



Child Responding and Reporting Obligations (including Mandatory Reporting) Policy

POLICY CATEGORY: CHILD SAFETY AND WELLBEING

POLICY CONTROL INFORMATION

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1. POLICY OBJECTIVE

Worawa Aboriginal College is committed to providing a caring, supportive and safe environment where every student has a place, a voice and their story is known. The College is committed to providing safe and supportive environments where all children and young people entrusted to our care are affirmed in their dignity and worth as a person.

If you are a non-English speaker who needs help to understand this policy, please contact the College Registrar 03 5962 4344 registrar@worawa.vic.edu.au

The objective of this policy is to outline how we respond to concerns and complaints of child abuse (including any allegations or disclosures of child abuse) made by or in relation to any child, student, school staff member, volunteer, contractor, service provider, visitor or any other person while connected to Worawa Aboriginal College.

The College has a positive complaints culture and encourages reports. All complaints and concerns of child abuse are treated seriously, whether made by an adult or child. All complaints and concerns will be responded to promptly, thoroughly and fairly and immediate action taken to protect children at risk.

Please note that this policy and its procedures do not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

If there is concern for the immediate safety of a child, please call Triple Zero (000) to contact Victoria Police or emergency services.

Worawa Aboriginal College fosters a culture that encourages every person within our 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. Our actions and processes 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.

This policy is publicly available on our website at www.worawa.vic.edu.au and in hard copy on request. This policy should be read together with our Child Safety Code of Conduct and all other child safety and wellbeing policies and procedures.

For complaints or concerns about Worawa Aboriginal College or the behaviour of any person within the College not relating to child abuse, please refer to our Complaints and Grievances Policy, which is publicly available at www.worawa.vic.edu.au/policy.

1.1. Statement of Commitment to Child Safety

Worawa Aboriginal College is committed to providing a safe and child-friendly environment, where children and young people are safe and feel safe, and can actively participate in decisions that affect their lives. At Worawa Aboriginal College, we have zero tolerance for child abuse and are committed to acting in our students' best interests and keeping them safe from harm. The College regards its child safety and wellbeing responsibilities with the utmost importance and, as such, is committed to providing the necessary resources to ensure compliance with all relevant child safety and wellbeing laws and regulations and maintain a child-safe culture. At Worawa Aboriginal College we acknowledge this increased level of vulnerability amongst our student cohort due to our status of a trauma informed school and the impacts of intergenerational trauma on the families of many of our students.

1.2. Purpose of this policy

The purpose of this policy is to have clear child-focused, culturally safe and easily understood processes and procedures for responding to complaints or concerns relating to all forms of child abuse including:

- identifying the indicators of a child or young person who may be in need of protection
- ensuring that everyone within the College community is alert to signs and evidence of abuse and neglect, understand that it is not acceptable and be aware of their roles and responsibilities

- ensuring that staff, volunteers and others in the College community are provided with clear expectations for appropriate behaviour with children and students
- setting out the actions to be taken to protect children students from child safety and wellbeing risks and immediate action is taken to ensure their safety
- identifying the roles and responsibilities of 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 the College's response
 - responding appropriately to a child or student who raises or is affected by the complaint or concern
 - monitoring Worawa Aboriginal College's overall compliance with this policy and its procedures
 - managing an alternative procedure where a person allocated responsibility cannot perform their role
- clearly outlines the actions Worawa Aboriginal College will take to respond to a complaint or concern relating to child abuse, including 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 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 the College's response
- ensuring that all staff and others within the College community 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 1958*
 - the grooming offence under the *Crimes Act 1958*
- ensuring that all newly appointed staff, volunteers, contractors and service providers engaged in child-connected work receive an induction and information appropriate to their roles that includes the procedures for managing child abuse complaints and concerns
- ensuring that all staff, volunteers, contractors and service providers engaged in child connected work understand and training is provided to staff annually to volunteers as is appropriate to the nature and responsibilities of their role:
 - the procedures for responding to complaints and concerns relating to child abuse including all mandatory reporters are trained with respect to what must be reported and relevant procedures
 - 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
- ensuring all reports on reasonable grounds are made to the relevant authorities as soon as practicable
- ensuring that ongoing support and assistance is provided to students and others where a child abuse related concern or complaint is made and their confidentiality respected with case details and the identity of the student only discussed with those managing the situation
- ensuring that the College is compliant with all laws, regulations and standards relevant to child safety and protection in Victoria, most importantly adhering to Ministerial Order 1359, which sets out how the Victorian Child Safe Standards apply to schools, including boarding premises.

1.3. Scope

This policy applies to the following:

- Worawa Aboriginal College staff
- Students and boarders
- Partners, carers and guardians
- Visitors, volunteers, contractors, external education providers
- Board Directors and Committee Members.

For the purpose of this policy and in accordance with Ministerial Order 1359:

- Staff includes boarding premises staff and contracted service providers (whether or not a body corporate or any other person is an intermediary) engaged by the College to perform child-related work, ministers of religion, religious leaders or employees or officers of a religious body associated with Worawa Aboriginal College as well as those directly engaged or employed by the College. Examples of staff include (but are not limited to) teaching, non-teaching, casual and emergency relief teachers, sporting coaches, tutors and instrumental music teachers and boarding premises staff.
- Child-related work means work at or for Worawa Aboriginal College that usually involves direct contact with a child (physical, face to face, by post or other written communication, telephone or other oral communication or by email or other electronic communication.
- Child-connected work means work performed by an adult in our school and boarding premises environments while children are present or reasonably expected to be present.
- Volunteers refers to persons who perform work without remuneration or reward for the College in the College or boarding premises environment.

This policy applies to the College campus, including boarding premises, and all physical and online or virtual environments (including email, intranet systems, software applications, collaboration tools and online services) used by students and all College activities during and outside of College hours, all College and co-curricular programs and all locations provided for a student's use, (e.g. sports events, competitions, activities and programs, excursions, camps, approved homestay accommodation, interstate and overseas travel) and those provided by third party providers (e.g. delivery of education and training such as registered training organisations, TAFEs, non-school senior secondary providers or another school).

This policy and its procedures are sensitive to the diversity and characteristics of the Worawa Aboriginal College community, paying particular attention to the needs of our students.

Our policies are grounded in core values, beliefs and assumptions:

- The Worawa Way pedagogy model is based on the Aboriginal values of Relationship, Responsibility, Respect and Rigour that inform all aspects of College operations. Aboriginal spiritual beliefs in relationship to land and responsibility for Caring for Country are expressed in campus care and development. Along with the core academic program, emphasis is placed on nurturing and celebrating Aboriginal culture as a crucial aspect of student self-esteem and wellbeing. The cultural competence of staff is essential and includes knowledge of Aboriginal culture and respect for the beliefs, values and practices of Aboriginal people including respect for the role of Elders as the holders of knowledge wisdom.
- Worawa Aboriginal College Board of Directors will set oversight and monitor policy that is necessary for it to meet all its obligations as the governing authority of our College.
- A collaborative approach is employed with wide consultation with stakeholders at appropriate levels.
- All policy development is designed to foster continuous development and improvement at Worawa Aboriginal College.
- Worawa Aboriginal College will only develop policies that are necessary for implementation of its specific mission and remain mindful of the broader policy environment in which Worawa Aboriginal College exists.

2. POLICY SECTION

2.1. Child Abuse

Child abuse can take many forms. The perpetrator may be a parent, carer, College 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. Child abuse is defined in the *Child Wellbeing and Safety Act 2005* (Vic) to include:

- sexual offences
- grooming
- physical violence
- serious emotional or psychological harm
- serious neglect, including exposure to family violence and its effects.

Grooming

Grooming is defined as behaviours that manipulate and control a child with the intent of gaining access to the child, obtaining the child's compliance, maintain the child's silence and avoiding discovery of the sexual abuse. Grooming by an adult for sexual conduct with a child under the age of 16 is crime under section 49M of the *Crimes Act 1958* (Vic).

Family Violence

Family violence is defined under the *Family Violence Protection Act 2008* (Vic) to include behaviour that causes a child to hear, witness, or be exposed to the effects of family violence such as abusive, threatening, controlling or coercive behaviour. While family violence does not form part of the official definition of 'child abuse' in the *Child Wellbeing and Safety Act*, the impact of family violence on a child can be a form of child abuse; for example, where it causes serious emotional or psychological harm to a child.

Serious harm and/or neglect

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger a child is, the more vulnerable they are to abuse and the more serious the consequences are likely to be.

There can be physical or behavioural indicators of child abuse and neglect, or a combination of both. While the presence of a single indicator, or even several indicators, does not necessarily prove that abuse or neglect has occurred, the repeated occurrence of either a physical or behavioural indicator, or the occurrence of several indicators together, should alert College staff to the possibility of child abuse or neglect.

Child sexual abuse is more commonly perpetrated by someone who is known to and trusted by the child, and is often someone highly trusted within their families, communities, schools and/or other institutions.

2.2. Indicators of Harm

There are numerous indications of possible child abuse and harm. They include:

Physical Abuse

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

Sexual Abuse

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

are sexually explicit, regressive behaviour, truancy, depression, delinquent or aggressive behaviour, and sudden decline in academic performance.

Emotional Abuse

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

Serious neglect and medical neglect

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

2.3. What concerns should be reported?

In recognition of the vulnerability of the children we're caring for, we need to ensure we're obtaining guidance and support from Worawa Aboriginal College's designated Child Safety Officer - the Head of Wellbeing.

Concerns about the safety and wellbeing of children can range from an uncomfortable feeling through to a direct observation of abuse. Staff, volunteers, students and families are encouraged to speak to the Head of Wellbeing if they have any concerns and to be proactive.

Examples of child safety and wellbeing concerns include:

- inappropriate or special relationships developing between staff or volunteers, contractors and students
- inadequate staff–student supervision ratios
- breaches of the Code of Conduct, particularly if they are persistent
- feelings of discomfort about interactions between a staff member or volunteer and a student
- suspicions or beliefs that students are at risk of harm
- observations of concerning changes in behaviour
- observations or concerns on grooming behaviours
- concerns about a physical environment that may pose a risk to a student (this includes health and hygiene issues)
- students' disclosures of abuse or harm, which must be reported to relevant authorities – Victoria Police, Department of Families, Fairness and Housing (DFFH) Child Protection, Commission for Children and Young People (CCYP) and any other regulator as appropriate.

2.4. Duty of Care

All College staff and volunteers must understand their role to keep children safe. Staff and volunteers have an obligation to avoid acts or omissions (failures) that could be reasonably foreseen to injure or harm students. Suspected child abuse must be reported to relevant authorities, the Executive Director and the Board of Directors.

2.5. Legislative and Regulatory Requirements

Criminal Offences

The *Crimes Act 1958* (Vic) includes the following as criminal offences reportable to Victoria Police by calling 000 (Triple Zero) or your local police station:

Grooming: Grooming is when a person engages in predatory conduct to prepare a child or young person for sexual activity at a later time. Grooming can include communicating or attempting to

befriend or establish a relationship or other emotional connection with the child or their parent or carer.

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.
- The maximum penalty is 10 years imprisonment.

Failure to disclose: Reporting child sexual abuse is a community-wide responsibility. Under section 327 of the *Crimes Act* 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 the 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
 - 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 *Child 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.

Failure to protect: People in authority at the College will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

Under section 49O of the *Crimes Act 1958 (Vic)*, people in authority at Worawa Aboriginal College (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:

- 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 (Vic)*. It applies to any person in authority within a relevant organisation, not just mandatory reporters.

Mandatory Reporting: All adults who, by reason of their professional obligations, are mandatory reporters (for example, at Worawa this includes teaching staff, boarding staff, wellbeing staff and the Executive Director) must comply with their mandatory reporting obligations under section 184 of the *Children, Youth and Families Act 2005 (Vic)* and 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.

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

A maximum 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 is over \$180.

More information about mandatory reporting procedures is set out below.

2.6. Relevant Authorities

All Worawa Aboriginal College staff and volunteers are encouraged to report complaints and concerns relating to child abuse externally to relevant authorities. There are a number of relevant authorities that respond to child abuse related concerns and complaints.

It is never the responsibility of the child or student to inform the relevant authorities of an allegation of child abuse. It is never up to staff and volunteers to make a judgment about the truth of a complaint or concern about child abuse. It is the responsibility of staff and volunteers to respond appropriately to a child or student who raises or is affected by a complaint or concern and to comply with their obligations to report a child abuse related concern or complaint to the relevant authorities.

In accordance with our obligations under Ministerial 1359, this policy and its procedures set out how Worawa Aboriginal College will report concerns and complaints about child abuse to relevant authorities, whether or not the law requires reporting, and cooperate with law enforcement.

Victoria: Department of Families, Fairness and Housing (DFFH) Child Protection

DFFH Child Protection has a responsibility to provide child protection services for all children and young people under the age of 17 years, or where a protection order is in place, for children under the age of 18.

The main functions of DFFH Child Protection are to:

- receive reports from people who believe that a child is in need of protection or have significant concerns about the wellbeing of a child
- provide consultation and advice to people making reports
- investigate matters where it is believed that a child is at risk of significant harm
- refer children and families to services that assist in providing for the ongoing safety and wellbeing of children.

Where the report indicates that an incident has occurred in another state reports should be made to the following:

- Northern Territory: Territory Families, Housing and Communities
- New South Wales: Department of Communities & Justice: ChildStory Reporter
- Western Australia: Department of Communities: Child Protection and Family Support (CPFS)
- Queensland: Department of Children, Youth Justice and Multicultural Affairs: Child Safety
- South Australia: Department for Child Protection
- Tasmania: Department for Education, Children and Young People: Strong Families, Safe Kids - Advice and Referral Line

Child FIRST (In transition to The Orange Door)

Child and Family Information, Referral and Support Teams (Child FIRST) were introduced to give families an opportunity to obtain family services earlier at their own request or following a referral from others, including College staff.

Child FIRST ensures that vulnerable children, young people and their families are linked effectively to relevant services.

Child FIRST is staffed by family services practitioners who are experienced in assessing the needs of vulnerable children and their families. Child FIRST teams work closely with community-based DFFH Child Protection workers.

The role of Child FIRST includes:

- providing a point of entry to a local network of family services
- receiving reports about vulnerable children where there are significant concerns about their wellbeing
- undertaking an initial identification and assessment of the risks to the child and the child's needs in consultation with DFFS Child Protection and other services
- Identifying appropriate service responses for families.

Child FIRST as the access point for family services is in the process of transitioning to The Orange Door, however at this stage, the referral is made to Child FIRST.

Victoria Police

Both DFFH Child Protection and Victoria Police have statutory responsibilities under the *Children, Youth and Families Act 2005 (Vic)* in relation to the protection of children. DFFH Child Protection is the lead agency responsible for the care and protection of children, while Victoria Police is responsible for criminal investigations into alleged child abuse.

Protocols between DFFH Child Protection and Victoria Police require that all reports received by DFFH relating to physical abuse, sexual abuse or serious neglect must be reported to Victoria Police, as these reports may also constitute reports of criminal offences.

All allegations of sexual offences or child abuse should be reported to DFFH Child Protection or Victoria Police for investigation. Under no circumstances should College staff investigate an allegation themselves. College staff should only enquire sufficiently to form a reasonable belief that a child may be in need of protection.

Commission for Children and Young People (CCYP)

The CCYP is an independent statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people.

The CCYP is responsible for administering the Reportable Conduct Scheme, which includes:

- supporting and guiding organisations that receive allegations in order to promote fair, effective, timely and appropriate responses
- independently overseeing, monitoring and, where appropriate, making recommendations to improve the responses of those organisations.

Victorian Institute of Teaching (VIT)

The Victorian Institute of Teaching (VIT) is an independent statutory authority for the teaching profession, whose primary function is to regulate members of the teaching profession.

The College must immediately notify the VIT if it becomes aware that a teacher has been:

- charged with, or convicted or found guilty of, certain criminal offences that accord with those relevant to Working with Children Checks (WWCC), or
- given a negative notice in relation to the WWCC.

2.7. Mandatory Reporting

The *Children, Youth and Families Act 2005* (Vic) (section 184) requires mandatory reporters to make a report to DFFH Child Protection when they believe that a child (aged under 17) is in need of protection from significant harm from physical injury or sexual abuse.

Who are Mandatory Reporters?

Mandatory reporters are defined in the *Children, Youth and Families Act* and include:

- registered teachers
- school principals
- school counsellors
- nurses
- persons in religious ministry
- registered medical practitioners
- registered psychologists
- youth justice workers

All College staff who have concerns that a student may be in need of protection or may have been the victim of a sexual offence, should notify the Head of Wellbeing or a member of the College's Leadership Team as soon as possible to discuss their concerns.

A mandatory reporter must make a report even if the Head of Wellbeing or the Executive Director does not share their belief that a report must be made.

What Constitutes a Mandatory Report?

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

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

A mandatory reporter must make a report on each occasion they form a belief.

What is Reasonable Grounds?

The concept of 'reasonable grounds' requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well founded and based on information from a reliable source.

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

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

Making a Mandatory Report

All College staff and volunteers must adhere to:

- Four Critical Actions for Schools Responding to incidents, disclosures a suspicions of child abuse, refer Appendix 2.

2.8. Reportable Conduct Scheme

The Victorian Reportable Conduct Scheme seeks to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers. The Scheme is established by the *Child Wellbeing and Safety Act 2005* (Vic).

The Chair of Board is the Head of Entity for the College under the Scheme. The Head of Entity is responsible for fulfilling all legal obligations under the Scheme and is ultimately responsible for Worawa Aboriginal College's compliance with the Scheme. The Chair of the Board authorises the College Executive Director to assist them in meeting their obligations under the Scheme.

The Executive Director is authorised to:

- notify and update the CCYP of reportable allegations concerning the College's 'employees' as defined under the Scheme, which includes staff members, volunteers, contractors, office holders and ministers of religion;
- ensure investigations are undertaken into all reportable allegations made against 'employees'; and
- comply with all obligations of the head of organisation under the Scheme.

The Reportable Conduct Scheme imposes obligations on the College's Executive Director and the Senior Leadership Team. This includes requirements to:

- have in place systems to prevent child abuse and, if child abuse is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
- ensure that the CCYP is notified and given updates on the organisation's response to an allegation.

The College Executive Director and the Head of Wellbeing need to adhere to the following requirements:

- Notify the CCYP within 3 business days of becoming aware of a reportable allegation.
- Investigate an allegation – subject to police clearance on criminal matters or matters involving family violence. You must advise the CCYP who is undertaking the investigation. You must manage the risks to children.
- Within 30 calendar days must provide the CCYO with detailed information about the reportable allegation and any action you have taken.
- Notify the CCYP of the investigation findings and any disciplinary action the head of entity has taken (or the reasons no action was taken).

Alternative Pathways

Where allegations involve the Executive Director or Head of Wellbeing the concerns must be immediately escalated to the Chair of the Board as the Head of Entity via chair@worawa.vic.edu.au.

2.9. How To Make A Report

All Worawa Aboriginal College staff and volunteers must adhere to and follow:

- the Mandatory Reporting Flowchart - refer to Attachment 1
- FOUR CRITICAL ACTIONS FOR SCHOOLS: Responding to Incidents, Disclosures and Suspicions of Child Abuse - refer to the Attachment 2
- this policy and its procedures – the Child Responding and Reporting Obligations (including Mandatory Reporting) Policy.

Whenever there are concerns that a child is in immediate danger, Victoria Police or emergency services should be called on 000 or call your local police station.

Worawa Aboriginal College has appointed the Head of Wellbeing as the College's Child Safety Officer and as a point of immediate contact for all staff and volunteers at the College. The Head of Wellbeing is available to answer any questions with respect to child safety or wellbeing.

The selection of our Child Safety Officer is based on a number of considerations, namely:

- their personal attitudes, experiences and beliefs, for example, a person who is non-judgmental, calm, resilient and demonstrates a high degree of integrity and respect for confidentiality
- their role within the College, experience working with complex student and family issues at the College and someone who is readily accessible and available to all members of the College community.

If you have any concern that a child may be experiencing any form of abuse, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with the Executive Director or the Head of Wellbeing. If the concern relates to the Executive Director or the Head of Wellbeing, report to the Chair of the Board via chair@worawa.vic.edu.au.

Please be aware that consulting with the Executive Director or the Head of Wellbeing or the Chair of the Board does not change any obligation you have under legislation to report to an external relevant authority.

The College has a duty of care to support any community member who is involved in any child safety matter. This includes extra considerations required for vulnerable or at risk students and staff. Support may consist of counselling, extra training, documents translated, documents and training made age appropriate or in the case of reporting allowing a support person to attend any interviews. No community member will be disadvantaged in being able to report a child safety matter.

2.10. Roles and Responsibilities

Child safety and wellbeing is everyone's responsibility. At Worawa Aboriginal College, the College Board, staff and volunteers, have a shared responsibility for contributing to the safety and wellbeing of children.

Specific roles and responsibilities relating to child safety and reporting include:

Board

The College Board of Directors is Worawa Aboriginal College's governing authority. The Board is responsible for endorsing this policy, ensuring this policy is reviewed and updated as needed, and reviewing the College's compliance with this policy and child safety obligations.

The Executive Director

The Executive Director is responsible for:

- the College's compliance with this policy
- making reports to the CCYP under the Reportable Conduct Scheme within required timeframes, or appointing a delegate to do such reporting
- developing an alternative procedure for responding to an allegation or disclosure of child abuse if the Head of Wellbeing is not able to perform the role, for example, if they are absent from the College or have a conflict of interest.

Child Safety Officer - Head of Wellbeing

As our Child Safety Officer, the Head of Wellbeing is responsible for:

- being a first point of contact for all child safety concerns or queries for the wider community
- ensuring that all required staff, volunteers and contractors undergo appropriate annual child safety training in the College's child protection policies and procedures, their legal responsibilities, and how to appropriately respond to child safety concerns and incidents
- coordinating the College's response to child safety incidents in consultation with the Executive Director
- ensuring that the College's child safety and wellbeing policies and procedures are effectively implemented and communicated to all relevant stakeholders.

As our Child Safety Officer, the Head of Wellbeing is provided annually with specialised training on child safety issues, mandatory reporting and their legal obligations. In working with all College staff and volunteers, they raise the importance, profile and facilitate the embedding of a culture of child safety. The Head of Wellbeing is the first point of contact for all staff, students, parents and carers to raise child safety or child abuse concerns. The Head of Wellbeing works collaboratively with the Executive Director to ensure all concerns of child safety and child abuse are escalated, reported and responded.

The Head of Wellbeing can be contacted at any time to discuss your concerns and their name and contact details are provided regularly in our communications.

Staff, College Board members, External Education Providers, Contractors, Volunteers

All staff, College Board members, external education providers, contractors and volunteers are required to be familiar with the content of this Child Responding and Reporting Obligations (including Mandatory Reporting) Policy and their legal obligations with respect to the reporting of child abuse.

This policy and its procedures are made available to all staff, volunteers and contractors via the College's intranet. It is included in induction training and in ongoing refresher training for staff and relevant volunteers and contractors.

It is each individual's responsibility to be aware of key risk indicators of child abuse, to be observant, and to raise any concerns they may have relating to child abuse with the Head of Wellbeing.

2.11. Supporting Our College Community

Key principles that we must apply in the design of policy, procedure, interventions, support and reporting in our child safety program including this policy and procedures are to ensure we:

- promote the cultural safety of Aboriginal children and young people
- promote the safety of children with any form of disability.
- pay particular attention to the needs of lesbian, gay, bisexual, trans and gender diverse, queer/querying, intersex and asexual (LGBTQIA+) students and students who are unable to live at home.

2.12. Student Awareness

The College is committed to the protection of all children from all forms of child abuse. It is important all our students are educated on how to raise any concerns and we raise their awareness of the need to report any child safety concerns and concerning behaviours. We have designed and implement a comprehensive child safety program curriculum with age appropriate education and awareness programs. This curriculum is further supported by our actions and processes and empowers our students to have a voice and to take action for their own care.

2.13. Support For Affected Students

Ensuring a student feels safe and supported where a concern or complaint is raised, they are affected by a complaint or concern or following an incident is of critical importance to our College. The College will protect any student connected to a complaint or concern relating to child abuse until the complaint of concern is resolved.

The College will work closely with the student, parents, carers, and our wellbeing team to provide all additional support services that are available. Each matter will be assessed on a case-by-case basis, but such support may include:

- referral to our College counselling provider
- referral to external specialist agencies
- family counselling
- academic support.

2.14. Community Awareness

To ensure that the College community is aware of our position on child safety and how to raise a child safety concern or complaint, this policy and procedures for responding to and reporting allegations of suspected child abuse, is accessible to children, staff and the wider College community by being available in hard copy on request and published via Worawa Aboriginal College's:

- website
- Student and Parent Portal (*in development*)
- Policy portal.

Induction and training will also be provided to staff on the commencement of their employment then annually or when there is a change in policy or procedures.

All staff must undertake mandatory child safety training and annual refresher training by completing the Department of Education and Training –Protecting Children Mandatory Reporting and Other Obligations online module.

Our student curriculum delivers age-appropriate sex abuse prevention programs and relevant related information, including training on the PROTECT processes.

The Head of Wellbeing is available to respond to questions or concerns.

2.15. Documentation

Staff, volunteers, and community members must keep clear and comprehensive notes and use the PROTECT templates to report all information relating to incidents, disclosures and allegations of child abuse. This information may be sought at a later date if the matter is the subject of court proceedings. Your notes may also assist you later if you're required to provide evidence to support your decisions regarding the handling of child protection incidents.

When an incident of suspected child abuse occurs, consider all of the following:

- Environment: do not clean up the area and preserve the sites where the alleged incident occurred.
- Clothing: take steps to ensure that the person who has allegedly committed the abuse and the child who has allegedly been abused remain in their clothing. If this is not possible, ensure the clothes are not washed, handled as little as possible and stored in a sealed bag.
- Other physical items: ensure that items such as weapons, bedding and condoms are untouched
- Potential witnesses: reasonable precautions must be taken to prevent discussion of the incident between those involved in the alleged incident.

2.16. Privacy And Confidentiality

Anyone who has access to information regarding a case of suspected child abuse must keep such information confidential and secure and must only disclose or discuss this information with those involved in managing the situation.

Reports or referrals made to DFFH Child Protection or Child FIRST are confidential and the reporter's identity is generally protected by law. Exceptions include if:

- the reporter chooses to inform the child or family of the report
- the reporter consents in writing to their identity being disclosed
- a court or tribunal decides it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child
- a court or tribunal decides the reporter is required to attend court to provide evidence.

The identity of the person who makes a report to Victoria Police, including reports under section 327 of the *Crimes Act 1958* (Vic) (Obligation to Report a Sexual Offence), will remain confidential unless:

- the person themselves discloses their identity or they consent in writing to their identity being disclosed
- a court or tribunal decides that it is necessary in the interests of justice for the person's identity to be disclosed. A person who makes a mandatory report in accordance with the *Children, Youth and Families Act 2005* (Vic), or a report under the *Child Wellbeing and Safety Act 2005* (Vic) (Reportable Conduct Scheme) will not be held liable for the eventual outcome of any investigation.

If a report is made in good faith, it does not constitute a breach of professional ethics on the part of the reporter and the reporter cannot be held legally liable in respect of the report.

Personal information is information, or an opinion, about an identified individual, or an individual who is reasonably identifiable:

- whether the information, or opinion, is true or not
- whether the information, or opinion, is recorded in a material form or not.

The *Privacy Act 1988* (Cth) only applies to personal information that is captured in a record.

Effective child safety record keeping is one of the College's key strategies in the management of its child protection obligations, including the fulfilment of our duty of care.

We make, secure and retain records of child abuse complaints and concerns related to child safety and wellbeing in accordance with our **Child Safety Record Keeping Policy**. This includes information on how the College securely stores documentation associated with an allegation of abuse or neglect of a student or young person by having:

- hard-copy documentation stored in a locked filing cabinet (or similar); and
- electronic documentation stored in a password-protected folder (or similar).

It is through such record keeping that the College can 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.

2.17. Further Information

Staff, students, parents and carers, external education providers, contractors, volunteers or other community members who have concerns that a child may be subject to abuse are asked to contact the Head of Wellbeing or refer to the DFFH Child Protection website at <https://providers.dffh.vic.gov.au/child-protection>.

3. POLICY COMPLIANCE

3.1. Policy Breach

All Worawa Aboriginal College staff, volunteers, contractors and any other member of the school community who breach this policy may be subject to disciplinary procedures in accordance with their employment agreement or relevant industrial instrument, professional code or terms of engagement.

This includes (but is not limited to) the following actions depending on the nature of the relationship and 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.

All breaches and suspected breaches of this policy must be reported to the Executive Director or Head of Wellbeing. If the breach or suspected breach relates to the Executive Director or Head of Wellbeing, contact the Chair of the Board via chair@worawa.vic.edu.au.

3.2. Policy Compliance monitoring

Compliance with this policy will be monitored by the Executive Director and Head of Wellbeing and this may include independent audits and reviews.

4. RELATED POLICIES, PROCEDURES AND LEGISLATION

4.1. Worawa Aboriginal College policy and procedure linkage

- Worawa Child Safety and Wellbeing Policy
- Worawa Child Safety Code of Conduct
- Worawa Privacy Policy
- **Worawa Complaints and Grievances Policy**
- **Worawa Child Safety Record Keeping Policy**

4.2. Related legislation

The following legislation, standards and regulations apply and this policy aligns with these mandated requirements:

- Ministerial Order 1359
- Education and Training Reform Act 2006 (Vic)
- Child Wellbeing and Safety Act 2005 (Vic)
- Privacy Act 1988 (Cth)
- Children, Youth and Families Act 2005 (Vic)
- Crimes Act 1958 (Vic)
- Family Violence Protection Act 2008 (Vic)

4.3. Further information

Grooming: https://files.justice.vic.gov.au/2021-06/grooming_betrayal_of_trust_factsheet_2017.pdf

Failure to disclose offence: <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>

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

Mandatory reporting: <https://providers.dffh.vic.gov.au/mandatory-reporting>

Child FIRST: <https://services.dffh.vic.gov.au/child-first-and-family-services>

The Orange Door: <https://www.orangedoor.vic.gov.au/>

Further information on this policy can be obtained from the Executive Director.

5. POLICY REVIEW AND APPROVAL

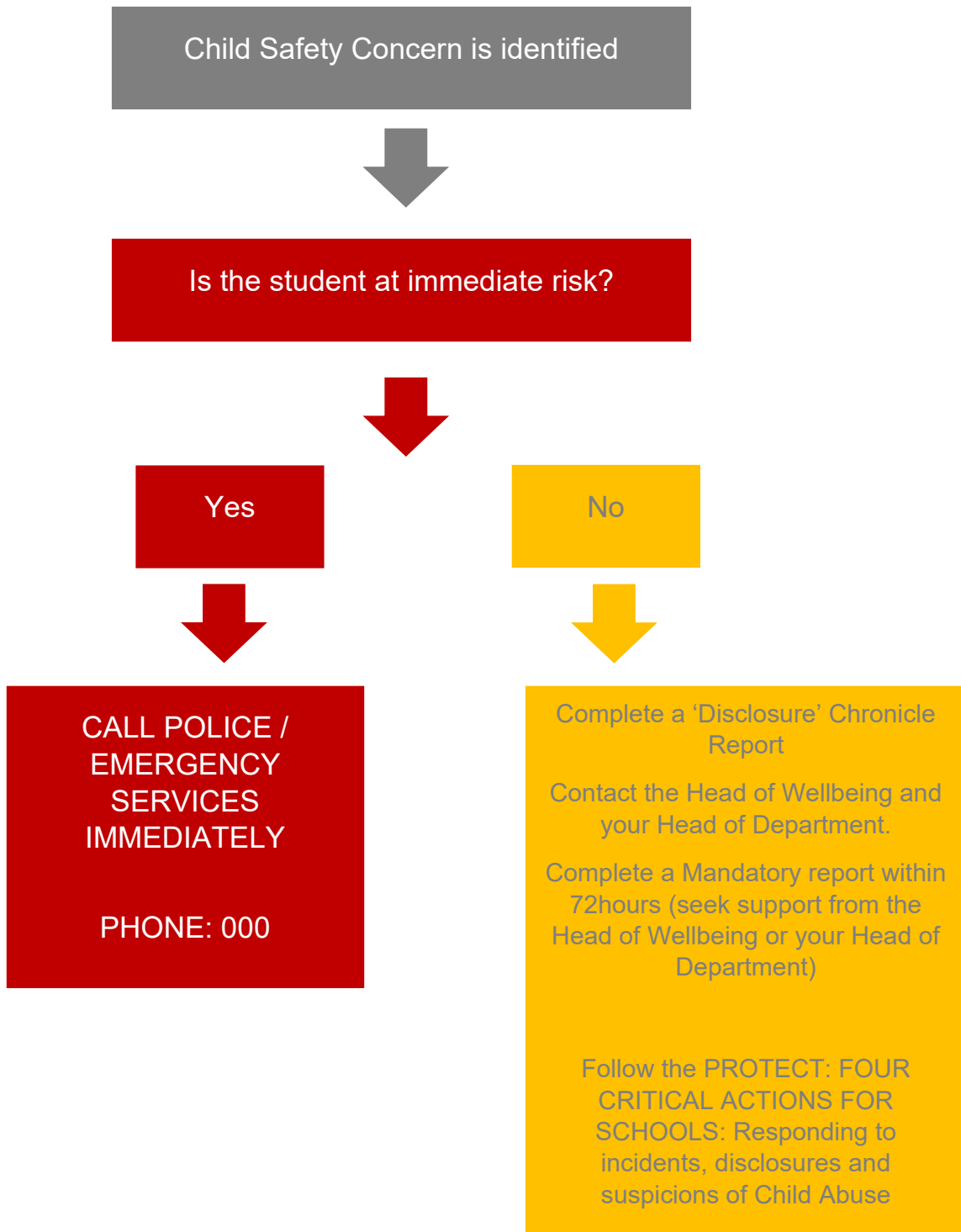
Worawa Aboriginal College is committed to the continuous improvement of our Child Safety Program. We have established processes for the review and ongoing improvement of our child safe policies, procedures, and practices for overall effectiveness and to ensure compliance with all child safety related laws, regulations and standards:

- the Executive Director is responsible for reviewing and updating this policy and its procedures at least every two (2) years or after any significant child safety incident, including seeking input from students, parents and carers and the College community
- we record and analyse all complaints, concerns, and safety incidents to identify causes and systemic failures and inform continuous improvement
- we act with transparency and share pertinent learnings and review outcomes with College staff and our College community.

Any proposed changes to this policy must be approved by the Board.

6. APPENDIX 1: MANDATORY REPORTING FLOWCHART

The following flowchart supports our implementation of this policy.



FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

YOU MUST TAKE ACTION

As a school staff member, you play a **critical role** in protecting children in your care.

■ You **must** act, by following the Four Critical Actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief* that a child has, or is at risk of being abused.

■ You **must** act if you form a suspicion/ reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).

■ It is strongly recommended that you use the **Responding to Suspected Child Abuse template** to keep clear and comprehensive notes, even if you make a decision not to report.

*A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to **Action 2**.

If a child is at immediate risk of harm you **must** ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling **000 for urgent medical and/or police assistance** to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

2 REPORTING TO AUTHORITIES / REFERRING TO SERVICES

As soon as immediate health and safety concerns are addressed you **must** report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Q: Where does the source of suspected abuse come from?

WITHIN THE SCHOOL

VICTORIA POLICE

You **must** report all instances of suspected child abuse involving a school staff member, contractor, volunteer or visitor to Victoria Police.

You **must also** report internally to:

GOVERNMENT SCHOOLS

- School principal and/or leadership team

- Employee Conduct Branch

- DET Incident Support and Operations Centre.

CATHOLIC SCHOOLS

- School principal and/or leadership team
- Diocesan education office.

INDEPENDENT SCHOOLS

- School principal and/or school chairperson
- Commission for Children and Young People on **1300 782 978**.

All allegations of 'reportable conduct' **must** be reported as soon as possible to:

GOVERNMENT SCHOOLS

- Employee Conduct Branch

CATHOLIC SCHOOLS

- Diocesan education office

INDEPENDENT SCHOOLS

- Commission for Children and Young People on **1300 782 978**.

WITHIN THE FAMILY OR COMMUNITY

DHHS CHILD PROTECTION

You **must** report to DHHS Child Protection if a child is considered to be:

- in need of protection from child abuse
- 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.

VICTORIA POLICE

You **must also** report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You **must also** report internally to:

GOVERNMENT SCHOOLS

- School principal and/or leadership team
- DET Incident Support and Operations Centre.

CATHOLIC SCHOOLS

- School principal and/or leadership team
- Diocesan education office.

INDEPENDENT SCHOOLS

- School principal and/or chairperson.

For suspected student sexual assault, please follow the **Four Critical Actions: Student Sexual Offending**.

OTHER CONCERNS

If you believe that a child is not subject to abuse, but you still hold **significant concerns** for their wellbeing you **must** still act. 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)
- DHHS Child Protection
- Victoria Police.

3 CONTACTING PARENTS/CARERS

Your principal **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

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

4 PROVIDING ONGOING SUPPORT

Your school **must** provide support for children impacted by abuse. This should include the development of a **Student Support Plan** in consultation with wellbeing professionals. This is an essential part of your duty of care requirements. Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support.

You **must** follow the **Four Critical Actions** every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

CONTACT

DHHS CHILD PROTECTION

AREA
North Division **1300 664 977**
South Division **1300 655 795**
East Division **1300 360 391**
West Division (Rural) **1800 075 599**
West Division (Metro) **1300 664 977**

AFTER HOURS

After hours, weekends, public holidays **13 12 78**.

CHILD FIRST

<https://services.dhhs.vic.gov.au/referral-and-support-teams>

ORANGE DOOR

<https://www.vic.gov.au/familyviolence/the-orange-door.html>

VICTORIA POLICE

000 or your local police station

DET INCIDENT SUPPORT AND OPERATIONS CENTRE
1800 126 126

INCIDENT MANAGEMENT AND SUPPORT UNIT
1800 126 126

EMPLOYEE CONDUCT BRANCH
(03) 9637 2595

DIOCESAN OFFICE
Melbourne **(03) 9267 0228**
Ballarat **(03) 5337 7135**
Sale **(03) 5622 6600**
Sandhurst **(03) 5443 2377**

INDEPENDENT SCHOOLS VICTORIA

(03) 9825 7200

THE LOOKOUT

The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence: <http://www.lookout.org.au>

Family violence victims/survivors can be referred to **1800 Respect** for counselling, information and a referral service: **1800 737 732**.



PROTECT

THE EDUCATION STATE

VICTORIA Education and Training

CECV catholic education commission of victoria inc

Department of Education