005 (VIC)*

belief as soon as practicable after forming the belief and after each occasion on which the person becomes aware of any further reasonable grounds for the belief. Failure to do so constitutes a criminal offence.

Reporting a sexual offence - *Crimes Act 1958* (Vic)

Under an amendment to the *Crimes Act*, all adults (including all staff and students 18 years or older) within Victoria have a legal duty to report sexual abuse of children to Victoria Police. Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to the Police.

Failure to disclose such information to the Police is a criminal offence.

The adult must then make a further report on each occasion on which they become aware of any further reasonable grounds for the reasonable belief.

If the adult has a genuine concern that reporting their reasonable belief to Victoria Police may pose a risk to their own or another person's health and safety (including the relevant child or young person, but not including the alleged perpetrator of sexual offence) or the adult was told about the sexual offence by the alleged victim, who was 16 or older at the time they disclosed the abuse, and they have asked the adult not to report the abuse, then the adult should seek advice from either a Child Safety Officer or the Principal about whether they are still required to make a report.

Mandatory reporters who have made a report to DFFH under the provisions of the *Children, Youth and Families Act* as referred above are not required to further report the matter to Police. DFFH will pass on all allegations of child sexual abuse made by mandatory reporters to the Police.

The Reportable Conduct Scheme - Children Wellbeing and Safety Act 2005 (Vic)

Under the *Children Wellbeing and Safety Act* the School's Principal has obligations relating to any reportable allegations about school personnel.

A **reportable allegation** means any information that leads a person to form a reasonable belief that an Ivanhoe Girls' employee or volunteer has committed reportable conduct, or misconduct that may involve reportable conduct, whether or not the conduct or misconduct that is alleged to have occurred was within the course of the person's employment or engagement with Ivanhoe Girls' Grammar School ("the School").

As soon as practicable after becoming aware of a reportable allegation, the Principal will respond to the allegation. The table below sets out how the Principal will respond to a reportable allegation by providing the following notifications to the Commission for Children and Young People (CCYP):

Milestone	**Timeframe**
Initial notification	Within three business days after becoming aware of the reportable allegation
Update	As soon as practicable and within 30 calendar days after becoming aware of the reportable allegation
Advice on investigation	As soon as practicable
Outcome of investigation	As soon as practicable

In addition to the response outlined in the table above, once aware of a substantial risk of criminal sexual abuse to a child under 16 from an adult (18 and over) within the School, the Principal (or delegate) will act to reduce or remove the risk immediately. The alleged offender will be removed from any contact with children pending the investigation.

3.2 Reasonable Belief

Forming a Belief

A belief is considered to be more than a suspicion. Proof is not required that abuse has occurred or is likely to occur. A belief is sufficient.

Reasonable Grounds

Reasonable grounds can be thought of as the mechanism used for forming the belief. These include situations where:

- a child tells a staff member they have been abused;
- someone else tells a staff member (perhaps a relative of the child) that a child has been abused;
- a child tells a staff member that they know someone who has been abused (often a child is referring to him or herself);
- a staff member's own observation of a particular child's behaviour/injuries or their knowledge of children generally leads them to suspect that abuse is occurring.

3.3 Making a Report

Once a mandated reporter (under the *Children, Youth and Families Act*) or Victorian adult (*Crimes Act*) has formed a belief, a report must be made to DFFH or Victoria Police respectively. The School aims to support staff and volunteers through this process and at all times during this process staff and volunteers can consult with the School Counsellor, the Principal, Heads of Senior School/Junior School and/or the Director of Student Wellbeing. Seeking advice or assistance should however not hold up the reporting process. Staff and volunteers should attempt to file the report on the same day as the belief is formed. It is each mandated reporter's responsibility to report their belief – this cannot be transferred to the Principal or any other member of staff.

While the legal responsibility to report remains with the individual reporter, it is imperative that the staff member or volunteer is professionally supported in this, and normally any report would be made by the staff member or volunteer in the presence of the Principal, Deputy Principal/Head of Senior School, Head of Junior School or the Director of Student Wellbeing. A staff member or volunteer who forms such a concern about any student's welfare should discuss this concern immediately, in confidence, with one of the School's Child Safety Officers (see Appendix A).

Staff members and volunteers do not require the permission of parents, guardians, carers or the School to make a report nor are they required to inform these persons or the School. However, it is considered good practice to discuss any concerns with senior staff prior to making a report or referral. Parents, guardians or carers should not be contacted if the staff member or volunteer believes that it will put the child, themselves or any staff member or volunteer at risk.

Staff and volunteers should keep careful written records of any concerns they may have about a child. These concerns should be clearly documented representing a chronology of events. Staff and volunteers can be assured of appropriate confidentiality on the part of the School in regard to their actions in reporting any such concern.

These issues should not be discussed with other staff members or volunteers who are not directly involved with managing the case.

Fulfilling the responsibilities in this policy does not displace or discharge any other obligations that may arise if a staff member or volunteer reasonably believes that a child is at risk of child abuse.

3.4 Student Wellbeing

The School takes its responsibility for the wellbeing of any child/children who may be the victims of child abuse seriously. This includes any child/children connected to the alleged victim(s) of child abuse. Support from the School's counsellors (registered psychologists) and Wellbeing Team will be made available to any children affected.

The School will take appropriate action to protect any child or student connected to a complaint or concern relating to child abuse until the complaint or concern is resolved.

3.5 Records

All documentation regarding allegations of child abuse, including:

- the initial incident report;
- the reporting to relevant authorities;
- reports of investigations by the School; and
- any other relevant documentation

will be stored confidentially and securely by the School electronically as a Level 3 or above document for the student/staff member. As such records are reasonably likely to be required for current or future legal proceedings, they will be retained permanently and will not be disposed or destroyed.

3.6 Grooming

All school community members 18 and over also have the responsibility to report grooming. Grooming occurs when an adult (18 and over) communicates by words or conduct with a child under 16 or with a person who has care, supervision or authority for the child with the intention of facilitating the child's engagement in or involvement in future sexual conduct, whether with the groomer or another adult.

Where any member of the School community aged 18 or over becomes aware of grooming behaviour by a person 18 or over, they must notify the Police and/or Principal immediately.

It is the responsibility of the Principal (and others with authority/responsibility) to take action to protect the child in line with the *Children, Youth and Families Act 2005 (VIC)*, the *Children Wellbeing and Safety Act 2005 (VIC)* and the *Crimes Act 1958*.

3.7 Complaints and Concerns Relating to Child Abuse

Notwithstanding the Board's overarching responsibility for the School's compliance with the Child Safe Standards, and without limiting any of the above:

- all staff, volunteers and contractors have an obligation to ensure that they take any complaint or concern relating to child abuse seriously, that they respond promptly and thoroughly to any such complaint or concern and that they respond appropriately to a child or student who raises or is affected by any such complaint or concern;
- the School's Executive Team, and in particular the Principal, has an obligation to ensure that the School's response to any complaint or concern relating to child abuse is prompt and thorough, that any such

complaint or concern has been taken seriously and that an appropriate response has been provided to any child or student who raised or has been affected by any such complaint or concern;

- the School's Executive Team, and in particular the Principal, has an obligation to ensure that an effective and appropriate alternative process for managing the above obligations is put in place in the event that any person with an obligation as set out above is unable to perform that role – however, if that person is the Principal, the Board has a responsibility to ensure that an effective and appropriate alternative process is put in place.

The Principal has an obligation to monitor overall compliance with the above, and to report accordingly to the Board. Ultimately, the Board is responsible for ensuring that the School complies with these obligations.

Appendix

1. Child Safety Officers

The School has nominated the following Child Safety Officers to assist all members of the School community, including students, staff, Board Members, contractors and volunteers with any child safety concerns.

Ivanhoe Girls' Child Safety Officers are:

- Director of the ELC
- Head of Junior School
- Director of Curriculum, Learning and Innovation (JS)
- Deputy Principal / Head of Senior School
- Director of Student Wellbeing
- School Counsellors (Registered psychologists)

All Child Safety Officers can be contacted through the School's telephone **+61 3 9490 6222** or via email **enquiries@ivanhoegirls.vic.edu.au**.

2. Related Policies

- Child Safety and Wellbeing
- Code of Conduct
- Complaints and Grievances Policy
- Diversity Policy
- Prevention of Child Abuse Policy
- Privacy Policy
- Student Anti-bullying and Anti-violence Policy
- Student Gender Diversity Policy
- Volunteers Policy
- Child Safety Records Keeping Policy

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Guide to assist staff in making a mandatory report to Child Protection

Mandatory Reporting - Children, Youth and Families Act 2005 (Vic)

Step 1: Responding to concerns

If your concerns relate to a child in need of immediate protection; or you have formed a belief more than a suspicion, that a child, under 17 years of age, is at significant harm of physical or sexual abuse, go to Step 3.

In all other situations, go to Step 2.

Step 2: Forming a belief on reasonable grounds

Consider the level of immediate danger to the child. Ask yourself:

1. Have I formed a belief that the child has suffered or is at risk of suffering significant harm?
2. Am I in doubt about the child's safety and the parent's ability to protect the child?

If you answered 'yes' to either question, go to Step 3.

Note that staff can share information and make a referral to The Orange Door when they have a significant concern for a child's wellbeing but do not believe the child needs protection. These concerns could include risk taking behaviour, parenting difficulties, isolation of a family or lack of support. It is suggested that staff make this report with the assistance of a Child Safety Officer.

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

Step 3: Making a report to DFFH

Contact the Department of Families, Fairness and Housing.

The relevant number is 1300 664 977 (Northern/Western Suburbs) or 1300 360 391 (Eastern Suburbs), based upon where the child lives.

For after-hours DFFH Emergency Services, call 13 12 78
Have notes ready with your observations and child and family details, such as names, birth dates, and addresses.

Reporting a Sexual Offence – Crimes Act 1958 (Vic)

Step 1: Becoming aware of a sexual offence

All adults (including all staff and students 18 years or older, not omitted to mandatory reporters) within Victoria have a legal duty to report sexual abuse of children to Victoria Police.

Step 2: Notifying Victoria Police

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years, has an obligation to report that information to the Police.

Report to Victoria Police by calling 000 (or 112 from an inactive mobile).

Step 3: Continual Notification

The adult must then make a further report on each occasion on which they become aware of any further reasonable grounds for the reasonable belief.