

**ST JOSEPH'S COLLEGE GEELONG**  
**POLICY 3.1 CHILD PROTECTION – REPORTING OBLIGATIONS**

**INTRODUCTION**

**Background**

1. Protection for children and young people is based upon the belief that each person is made in the image and likeness of God and that the inherent dignity of all should be recognised and fostered.
2. Catholic schools are entrusted with the holistic education of the child in partnership with parents, guardians and caregivers, who are the primary educators of their children. Catholic school staff therefore have a duty of care to students by taking reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to result in harm or injury to the student and to work for the positive wellbeing of the child.
3. Under the *National Framework for Protecting Australia's Children 2009–2020*, protecting children is everyone's responsibility – parents, communities, governments and business all have a role to play. In Victoria, a joint protocol, *Protecting the safety and wellbeing of children and young people*, involving the Department of Health and Human Services (DHHS) Child Protection, the Department of Education and Training (DET), the Catholic Education Commission of Victoria and licensed children's services, exists to protect the safety and wellbeing of children and young people.
4. DET has also produced *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* and *Responding to Suspected Child Abuse: A Template for all Victorian Schools*, both of which are referred to in the joint protocol.
5. **All teachers, other staff, parish priests, canonical and religious order administrators of Catholic schools** within Victoria must understand and abide by the professional, moral and legal obligations to implement child protection and child safety policies, protocols and practices.

**Rationale**

6. Schools must comply with the legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005 (Vic.)*, the *Crimes Act 1958 (Vic.)* and the recommendations of the *Betrayal of Trust Report*.
7. The *Child Wellbeing and Safety Act 2005 (Vic.)* introduced the seven Victorian Child Safe Standards which aim to create a culture where protecting children from abuse is part of everyday thinking and practice. The Child Safe Standards were introduced in response to recommendations made by the *Betrayal of Trust* report.
8. Ministerial Order No. 870 – Managing the Risk of Child Abuse in Schools was made under the Education and Training Reform Act 2006 (Vic.) and sets out the specific actions that all Victorian schools must take to meet the requirements in the Child Safe Standards for registration.
9. This policy is designed to enable Catholic schools to comply with Standard 5 of the Victorian Child Safe Standards: processes for responding to and reporting suspected child abuse, as well as the school-specific requirements for procedures for responding to allegations of suspected abuse in Ministerial Order No. 870.
10. This policy is designed to assist school staff (which includes volunteers, contractors, other service providers and religious leaders, including clergy) to:
  - a. identify the indicators of a child or young person who may be in need of protection;
  - b. understand how a 'suspicion' or 'reasonable belief' is formed;
  - c. where possible, refer to the principles of the Victorian Charter of Human Rights and Responsibilities as best practice in respecting and protecting the basic rights, freedoms and responsibilities of members of the school community;
  - d. make a report about a child or young person who may be in need of protection;

- e. comply with obligations under the Victorian Reportable Conduct Scheme;
- f. comply with mandatory reporting obligations under child protection law; and
- g. comply with legal obligations relating to criminal child abuse and grooming under criminal law.

## POLICY

### Legislative and Regulatory Requirements

11. Schools must comply with the legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005*(Vic.), the *Crimes Act 1958*(Vic.), the *Child Wellbeing and Safety Act 2005*(Vic.), the *Education and Training Reform Act 2006*(Vic.) and the *Family Violence Protection Act 2008* (Vic.).

12. The *Child Wellbeing and Safety Act 2005*(Vic.) introduced the seven Victorian Child Safe Standards, which aim to create a culture where protecting children from abuse is part of everyday thinking and practice. The Child Safe Standards were introduced in response to recommendations made by the *Betrayal of Trust* report.

13. Child protection reporting obligations for Catholic schools fall under five separate pieces of legislation with differing reporting requirements:

- a. the *Children, Youth and Families Act 2005* (Vic.)
- b. the *Education and Training Reform Act 2006* (Vic.)
- c. the *Crimes Act 1958* (Vic.)
- d. the *Family Violence Protection Act 2008* (Vic.)
- e. the *Wrongs Act 1958* (Vic.).

### Types of Abuse and Indicators of Harm

14. 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. Therefore, the legal obligations for reporting allegations of child abuse can vary depending on the circumstances of the incident.

15. Child abuse is defined in the *Child Wellbeing and Safety Act 2005* (Vic.) to include:

- a. sexual offences
- b. grooming under section 49M(1) of the *Crimes Act 1958* (Vic.)
- c. physical violence
- d. serious emotional or psychological harm
- e. serious neglect.

16. **Sexual Offences.** A sexual offence occurs when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child's age and development. Sexual offences are governed by the *Crimes Act 1958* (Vic.). Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.

17. **Grooming.** Grooming refers to predatory conduct undertaken by an adult (18 years or over) to prepare a child for sexual activity at a later time. It is a sexual offence under section 49M of the *Crimes Act 1958* (Vic.) carrying a maximum 10-year term of imprisonment. Under section 49M, the

adult's words or conduct must be intended to facilitate the child engaging or being involved in the commission of, or attempt to commit, a sexual offence by the adult or another adult.

18. **Physical Violence.** Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or using weapons (such as belts and paddles). Physical harm may also be caused during student fights.

19. **Serious Emotional or Psychological Harm.** Serious emotional or psychological abuse may occur when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological harm could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

20. **Serious Neglect.** Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. Significant neglect causes harm to a child that is more than trivial or temporary. Serious neglect is when the child is exposed to an extremely dangerous or life-threatening situation and there is a continued failure to provide a child with the basic necessities of life.

21. **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 2005* (Vic.), 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. A child can also be a direct victim of family violence.

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

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

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

25. For full definitions of all types of child abuse, a comprehensive list of the indicators of harm and advice on identifying perpetrators of child sexual abuse refer to the protocol *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

## CHILDREN, YOUTH AND FAMILIES ACT 2005 (VIC.)

### Mandatory Reporting

26. Mandatory reporting is a legal requirement under the *Children, Youth and Families Act 2005* (Vic.) to protect children from harm relating to physical injury and sexual abuse. A child, for the purpose of the relevant parts of this Act, is any person **17 years** of age or younger. The principal, teachers, medical practitioners and nurses at a school are mandatory reporters under this Act.

27. If, in the course of carrying out their duties, a mandatory reporter forms a **reasonable belief** that a child is in need of protection from physical harm or sexual abuse, and that the **child's parents are unwilling or unable to protect the child**, they must report that belief to Department of

Health and Human Services (DHHS) Child Protection and/or Victoria Police, including the information prescribed in the *Responding to Suspected Child Abuse: A Template for all Victorian Schools*, as soon as possible after forming the belief.

28. A subsequent report must be made on each occasion on which the mandatory reporter becomes aware of further reasonable grounds for the belief and even if the reporter knows that another report has been made concerning the same child and suspected abuse.

29. The threshold for reporting child protection incidents, disclosures, concerns or suspicions has been set deliberately low by the joint protocol *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*. This protocol focuses on *Four Critical Actions* (refer to Appendix 1) that all school staff must take if they form a suspicion or reasonable belief that child abuse has occurred, or that a child is at risk of suffering abuse.

### **Reasonable Belief**

30. Where school staff members are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. If a staff member has witnessed potentially abusive behaviour, has a suspicion or has received a disclosure of child abuse, they must determine whether these observations or receipt of such information has caused the staff member to form a 'reasonable belief'.

31. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than rumour or speculation. **A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.**

32. A reasonable belief might be formed if:

- a. a child states that they have been physically or sexually abused;
- b. any person tells you that they believe someone has been abused; this may include a child who is talking about themselves;
- c. you observe physical or behavioural indicators of abuse, as described in *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*;
- d. a child or young person exhibits sexually abusive or age-inappropriate behaviour(s); and
- e. professional observations of the child's behaviour or development cause you to form a belief that the child has been physically or sexually abused or is likely to be abused.

33. While any indicators of possible child abuse or neglect are concerning, it is important to understand that the presence of a number of indicators that suggest either physical or sexual abuse of a child may be sufficient to form a reasonable belief in a mandatory reporter's mind which **must** be reported.

## **CHILD WELLBEING AND SAFETY ACT 2005 (VIC.)**

### **Reportable conduct**

34. The Reportable Conduct Scheme was created under the Child Wellbeing and Safety Act 2005 (Vic.) and requires schools to notify the Commission for Children and Young People (CCYP) if an allegation of reportable conduct (a reportable allegation) is made against one of their employees.

35. **Employees** can include a principal, teacher, corporate staff member, board or school council employee, contractor, volunteer, school doctor/nurse/medical professional, allied health staff member, or minister of religion or religious leader.

36. **Reportable conduct** is defined under the Child Wellbeing and Safety Act 2005 (Vic.) to mean a sexual offence, sexual misconduct or physical violence committed against, with or in the

presence of a child, behaviour causing significant emotional or psychological harm to a child, or significant neglect of a child.

37. A **reportable allegation** means any information that leads a person to form a reasonable belief that an employee has committed reportable conduct or misconduct that may involve reportable conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.

38. The Reportable Conduct Scheme imposes obligations on the head of entity (governing authority). For Catholic Education Melbourne schools, the head of entity (governing authority) is required to:

- a. have in place systems to prevent reportable conduct and, if reportable conduct is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response;
- b. ensure that the CCYP is notified and given updates on the organisation's response to a reportable allegation by contacting the Employee Relations unit on (03) 9267 0431 or by email on [ceoir@cem.edu.au](mailto:ceoir@cem.edu.au); and
- c. report to Victoria Police as soon as they become aware that a reportable allegation may involve suspected child abuse or criminal conduct.

39. Reportable conduct may also include historical reportable allegations. More guidance can be found at *Reportable Conduct Scheme – Historical allegations*.

40. All school staff are required to notify the principal or, if the principal is involved in the allegation, the Leadership Team if they have a reportable allegation. The principal or a member of the Leadership Team (as applicable) must notify the Employee Relations unit of the allegation of reportable conduct as soon as possible.

41. The Reportable Conduct Scheme does not change mandatory reporting or other reporting obligations, including internal reporting and reporting criminal behaviour to Victoria Police. Reportable conduct reporting should be done in addition to these other reporting obligations.

42. For further support and advice regarding reporting conduct in Catholic schools under the Reportable Conduct Scheme, contact the Employee Relations unit on (03) 9267 0431 or by email on [ceoir@cem.edu.au](mailto:ceoir@cem.edu.au).

### **CRIMES ACT 1958 (VIC.)**

43. In response to the *Betrayal of Trust* report three new criminal offences have been introduced under the *Crimes Act 1958* (Vic.):

- a. **failure to disclose offence**, which requires adults to report to the Police a reasonable belief that a sexual offence has been committed against a child;
- b. **failure to protect offence**, which applies to people in positions of authority within organisations, who knew of a risk of child sexual abuse by someone in the organisation and failed to reduce or remove the risk; and
- c. **grooming offence**, which targets communication with a child or their parents with the intent of committing child sexual abuse.

#### **Failure to Disclose**

44. **Any school staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to Victoria Police.**

45. Failure to disclose the information to the Police is a criminal offence under Section 327 of the *Crimes Act 1958* (Vic.) and applies to **all adults (18 years and over)** in Victoria, not just professionals who work with children.

46. The obligation is to disclose that information to the Police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

47. Refer to Appendix 2 for more information on when to report a concern that a child or a young person has been sexually abused, or is in need of protection from sexual abuse.

48. For further information about the 'failure to disclose' offence, see the Department of Justice and Community Safety's '*Failure to disclose offence*' webpage and *Betrayal of Trust: Factsheet*.

### **Failure to Protect**

49. Any school staff member in a position of authority who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer, sport coach or visitor) poses a risk of sexual abuse to a child **under 16**, who is in the care or supervision of the organisation, must take all reasonable steps to reduce or remove that risk.

50. In a school context, this will include the principal, deputy principal and business manager and may also extend to school counsellors, heads of departments and heads of schools.

51. Failure to take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation is a criminal offence under section 49O (1) of the *Crimes Act 1958* (Vic.).

52. For further information about the failure to protect offence, see the Department of Justice and Community Safety's '*Failure to protect offence*' webpage and *Betrayal of Trust: Factsheet*.

### **Grooming**

53. The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in section 49M (1) of the *Crimes Act 1958* (Vic.). The offence applies to communication with children **under 16 years**.

54. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. 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. For further information about the 'grooming offence', see *Department of Justice and Community Safety – Grooming offence* webpage and the *Betrayal of Trust: Fact Sheet*.

55. For more information about managing and responding to the risk of abuse, see DET's '*Responding to Student Sexual Offending*' and '*Risk Management*' webpages.

## **EDUCATION AND TRAINING REFORM ACT 2006 (VIC.) - CHILD SAFETY OBLIGATIONS**

56. From a child safety perspective, the key functions of the *Education and Training Reform Act 2006* (Vic.) are to:

- a. require schools to notify the Victorian Institute of Teaching (VIT) when a school has taken action against a teacher; and
- b. ensure compliance with the Victorian Child Safe Standards as a requirement of registration for all Victorian schools.

57. A registered school must ensure that the care, safety and welfare of all students attending the school are in accordance with all applicable Victorian and Commonwealth laws, and that all staff employed at the school are advised of their obligations to child safety.

## WRONGS ACT 1958 (VIC.) AND DUTY OF CARE

### Organisational Duty of Care

58. The *Wrongs Act 1958* (Vic.) creates an organisational liability for child abuse for organisations that exercise care, supervision or authority over children. This is colloquially referred to as an 'organisational duty of care'.
59. Schools owe a duty to take reasonable precautions to prevent the abuse (sexual or physical) of a child (under 18) by an individual associated with the school while the child is under the care, supervision or authority of the school.
60. Individuals associated with the school can include employees, volunteers, office holders, contractors, ministers of religion and religious leaders.
61. Reasonable precautions that a school could take are not defined in the *Wrongs Act 1958* (Vic.) but, as examples, the following measures are what courts have previously considered to be reasonable precautions in the context of organisational child abuse:
- conducting employment screening and reference checking;
  - providing supervision and training;
  - implementing systems to provide early warning of possible offences;
  - performing random and unannounced inspections to deter misconduct; and
  - encouraging children and adults to notify authorities or parents about any signs of aberrant or unusual behaviour.

### School Staff Duty of Care

62. School staff have a duty to take reasonable steps to protect children and young people under their care and supervision from harm that is reasonably foreseeable (this duty applies to all school staff). The question of what constitutes reasonable steps will depend on the individual circumstances of each case.
63. A staff member may breach their duty of care towards a student if they fail to act in the way a reasonable or diligent professional would have acted in the same situation.
64. For more information on the scope of staff duty of care obligations and examples of reasonable steps they can take in relation to suspected child abuse, refer to the protocol *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

## PROCEDURES

65. St Joseph's College have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected, their voices heard and where they are safe and feel safe.
66. Every person involved in St Joseph's College has a responsibility to understand the important and specific role they have individually and collectively to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make.
67. **It is Catholic Education Melbourne's policy that all schools display the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* diagram in staff rooms and other strategic areas of the school, to ensure all school staff are aware of the actions to take as soon as they witness a child protection incident, receive a disclosure or form a reasonable belief that a child has been, or is at risk of being, abused.**

## Responding to and Reporting Child Protection Concerns

68. The approach to responding and reporting child protection concerns in the joint protocol incorporates the *Four Critical Actions for Schools* (Appendix 1).

69. A school staff member must act, and follow the *Four Critical Actions*, as soon as they become aware of a child protection incident, that is, when **a child is experiencing, or is at risk of experiencing, abuse**.

### Becoming Aware Of A Child Protection Incident

70. There are four main ways in which a school staff member may become aware that a child is experiencing, or is at risk of experiencing, abuse:

a. **Witnessing an incident**

If you witness an incident where you believe a child has been subjected to, or may be at risk of, abuse, including exposure to family violence, you must first take immediate action to protect the safety of the child or children involved and then refer to *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*.

b. **Forming a suspicion or reasonable belief**

All suspicions that a child has been, is being, or is at risk of being, abused must be taken seriously, including suspicions that the abuse is taking or may take place outside school grounds or areas. If your suspicion develops into a reasonable belief, you must act and refer to *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*.

c. **Receiving a disclosure about or from a current student**

All disclosures must be treated seriously. You should immediately refer to *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*.

d. **Receiving a disclosure about or from a former student**

If you receive a disclosure from a former student about historical abuse, you must act. If the former student is currently of school age and attending a Victorian school, you must immediately refer to *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*.

If the former student is no longer of school age or attending a Victorian school, you must still report the disclosure to DHHS Child Protection.

### Notes and Records

71. School staff members are to keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse using *Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools*.

72. Even if a school staff member decides not to make a report, they must still accurately document their notes relating to the incident, disclosure or allegation of child abuse using *Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools*.

73. Notes and records must be kept securely on school grounds and must not be destroyed as they may be needed at a later time.

### Disclosures

74. It is the role of school staff members to reassure and support a child or young person who makes a disclosure of abuse. However, school staff members should never promise to keep any disclosures confidential as all disclosures of abuse must be reported.



75. The role of school staff remains the same if disclosures are made from a parent/carer or a sibling, or if disclosures involve family violence.

76. For strategies on how to manage a disclosure, refer to *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

## THE FOUR CRITICAL ACTIONS

77. There are *Four Critical Actions* which must be taken when responding to and reporting a child protection incident, disclosure or suspicion:

1. Responding to an Emergency
2. Reporting to Authorities
3. Contacting Parents/Carers
4. Providing Ongoing Support

### Critical Action 1: Responding to an Emergency

78. This first step is only applicable if a child has **just been abused** or is at **immediate risk of harm**. If this is not the case, go straight to **Critical Action 2: Reporting to authorities**.

79. If the child has **just been abused or is at risk of immediate harm** you must take reasonable steps to protect the child, including:

- a. Separating the alleged victim and others involved, ensuring that if the parties involved are all present at the school that they are supervised separately by a school staff member.
- b. Arranging and providing urgent medical assistance where necessary, including administering first aid or calling 000 for an ambulance.
- c. Calling 000 for urgent police assistance if the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person.

80. If the child protection incident has occurred at the school, school staff should also ensure that reasonable steps are taken to preserve the environment, the clothing and other items and to prevent any potential witnesses (including school staff members, volunteers and contractors) from discussing the incident until Victoria Police or relevant authorities arrive on the premises.

### Critical Action 2: Reporting to Authorities

81. **All forms and instances of suspected or alleged child abuse must be reported to the appropriate authority.**

82. Once immediate health and safety concerns have been addressed, the school staff member must take steps to report the incident, suspicion or disclosure of child abuse as soon as practicable. Failure to report physical and sexual child abuse may amount to a criminal offence (refer to Failure to disclose).

83. There are different reporting procedures depending on:

- a. whether the source of the suspected or alleged abuse comes from within the school or within the family or community of the child; and
- b. the type of abuse.

84. In all cases, school staff members must report internally to the Principal or, if the Principal is involved in the allegation, the Leadership Team.

85. Additionally:

- a. where the source of the abuse comes from within the school, that is, the suspected or alleged abuse involves a school staff member, volunteer, allied health professional,

officer/office holder, contractor or visitor at the school, it must be reported to Victoria Police

- b. where the suspicion, belief or disclosure relates to sexual abuse or grooming, it must be reported to Victoria Police
- c. where the source of the abuse comes from within the family or community and is not sexual abuse or grooming, it must be reported to DHHS Child Protection.

86. DHHS and DET have deliberately set a low threshold for the formation of a 'reasonable belief'. For more information, refer to the Reasonable belief section of this policy.

87. *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* requires all school staff to report all incidents, suspicions and disclosures of abuse as soon as possible to the relevant authorities.

### How to Make a Mandatory Report

88. The table below describes the information to include when making a **mandatory report** about child abuse or child protection concerns. If a child is at immediate risk of harm, contact Victoria Police immediately.

Making a Mandatory Report	
Step	Description
<b>1. Keep Notes</b>	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> <li>a description of the concerns (e.g. physical injuries, student behaviour)</li> <li>the source of those concerns (e.g. observation, report from child or another person)</li> <li>the actions taken as a result of the concerns (e.g. consultation with the principal, report to DHHS Child Protection, etc.).</li> </ul> <p>Schools can use the template provided in <i>Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools</i> to record their notes.</p>
<b>2. Discuss Concerns</b>	<p>Due to the complexity of child abuse incidents, disclosures and suspicions, it is recommended that concerns and observations regarding suspected physical or sexual abuse of a child are discussed with the principal or a member of the Leadership Team and/or Catholic Education Melbourne's Student Wellbeing Information Line.</p> <p>This is not a legal requirement; however, it will help to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.</p> <p>You should then make your own assessment about whether you are required to make a report about the child or young person and to whom the report should be made.</p> <p><b>It is important to remember that the duty to report abuse or suspicions of abuse exists even if the principal, member of the Leadership Team or a representative of Catholic Education Melbourne advises you not to proceed with reporting suspected abuse.</b></p>
<b>3. Gather and document information</b>	<p>Gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> <li>full name, date of birth and residential address of the child or young person</li> <li>the details of the concerns and the reasons for those concerns</li> <li>your involvement with the child or young person</li> <li>details of any other agencies which may be involved with the child or young person.</li> </ul> <p>This information should be collected and documented using the Responding to Suspected Child Abuse: A Template for all Victorian Schools. The template is to be used to record as much information as possible to provide when you make your report to either the Police or DHHS Child Protection.</p>

	It is critical that completing the template does not impact on reporting times – <b>if a child is in immediate danger school staff need to report the matter immediately to the Police.</b>
<b>4. Make the Report</b>	<p><b>To report concerns which are life-threatening phone 000 or the local police station.</b></p> <p>Where the source of the abuse comes from <b>within the school</b>; that is, the suspected or alleged abuse involves a school staff member, volunteer, allied health practitioner, officer/office holder, contractor or visitor at the school:</p> <ul style="list-style-type: none"> <li>• contact Victoria Police, who will contact DHHS Child Protection when appropriate.</li> <li>• report internally to: <ul style="list-style-type: none"> <li>○ the principal, or the Leadership Team if the principal is involved in the allegation; and</li> <li>○ Catholic Education Melbourne's Student Wellbeing Information Line (9267 0228).</li> </ul> </li> </ul> <p>Where the source of the suspected or alleged abuse comes from <b>within the child's family or community</b>, you must:</p> <ul style="list-style-type: none"> <li>• report sexual abuse and grooming to Victoria Police</li> <li>• report the matter to DHHS Child Protection if you consider the child to be in need of protection due to child abuse, or that they have been, are being or are at risk of being harmed due to any form of abuse, including family violence. If after hours, call the <b>Child Protection Emergency Service on 13 12 78.</b></li> <li>• report internally to: <ul style="list-style-type: none"> <li>○ the principal, or the Leadership Team if the principal is involved in the allegation; and</li> <li>○ Catholic Education Melbourne's Student Wellbeing Information Line (9267 0228).</li> </ul> </li> <li>• A staff member must remain with the child until the police/DHHS arrives. Designated staff members include designated Child Safe Safety Officers, Education Support Officer, Head of Waterford, Westcourt or Mt Sion, Deputy Principals or Principal.</li> </ul>
<b>5. Document written records of report</b>	<p>Make a written record of the report including the following information:</p> <ul style="list-style-type: none"> <li>• the date and time of the report and a summary of what was reported</li> <li>• the name and position of the person who made the report and the person who received the report.</li> </ul> <p>The information initially recorded in the <i>Responding to Suspected Child Abuse: A Template for all Victorian Schools</i> and any additional information provided to either Victoria Police or DHHS Child Protection is to be stored securely and maintained <b>indefinitely</b> by the school, to ensure that records are accessible upon request by external authorities investigating the matter.</p>
<b>6. Additional steps for overseas students</b>	Where a child protection incident, disclosure or suspicion involves an international student at the school and the school has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter for that student (thereby assuming responsibility for the child's accommodation, support and general welfare) the school will also need to contact the Victorian Registration and Qualifications Authority (VRQA).

## Reporting that is non-mandatory

89. All teachers, other school staff members, volunteers, contractors, other service providers, parish priests, and canonical and religious order administrators who are not mandatory reporters have professional and moral (and sometimes legal) obligations to report a child protection incident, disclosure or suspicion. Please refer to your school's protocols in relation to reporting a child protection incident, disclosure or suspicion that is not the subject of a mandatory reporting obligation.

## How to Report Allegations of Reportable Conduct

90. The table below describes the information to include when making **an allegation of reportable conduct** about an employee (persons engaged by the entity such as volunteers, contractors, office holders, school board members and officers of a religious body) at the school. The Reportable Conduct Scheme is in addition to a school staff member's mandatory reporting or criminal reporting obligations.

91. Any allegations of criminal conduct, including physical violence, significant emotional or psychological abuse, sexual offences and significant neglect must be reported to Victoria Police as the priority. However, school staff members may find they also need to make an allegation of reportable conduct for the same incident.

92. For further support and advice regarding reporting conduct in Catholic schools under the Reportable Conduct Scheme, contact the Employee Relations unit on (03) 9267 0431 or by email on [ceoir@cem.edu.au](mailto:ceoir@cem.edu.au).

Making an Allegation of Reportable Conduct	
Step	Description
1. Keep notes	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> <li>a description of the concerns (e.g. physical injuries, student behaviour)</li> <li>the source of those concerns (e.g. observation, report from child or another person)</li> <li>any actions taken as a result of the concerns (e.g. consultation with the principal, report to DHHS Child Protection, etc.).</li> </ul>
2. Make the report	<p>As soon as you form a reasonable belief that an employee (persons engaged by the entity such as volunteers, contractors, office holders, school board members and officers of a religious body) at the school has engaged in reportable conduct or misconduct that may involve reportable conduct, you must report this allegation to the school's principal or, if the principal is involved in the allegation, the Leadership Team who will notify the Employee Relations unit at Catholic Education Melbourne on (03) 9267 0431 or by email on <a href="mailto:ceoir@cem.edu.au">ceoir@cem.edu.au</a>.</p>

## What should a principal do about a reportable allegation?

93. Below are the steps that a principal should take if there is a potential reportable allegation. These steps are in *general* order of priority, but the guidance may change depending on the circumstances.

What if a student or another child informs you of a reportable allegation?	What if a staff member or another adult informs you of a reportable allegation?
<p>1. The <i>first</i> step should always be to ensure the student/child is safe. If you believe a child faces immediate danger or risk of harm, contact Victoria Police on 000.</p>	
<p>2. <i>When</i> speaking with a child or young person, it is important to remember that if they have decided to speak to you, then there is a good chance they trust you.</p> <ul style="list-style-type: none"> <li>Give the child or young person your full attention.</li> <li>Listen calmly and empathically.</li> <li>Reassure the child or young person that it is right to tell.</li> <li>Accept the child or young person will disclose only what they are comfortable disclosing and recognise the bravery/strength of the child for talking about something that is difficult.</li> </ul>	<p>2. Thank the individual for bringing the allegation to your attention. Offer them support and assistance as necessary. If they are a staff member, refer them to the Employee Assistance Program (EAP), where available.</p> <p>3. Explain to the person making the report that the school will manage the concern confidentially and, to protect all parties, they should not discuss the matter.</p>

<ul style="list-style-type: none"> <li>• Let the child or young person take their time.</li> <li>• Let the child or young person use their own words.</li> <li>• Don't make promises you can't keep.</li> </ul> <p>3. Tell <i>the</i> child or young person what you plan to do next.</p>	
<p>4. Take a moment to make a record of the allegations. If appropriate, use <i>Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools</i>. You may also make a note in your diary. If a staff member, parent or other adult was present, ask them to make a record as well.</p> <p>5. Consider whether you need to refer the matter to Victoria Police or DHHS Child Protection. If necessary, report the matter in accordance with the actions documented in <i>Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools</i> and <i>Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse</i>, using <i>Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools</i>.</p> <p>6. If <i>relevant</i>, notify the child's parents following advice in <i>Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools</i> and <i>Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse</i>.</p> <p>7. As soon as practicable, contact the Employee Relations unit for advice (including guidance as to whether the <i>alleged</i> conduct is reportable), support and assistance to discuss the circumstances, and notify the head of entity.</p> <p>8. If <i>the</i> matter does involve a reportable allegation, the Employee Relations unit will notify the CCYP with authorisation from the school's head of entity.</p> <p>9. <i>Conduct</i> a risk assessment (with the assistance of Employee Relations unit resources) to determine any measures that should be put in place to manage the person against whom allegations have been made, and to protect the student(s)/child(ren) against whom reportable conduct may have occurred.</p>	

94. If you think you have a reportable allegation, it is important that you:
- do not say or do anything to suggest to the student that you doubt them or make them feel ashamed to have revealed the allegation, and
  - do not start investigating the allegation, including unnecessarily questioning the student or speaking with the person who is the subject of the allegation, without conducting a risk assessment; otherwise you may be putting the student, the staff member, the school or the investigation at risk.

### **Reportable allegation involving the head of entity**

95. The head of entity (i.e. the head of the school) is the person who is primarily responsible for decision-making for the school. In most primary schools and in diocesan secondary schools, this will generally be a parish priest. In other secondary schools (e.g. congregational), there may be other governance arrangements regarding the identity of the head of entity.

### **Where a parish priest is the head of entity**

96. If any person, including any employee of the school, becomes aware of a reportable allegation involving a parish priest, as the head of entity, the person should inform the school principal or, if the principal is involved in the reportable allegation, an appropriate member of the school's Leadership Team, who will notify the relevant Regional General Manager and the Employee Relations unit at Catholic Education Melbourne. In all instances of a reportable allegation of a criminal offence, Victoria Police must be notified.

97. The Employee Relations unit will advise the Professional Standards Unit, Catholic Archdiocese of Melbourne, which will notify the CCYP. Alternatively, where a person becomes aware of a reportable allegation involving a parish priest, as the head of entity, but is not able to advise the principal or an appropriate member of the Leadership Team, the person shall directly notify the CCYP and, in the instance of an alleged criminal offence, Victoria Police.

### **Where the school principal, or other person or body, is the head of entity**

98. Where the governance arrangements of a school are such that a person, i.e. the school principal, or other person or body, is the head of entity, the following actions are required.

99. If any person, including any employee of the school, becomes aware of a reportable allegation involving the school principal, as the head of entity, the person should inform an appropriate member of the school's Leadership Team, who will advise the nominated contact, who will notify the CCYP. In all instances of a reportable allegation of a criminal offence, Victoria Police must be notified.

100. If any such person becomes aware of a reportable allegation involving a person or body, other than the school principal, as the head of entity, the person should inform the school principal or, if the principal is involved in the reportable allegation, an appropriate member of the Leadership Team, who will advise the nominated contact, who will notify the CCYP. In all instances of a reportable allegation of a criminal offence, Victoria Police must be notified.

101. Where a person becomes aware of a reportable allegation involving, relevantly, the school principal, or other person or body, as the relevant head of entity, but is not able to advise the principal or an appropriate member of the Leadership Team, the person shall directly notify the CCYP and, in the instance of an alleged criminal offence, Victoria Police.

102. For more information refer to the *Catholic Education Melbourne Guide to the Reportable Conduct Scheme*, which has been developed to assist employers, principals and school leaders in understanding and complying with their obligations under the Reportable Conduct Scheme.

### **Child FIRST/ The Orange Door**

103. If you believe that a child is not subject to abuse, including family violence, but you still hold significant concerns for their wellbeing (e.g. risk-taking behaviour, parenting difficulties, isolation from family or lack of support), **you must still act**. This may include making a referral to or seeking advice from Child FIRST/The Orange Door.

104. **Child FIRST/The Orange Door** is a family information, referral and support team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to relevant services.

105. You should make a report to Child FIRST/The Orange Door if:

- a. you have a significant concern for a child's wellbeing
- b. your concerns are about circumstances that have a low-to-moderate impact on the child
- c. the child's immediate safety is not compromised
- d. you and the school have discussed the referral to Child FIRST/The Orange Door with the child's parents/carers, and all parties are supportive of this decision.

106. **Where you believe that the child's parents/carers will not be supportive of the referral, or the child is partaking in any risk-taking activity that is illegal and extreme in nature or poses a high risk to the child or others, you may refer the matter to DHHS Child Protection.**

107. If you are unsure of what action to take in response to your concerns about a child, speak to the principal or a member of the school's Leadership Team, or contact DHHS Child Protection or Child FIRST/The Orange Door for further advice.

108. For more information refer to *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

### **Making Additional Reports**

109. **After you have made a report, you may continue to suspect that a child is at risk and in need of protection. Any further observations should continue to be recorded and a report made on each separate occasion where a belief has been formed – on reasonable grounds – that a child is likely to be at risk and in need of protection. Additional reports should use the same format outlined above in this policy at Critical Action 2: Reporting to Authorities.**

110. If there is any suspicion that this relates to a sexual offence involving a person over 18 and a child under 16 then it must be reported to Victoria Police. For more information, refer to the *Failure to disclose* section of this policy.

111. Where a school staff member is aware that another school staff member has formed a reasonable belief about the same child on the same occasion, or based on the same indicators of abuse, and has made a report to the appropriate authority, the first school staff member need not make a further report.

112. However, if the first school staff member has formed a reasonable belief of abuse or significant risk of abuse to the child based on different observations, further indicators or additional information, a further report must be made to the appropriate authority detailing this additional information.

### **Critical Action 3: Contacting Parents/Carers**

113. Where it is suspected that a child at the school has been, or is at risk of being abused, it is critical that parents/carers of the child are notified as soon as practicable after a report is made to the authorities.

**114. The school must always seek advice from the Police or DHHS Child Protection, to ensure that it is appropriate to contact the parents/carers.**

115. In circumstances of family violence, schools should:

- a. take care not to inadvertently alert the alleged perpetrator by notifying parents/carers as it could increase risk of harm to the child, other family members or school staff
- b. seek advice from DHHS Child Protection or Child FIRST/The Orange Door before alerting parents/carers about safe strategies for communicating with a parent/carer who is experiencing family violence and on recommending family violence support services.

116. Advice from **Victoria Police or DHHS Child Protection** will depend on a number of factors, including whether:

- a. the parents/carers of the child are alleged to have engaged in the abuse (including in circumstances of suspected family violence);
- b. a disclosure to the parents/carers may result in further abuse to the child;
- c. the child is a mature minor (at least 17 years of age and assessed to be sufficiently mature and intelligent to make decisions for themselves) and has requested that their parents/carers not be notified – the school should insist that another responsible adult is notified in lieu of the parents/carers; and
- d. the notification of parents/carers would adversely affect an investigation of the matter by external authorities.

117. Where the suspicion of abuse or risk of abuse has not yet warranted a reasonable belief, parents/carers should also be notified promptly after the school has carefully considered the factors listed above.

118. In some circumstances, a child may have returned to the care of their parent/carer before advice has been received from Victoria Police or DHHS Child Protection. In these circumstances, a school should not share any information with the parent/carer which may place the child or any other person at risk, or where the child is a mature minor.

119. For detailed guidance on how to have this conversation with a parent or carer, refer to *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*.



### Critical Action 4: Providing Ongoing Support

120. School staff members who witness a child protection incident, receive a disclosure or develop a suspicion of child abuse (including exposure to family violence) have a critical role to play in supporting students impacted by the child protection matter to ensure that they feel supported and safe at the school. Schools also play a critical role in building students' resilience and protective factors, which can reduce the long-term impacts of child abuse by providing them with the opportunity to be supported and heard by a school staff member they trust.

121. Support provided to students at the school includes:

- a. regular communication with the student and their parents/carers where appropriate;
- b. convening a Student Support Group of school wellbeing staff and teachers to plan, support and monitor affected students;
- c. the development of Student Support Plans for students impacted by the incident to ensure appropriate levels of care and support are provided depending on their involvement.

122. You should contact the Catholic Education Melbourne's Student Wellbeing Information Line (9267 0228) for a description of the range of school-based support services that may be available, including SAFEMinds and referrals to family violence services, Centres Against Sexual Assault (CASA) or headspace.

123. Where external authorities are investigating a report of abuse or risk of abuse, it is the role of the Principal to ensure that students are supported throughout interviews at the school. For more information on this topic, refer to Appendix 4.

124. The school has a duty to provide support to school staff members who have witnessed an incident or disclosure, or who have made a report to external authorities about a reasonable belief of child abuse. It is important that schools remember that school staff members may have also experienced child abuse (including family violence) or be experiencing family violence and abuse in their own lives. School staff members requiring wellbeing support can contact the school's Employee Assistance Program (EAP) provider.

125. Information to support Victorian Catholic schools in understanding their obligation to employees and to provide suggestions of how to assist employees experiencing family and domestic violence may be found in Catholic Education Commission of Victoria Ltd's *Family and Domestic Violence: A guide to supporting staff*.

126. The school should conduct a review of the reporting process 4–6 weeks after a report has been made to identify if any follow-up support actions are needed. Refer to *Responding to Suspected Child Abuse: A Template for all Victorian Schools* for more information.

### POTENTIAL CONSEQUENCES OF MAKING A REPORT

127. This table describes the potential consequences of making a report.

Potential consequence	Description
Confidentiality	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"><li>• the reporter chooses to inform the child, young person or parent of the report</li><li>• the reporter consents in writing to their identity being disclosed</li><li>• a court or tribunal decides that it necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child</li><li>• a court or tribunal decides that, in the interests of justice, the reporter is required to provide evidence.</li></ul>



Professional Protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> <li>it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter</li> <li>the reporter cannot be held legally liable in respect of the report.</li> </ul>
Interviews	<p>DHHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without their parent's knowledge or consent.</p> <ul style="list-style-type: none"> <li>Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner</li> <li>DHHS Child Protection and/or Victoria Police will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises</li> <li>When DHHS Child Protection practitioners/Victoria Police officers come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person</li> <li>When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.</li> </ul> <p>For more information on these requests and school responsibilities: see Appendix 4.</p>
Support for the child or young person	<p>The roles and responsibilities of the Principal or other school staff in supporting children who are involved with DHHS Child Protection may include the following:</p> <ul style="list-style-type: none"> <li>acting as a support person for the child or young person</li> <li>attending DHHS Child Protection case-planning meetings</li> <li>observing and monitoring the child's behaviour</li> <li>liaising with professionals.</li> </ul>
Requests for Information	<p>DHHS Child Protection and/or Child FIRST/The Orange Door and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.</p> <p>In certain circumstances, DHHS Child Protection can also direct school staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection. Refer to <i>Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools</i>.</p>
Witness Summons	<p>If DHHS Child Protection makes a protection application in the Children's Court of Victoria, any party to the application may issue a witness summons to produce documents and/or to give evidence in the proceedings. See Appendix 4.</p>

## RESPONDING TO COMPLAINTS OR CONCERNS

128. The school may receive concerns or complaints about school staff management of a child protection incident. These concerns or complaints may be voiced by parents/carers or others within the school community.

129. The school should follow its internal complaints handling process, SJC Policy 4.4 - *Complaint Handling Procedure*, to ensure that all concerns, complaints or feedback on school policies or processes are effectively captured and appropriately managed.

130. It is important that, as a first step, the school ensures that the complaint does not raise concerns that child abuse or a risk of child abuse has gone unreported.

131. If this is the case, the school should follow the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* to ensure that any new information

received through a complaint or concern from a member of the school community is reported to authorities where required.

### **Related Catholic Education Melbourne Policies**

132. The following Catholic Education Melbourne policies are applicable:

- a. Policy 2.2: *Guidelines Relating to the Employment of Staff* (currently under review)
- b. Policy 2.19: *Child Protection – Reporting Obligations*
- c. Policy 2.19a: *School Guidelines –Police and DHHS Interview Protocols*
- d. Policy 2.26: *Pastoral Care of Students in Catholic Schools*(currently under review)

### **Related St Joseph’s College Policies**

133. The following are related St Joseph’s College policies:

- a. Policy 3.9 *Child Safety*
- b. Policy 4.2 *Bullying and Harassment Policy*
- c. Policy 4.3 *Equal Opportunity Policy*
- d. Policy 4.4 *Complaint Handling Procedure*
- e. Policy 4.6 *Code of Ethics/Professionalism Policy*

### **Consequences of Breaching this Policy**

134. Where an employee is suspected of breaching any obligation, duty or responsibility within this Policy, St Joseph’s College may start the process under clause 13 of the Victorian Catholic Education Multi Enterprise Agreement 2013 (VCEMEA) for managing employment concerns. This may result in disciplinary consequences.

135. Where the principal is suspected of breaching any obligation, duty or responsibility within this policy, the concerned party is advised to contact the parish priest or the employer. Relevant notification should also be made to Catholic Education Melbourne (Office of Professional Conduct, Ethics and Investigation).

## **CONCLUSION**

136. The joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children’s Services and Victorian Schools *Protecting the safety and wellbeing of children and young people*<sup>1</sup> concisely advises:

*“Every Child has the right to a full and productive life. It is up to all of us to ensure our children grow up in environments that build confidence, friendship, security and happiness, irrespective of a person’s family circumstances or background...”*

*Keeping children safe from harm requires a vigilant and informed community that is confident in making judgements and is assertive in taking actions. It is essential that all practitioners working with children and young people are able to understand the role each plays in protecting children.”*

137. The College expects that all employees and volunteers will abide by this policy and all related policies.

### **Policy Review**

138. At St Joseph’s College we are committed to continuous improvement of our child safety systems and practices. We intend this policy to be a dynamic document that will be regularly

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<sup>1</sup> <http://www.education.vic.gov.au/childhood/providers/regulation/Pages/protectionprotocol.aspx>

reviewed to ensure it is working in practice and updated to accommodate changes in legislation or circumstance.

139. The custodian of this Policy is the Child Safety Lead. It will be reviewed at a minimum annually to take account of any changed legislation, expectations or practices.

### **Authority**

140. This policy has been authorised by the St Joseph's College Geelong Board.

### **References**

141. The following references are appropriate to this policy:

- a. Catholic Education Commission of Victoria Ltd (CECV) 2016, *Commitment Statement to Child Safety: A safe and nurturing culture for all children and young people in Catholic schools*.
- b. Catholic Education Commission of Victoria Ltd (CECV) 2013, *Victorian Catholic Education Multi Enterprise Agreement 2013*, CECV.
- c. Congregation for Catholic Education 1997, *The Catholic School on the Threshold of the Third Millennium*, Vatican.
- d. Safe Schools Hub 2014, *National Safe Schools Framework Glossary*, Australian Government Department of Education and Training.
- e. State of Victoria 2016, *Child Safe Standards – Managing the Risk of Child Abuse in Schools: Ministerial Order No. 870*, Education & Training Reform Act 2006, Victorian Government Gazette No. S2.
- f. Victorian Government Department of Justice 2016, *Betrayal of Trust Implementation*.

### **Appendices:**

1. Four Critical Actions for Schools
2. Reporting Criteria: Failure to Disclose
3. Responding to Suspected Child Abuse: A Template for all Victorian Schools
4. Police and Department of Health and Human Services Interview Protocols



## FOUR CRITICAL ACTIONS FOR SCHOOLS

# Responding to Incidents, Disclosures and Suspicions of Child Abuse

### 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 **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.

### YOU MUST TAKE ACTION

- Critical actions, 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.

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

- 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.

### 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 of 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 360 361**
- 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 7195**

Sale **(03) 5622 6600**

Sandhurst **(03) 5443 2377**

#### INDEPENDENT SCHOOLS

##### VICTORIA

**(03) 8825 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**.



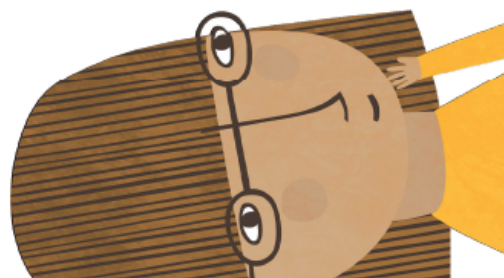
Victorian Government

cccv  
Child Care Victoria

VICTORIA  
Education  
and Training

THE  
EDUCATION  
STATE

PROTECT



### **Reporting Criteria: Failure to Disclose**

In accordance with the *Crimes Act 1958* (Vic.), this table sets out when to report a concern that a child or young person has been sexually abused or is in need of protection from sexual abuse.

Type of Reporting	By Whom	To Whom
<p><b><i>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</i></b></p> <p>Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult <b><i>against</i></b> a child under 16 must report that information to Victoria Police.</p> <p>You will not be guilty of an offence if you do not report in the following circumstances:</p> <ul style="list-style-type: none"> <li>The victim is 16 years of age or older and does not want the information reported to the Police. However, this exception does not apply where the victim is aged under 16 years, or is aged over 16 years and has an intellectual disability and does not have the capacity to make an informed decision about whether or not to report.</li> <li>The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner, counsellor or in religious confession to a member of the clergy. A 'counsellor' is a person who is treating a person for an emotional or psychological condition.</li> </ul> <p><b>Please note that mandatory reporting obligations under the <i>Children, Youth and Families Act 2005</i> (Vic.) may override the exceptions to making a disclosure under the <i>Crimes Act 1958</i> (Vic.).</b></p> <p>The National Catholic Education Commission (NCEC) <i>Privacy Compliance Manual</i> (updated by the Catholic Education Commission of Victoria Ltd (CECV) in April 2018) also provides details relating to the role of school counsellors and their obligations to students, the schools at which the students are enrolled and the parents of those students (refer to Section 25).</p> <p>Where it is necessary for school counsellors to directly pass on information which relates to the wellbeing of a student at a school, this information must be conveyed to a person (i.e. school principal) who has a legal obligation to receive it without betraying a confidence (Section 25.3). A mandatory report may then need to be made by the person who receives the information (e.g. the school principal).</p> <p>Reasonable excuses for failing to report to Victoria Police any reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 include:</p> <ul style="list-style-type: none"> <li>a reasonable belief that the information has already been reported to Victoria Police or disclosed to DHHS Child Protection</li> <li>the victim turned 16 years of age before 27 October 2014</li> <li>a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm.</li> </ul>	Any person aged 18 or over.	<i>Victoria Police</i>

# PROTECT

## Responding to Suspected Child Abuse: A Template for all Victorian Schools

### When to use this template

School staff should use this template to document any incident, disclosure or suspicion that a child has been, or is at risk of being abused. This template should be used in conjunction with following the **Four Critical Actions For Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse**.

Completing this template should not impact on reporting times. If a child is in immediate danger school staff should report immediately to Victoria Police.

Whilst you may need to gather the information to make a report, remember it is not the role of school staff to investigate abuse, leave this to Victoria Police and/or DHHS Child Protection.

### Why record this information?

When completing this template your aim should be to provide as much information as possible. This information will be critical to any reports and may be sought at a later date if the matter is the subject of Court proceedings. These notes may also later assist you if you are required to provide evidence to support any decisions.

It is a requirement under *Ministerial Order No. 870 - Child Safe Standards - Managing the risk of child abuse in schools* for schools to keep clear and comprehensive notes on all observations, disclosures and other details that led them to suspect the abuse.





## RESPONDING TO AN INCIDENT, DISCLOSURE OR SUSPICION OF CHILD ABUSE

PLEASE NOTE: IF YOU ARE MAKING A REPORT TO DHHS CHILD PROTECTION OR VICTORIA POLICE YOU MUST SEEK ADVICE BEFORE CONTACTING PARENTS/CARERS SO AS NOT TO COMPROMISE ANY INVESTIGATION OR PLACE A CHILD AT FURTHER RISK.

### STAFF MEMBER LEADING THE RESPONSE

NAME:	
OCCUPATION:	
LOCATION (SCHOOL ADDRESS):	
RELATIONSHIP TO CHILD:	

### CRITICAL ACTION 1: IMMEDIATE RESPONSE TO AN INCIDENT

If anyone is in immediate danger school staff should report immediately to Victoria Police on 000.

See Action 1 of Four Critical Actions For Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse

### RESPONDING TO AN EMERGENCY

DID THE CHILD REQUIRE FIRST AID? PROVIDE DETAILS IF 'YES'.
WHO ADMINISTERED THIS? (NAME AND TITLE)
DID THE CHILD REQUIRE FURTHER IMMEDIATE MEDICAL ASSISTANCE?
CURRENT LOCATION AND SAFETY STATUS: E.G. ARE ALL IMPACTED STUDENTS SAFE AND NOT IN ANY IMMEDIATE DANGER? IF A CHILD IS IN IMMEDIATE DANGER SCHOOL STAFF SHOULD REPORT IMMEDIATELY TO VICTORIA POLICE ON 000.



## CHILD'S INFORMATION

PERSONAL DETAILS	
NAME: <input type="text"/>	GENDER: <input type="text"/>
YEAR LEVEL/CLASS: <input type="text"/>	DATE OF BIRTH: <input type="text"/>
RESIDENTIAL ADDRESS: <input type="text"/>	
PARENT/CARER NAME/S: <input type="text"/>	
PARENT/CARER CONTACT: <input type="text"/>	
LANGUAGE(S) SPOKEN BY CHILD: <input type="text"/>	
DISABILITIES, MENTAL OR PHYSICAL HEALTH ISSUES: <input type="text"/>	

## CHILD'S BACKGROUND

### CULTURAL STATUS AND RELIGIOUS BACKGROUND

IF THE CHILD IS OF ABORIGINAL OR TORRES STRAIT ISLANDER BACKGROUND, GOVERNMENT SCHOOLS MUST CONTACT THEIR KOOORE ENGAGEMENT SUPPORT OFFICER, AND CATHOLIC SCHOOLS MUST CONTACT THE DIOCESAN EDUCATION OFFICE TO ARRANGE CULTURALLY APPROPRIATE SUPPORT. IF THE CHILD IS AN INTERNATIONAL STUDENT YOU MUST NOTIFY THE INTERNATIONAL EDUCATION DIVISION ON (03) 9637 2990.

ANY KNOWN PREVIOUS HISTORY OF SUSPECTED ABUSE (INCLUDING EXPOSURE TO FAMILY VIOLENCE) PRIOR TO THIS INCIDENT, DISCLOSURE OR SUSPICION, OR INVOLVEMENT WITH AGENCIES:

## FAMILY BACKGROUND

### FAMILY COMPOSITION (IF KNOWN):

LIST PARENTING OR CARE ARRANGEMENTS AND SIBLING NAMES AND AGES

ANY OTHER PEOPLE LIVING WITH THE CHILD (IF KNOWN):

## **FAMILY BACKGROUND**

DISABILITY, MENTAL OR PHYSICAL HEALTH ISSUES IN FAMILY (IF KNOWN):

LIKELY REACTION TO A REPORT BEING MADE (IF KNOWN):

## DETAILS OF THE INCIDENT, DISCLOSURE OR SUSPICION

### GROUNDINGS FOR YOUR BELIEF THAT A CHILD HAS BEEN ABUSED, OR IS AT RISK OF ABUSE

INDICATORS OR INSTANCES WHICH LED YOU TO BELIEVE A CHILD/CHILDREN ARE SUBJECT TO CHILD ABUSE, OR AT RISK OF ABUSE INCLUDING EXPOSURE TO FAMILY VIOLENCE: *DETAIL ANY DISCLOSURES OR INCIDENTS OR SUSPICIONS (INCLUDING NAMES, TIMES AND DATES DOCUMENTING A CHILD'S EXACT WORDS AS FAR AS POSSIBLE). INCLUDE SPECIFIC DETAIL HERE ON WHAT LED YOU TO FORM A REASONABLE BELIEF THAT A CHILD HAS BEEN, OR IS AT RISK OF BEING ABUSED*

ANY PHYSICAL INDICATORS OF ABUSE:

ANY BEHAVIOURAL INDICATORS OF ABUSE:

ANY PATTERNS OF BEHAVIOUR OR PRIOR CONCERNS LEADING UP TO AN INCIDENT,  
DISCLOSURE OR SUSPICION:

#### DETAILS OF PERSONS ALLEGED TO HAVE COMMITTED THE ABUSE (IF KNOWN)

NAME:

GENDER:

DATE OF BIRTH:

RELATIONSHIP TO CHILD:

*NOTING IF THEY ARE WITHIN THE SCHOOL OR WITHIN THE FAMILY AND COMMUNITY (THIS WILL IMPACT WHO YOU REPORT TO)*

ADDRESS:

CONTACT DETAILS:

## CRITICAL ACTION 2: REPORTING

See Action 2 of *Four Critical Actions For Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*

### REPORTING TO AUTHORITIES

TICK THE AUTHORITIES YOU HAVE REPORTED TO:

- ☐ VICTORIA POLICE
- ☐ DHHS CHILD PROTECTION
- ☐ CHILD FIRST
- ☐ DECISION NOT TO REPORT

IF YOU'VE DECIDED NOT TO REPORT, LIST YOUR REASONS HERE. ALSO INCLUDE ANY FOLLOW-UP ACTIONS UNDERTAKEN BY YOU BELOW:

PROVIDE DETAILS OF YOUR DISCUSSIONS WITH ANY OF THE ABOVE AUTHORITIES:

DATE:

TIME:

AUTHORITY:

OUTCOMES FROM THE REPORT:

## REPORTING INTERNALLY

PROVIDE DETAILS OF YOUR DISCUSSION WITH SCHOOL LEADERSHIP:

TIME:

DATE:

NAMES:

DISCUSSION OUTCOMES:

PROVIDE DETAILS OF YOUR INTERNAL DISCUSSIONS TO EITHER OF THE FOLLOWING:

**GOVERNMENT SCHOOL STAFF MUST REPORT TO SECURITY SERVICES UNIT AND ALSO TO THE EMPLOYEE CONDUCT BRANCH IF THE INCIDENT, DISCLOSURE OR SUSPICION INVOLVES A STAFF MEMBER, CONTRACTOR OR VOLUNTEER**

**CATHOLIC SCHOOL STAFF MUST REPORT TO THEIR CATHOLIC DIOCESAN EDUCATION OFFICE**

TIME:

DATE:

NAMES:

DISCUSSION OUTCOMES:

## CRITICAL ACTION 3: CONTACTING PARENTS/CARERS

See Action 3 of Four Critical Actions For Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse

### ACTIONS TAKEN

#### PROVIDE DETAILS OF YOUR DISCUSSION WITH PARENTS/CARERS (IF APPROPRIATE):

SCHOOL STAFF MUST CONSULT WITH VICTORIA POLICE AND/OR DHHS CHILD PROTECTION TO DETERMINE IF IT IS APPROPRIATE TO CONTACT PARENTS. IF IT IS, PARENTS MUST BE CONTACTED AS SOON AS POSSIBLE (PREFERABLY ON THE SAME DAY OF THE INCIDENT, DISCLOSURE OR SUSPICION). THIS IS PARTICULARLY CRITICAL IN INSTANCES OF SUSPECTED FAMILY VIOLENCE.

HAVE YOU SOUGHT ADVICE FROM DHHS CHILD PROTECTION OR VICTORIA POLICE?

- ☐ NO  
☐ YES

IS IT APPROPRIATE TO CONTACT PARENT/CARER?

- ☐ NO  
☐ YES

LIST REASONS IF IT IS NOT APPROPRIATE TO CONTACT PARENT/CARER:

#### IF CONTACTING PARENT/CARER, PROVIDE THE FOLLOWING DETAILS:

NAME OF STAFF MEMBER MAKING THE CALL:

NAME OF PARENT/CARER RECEIVING THE CALL:

DISCUSSION OUTCOMES:



## CRITICAL ACTION 4: PROVIDING ONGOING SUPPORT

See Action 4 of Four Critical Actions For Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse

### PLANNED ACTIONS

INCLUDE DETAIL OF WHAT FOLLOW-UP ACTIONS HAVE OCCURRED TO SUPPORT THE STUDENT (FOR EXAMPLE REFERRAL TO WELLBEING PROFESSIONALS AND OTHER SPECIALISED SERVICES, THE CONVENING OF A STUDENT SUPPORT GROUP AND DEVELOPMENT OF SUPPORT PLANS):

FOLLOW-UP ACTIONS:

SUPPORT:

REFERRAL(S):

## PROCESS OF REVIEW

COMPLETE THIS SECTION BETWEEN 4- 6 WEEKS AFTER AN INCIDENT, SUSPICION OR DISCLOSURE OF ABUSE IN CONJUNCTION WITH YOUR SCHOOL LEADERSHIP TEAM.

THIS WILL SUPPORT YOU AND YOUR SCHOOL TO CONTINUE TO PROTECT CHILDREN IN YOUR CARE AND TO REFLECT ON YOUR PROCESSES AND THE NEED FOR ANY FOLLOW-UP ACTIONS.

## SAFETY AND WELLBEING

### CURRENT SAFETY AND WELLBEING OF THE CHILD

IS THE CHILD SAFE FROM ABUSE AND HARM, INCLUDING EXPOSURE TO FAMILY VIOLENCE?

- ☐ NO  
☐ YES

IF NOT CONSIDER THE NEED TO MAKE A FURTHER REPORT.

DOES THE CHILD HAVE ANY WELLBEING ISSUES THAT ARE NOT CURRENTLY BEING ADDRESSED?

- ☐ NO  
☐ YES

IF SO, CONSIDER HOW THESE CAN BE ADDRESSED AND CAPTURED WITHIN A STUDENT SUPPORT PLAN.

### CURRENT WELLBEING OF OTHER CHILDREN WHO MAY BE IMPACTED BY THE ABUSE

ARE THERE ANY OTHER CHILDREN WHO MAY BE IMPACTED BY THE ABUSE?

- ☐ NO  
☐ YES

IF SO HAVE THEIR WELLBEING NEEDS BEEN MET?

- ☐ NO  
☐ YES

### CURRENT WELLBEING OF IMPACTED STAFF MEMBERS

DOES THE STAFF MEMBER WHO MADE THE REPORT/WITNESSED AN INCIDENT, FORMED A SUSPICION OR RECEIVED A DISCLOSURE REQUIRE ANY SUPPORT?

- ☐ NO  
☐ YES

IF SO HAS THIS BEEN RECEIVED?

- ☐ NO  
☐ YES

## REVIEW OF ACTIONS TAKEN

### HAVE SCHOOL STAFF FOLLOWED THE FOUR CRITICAL ACTIONS FOR SCHOOLS: RESPONDING TO INCIDENTS, DISCLOSURES OR SUSPICIONS OF CHILD ABUSE?

WAS AN APPROPRIATE DECISION MADE  
IN RELATION TO WHEN TO ACT?

- ☐ NO  
☐ YES

COULD THE SUSPECTED ABUSE HAVE BEEN  
DETECTED EARLIER?

- ☐ NO  
☐ YES

#### ACTION 1

DID THE SCHOOL TAKE APPROPRIATE ACTION  
IN AN EMERGENCY?

- ☐ NO  
☐ YES

#### ACTION 2

WAS A REPORT MADE TO THE APPROPRIATE  
AUTHORITIES AND INTERNALLY?

- ☐ NO  
☐ YES

WERE SUBSEQUENT REPORTS MADE IF  
NECESSARY?

- ☐ NO  
☐ YES

#### ACTION 3

DID THE SCHOOL CONTACT THE  
PARENTS/CARERS ASAP?

- ☐ NO  
☐ YES

HAVE THE PARENTS CONTINUED TO BE  
ENGAGED IF APPROPRIATE?

- ☐ NO  
☐ YES

#### ACTION 4

HAS THE SCHOOL PROVIDED A DEQUATE  
SUPPORT FOR THE STUDENT?

- ☐ NO  
☐ YES

HAS A STUDENT SUPPORT PLAN BEEN  
ESTABLISHED, IMPLEMENTED & REVIEWED?

- ☐ NO  
☐ YES

HAS A STUDENT SUPPORT GROUP  
BEEN ESTABLISHED?

- ☐ NO  
☐ YES

WAS THE STUDENT APPROPRIATELY  
SUPPORTED IN ANY INTERVIEWS?

- ☐ NO  
☐ YES

HAVE ANY COMPLAINTS BEEN RECEIVED?

- ☐ NO  
☐ YES

HAVE THE COMPLAINTS BEEN RESOLVED?

- ☐ NO  
☐ YES

## OTHER LEARNINGS

**Catholic Education Melbourne Policy**  
**School Guidelines 2.19a**  
**Police and DHHS Interview Protocols**  
(Updated: March 2019)

**Catholic Education Melbourne is committed to supporting schools to take a proactive role in the care, wellbeing and protection of children and young people.**

## **Purpose**

This protocol is designed to assist principals:

- understand and comply with their legal requirements when a request is made by Victoria Police or Department of Health and Human Services (DHHS) Child Protection workers to interview students regarding child protection incidents
- to cope with what are often stressful and delicate situations.

## **Background**

As law enforcement officers, Victoria Police has broad powers to investigate, question, search and detain. For the most part, Victoria Police will conduct interviews of witnesses and suspects at the police station. However, there will be rare urgent circumstances in which Victoria Police may wish to interview a student under the age of 18 at school. How this should be approached will depend upon whether the student concerned is:

- a victim
- a witness
- a suspect.

Victoria Police should only interview children at school as a matter of urgency or necessity. DHHS Child Protection workers also have wide powers to investigate and obtain information that is relevant to the protection or development of a child.

Interviews by DHHS Child Protection workers would normally be carried out in the home with parents/carers present but, as for Victoria Police, there will be occasions when DHHS Child Protection workers need to interview a child at school as a matter of urgency or necessity.

## **General Protocols**

Principals **must**:

- Facilitate interviews requested by Victoria Police or DHHS Child Protection workers.
- Advise children or young people of their right to have an independent supportive adult, parent or carer present at such an interview.  
**Note:** An independent supportive adult may be the principal or a teacher as long as a conflict of interest does not exist. From a practical perspective, this might include a situation where the principal or teacher is related to the perpetrator of the child protection incident, the child is a family member, or the principal or teacher may be the perpetrator.
- Arrange for the child to choose an independent supportive adult to be present.
- Balance their obligation to protect the rights of students with their obligation to assist Victoria Police and DHHS Child Protection in their exercise of duty.
- Ensure there is someone acting as an independent supportive adult for students interviewed at school by Victoria Police or DHHS Child Protection workers.

- Observe confidentiality at all times in the management of a mandatory reporting or criminal case.

If legal assistance is required, contact Catholic Education Melbourne's Legal Unit in the first instance.

**Important: Neither Victoria Police nor DHHS Child Protection are permitted to interview a student at school unless someone is acting as an independent supportive adult for that student**

## **Contacting parents/carers prior to Victoria Police or DHHS Child Protection interviews**

**Before contacting parents/carers**, principals must seek advice from Victoria Police or DHHS Child Protection (depending on who the report was made to) to determine if parents/carers should be present at an interview.

In many cases where it is suspected that a child has been or is at risk of being abused, **it is extremely important that parents/carers are notified as soon as practicable**. This enables parents/carers to take steps to:

- prevent or limit their child's exposure to further abuse
- ensure that their child receives the support that they require.

However, there are some circumstances where contacting parents/carers may place a child at greater risk.

This is why, before contacting parents/carers, **the principal (or delegate) must contact Victoria Police or DHHS Child Protection** (depending on who the report was made to). They will advise the principal (or delegate) about whether it is appropriate to contact parents/carers at this stage.

## **Student as victim or witness**

When principals allow interviews involving students who may be victims or witnesses, they should:

- support and encourage the student to provide as much information as possible
- inform the student that a note of the circumstances and the content of the interview will be made and communicated to their parents/carers as soon as possible, unless doing so causes a risk of abuse (including family violence).

If Victoria Police asks to speak with a student who has allegedly been abused by another child, this should preferably be done in the presence of the student's parents/carers or another independent supportive adult who is not a school staff member.

By 'independent adult', this means a person aged 18 or over who is not directly connected to the school or to the case being investigated by Victoria Police. For example, a social worker, doctor or nurse, volunteer from the local community (e.g. a youth leader) or legal representative.

If the matter is urgent and the school is unable to find an independent adult, or if the school is unsure about who an independent adult may be in a particular context, the school should call Catholic Education Melbourne's **Student Wellbeing Information Line (9 am – 5 pm weekdays) on 9267 0228**.

The following table describes how principals should determine when to grant an interview request with a student who may be a victim or witness.

When the principal:	Then the principal should:
<ul style="list-style-type: none"> <li>is asked to allow a child or young person to be interviewed at school</li> </ul>	<ul style="list-style-type: none"> <li>ensure that the child's parents/carers are present where it is practical and appropriate to make these arrangements. If a parent/carer cannot be present, an independent supportive adult must be present during the interview</li> </ul>
<ul style="list-style-type: none"> <li>is asked to allow a child or young person to be interviewed at school without the parents/carers present</li> </ul>	<ul style="list-style-type: none"> <li>allow the interview if there are reasonable grounds to exclude the parents/carers from the interview. <b>Example:</b> The interview relates to an allegation of abuse involving parents, carers, siblings or other members of the student's family, or a person with some relationship to the family, and the student is supported by an independent adult</li> </ul>
<ul style="list-style-type: none"> <li>is satisfied that immediate action is necessary and cannot contact the parents/carers or the parents/carers do not agree</li> </ul>	<ul style="list-style-type: none"> <li>allow the interview, with the principal or suitable delegate representing the parents/carers, so long as a conflict of interest does not exist. If a conflict exists, an independent supportive adult must be present – this may be a senior staff member at the school</li> </ul>
<ul style="list-style-type: none"> <li>is not satisfied that immediate action is required</li> </ul>	<ul style="list-style-type: none"> <li>only allow the interview when a parent/carer or their nominee is present, or the parents/carers authorise the principal to act as their representative</li> </ul>
<ul style="list-style-type: none"> <li>is informed that a number of students need to be interviewed in order to identify potential witnesses;</li> </ul>	<ul style="list-style-type: none"> <li>only allow the interview: <ul style="list-style-type: none"> <li>to identify witnesses for further interviews</li> <li>to take place with a parent/carer or suitable delegate authorised by the parents/carers (such as the principal) to act as their representative.</li> </ul> </li> </ul>

## Student as suspect

If a student under 18 years of age is suspected of having committed a crime, Victoria Police cannot question the student unless a parent or carer is present. If a parent or carer is not available and the principal is satisfied the matter is urgent, an independent supportive adult must be present.

If Victoria Police asks to speak with a student under the age of 18 who has allegedly abused another child, this should be done in the presence of the student's parents/carers or another independent supportive adult who is not a school staff member.

By 'independent adult', this means a person aged 18 or over who is not directly connected to the school or to the case being investigated by Victoria Police. For example, a social worker, doctor or nurse, volunteer from the local community (e.g. a youth leader) or legal representative.

If the matter is urgent and the school is unable to find an independent adult, or if the school is unsure about who an independent adult may be in a particular context, the school should call Catholic Education Melbourne's **Student Wellbeing Information Line (9 am – 5 pm weekdays)** on **9267 0228**.

A student suspect must be given the chance to talk to their parent/carer or an independent adult in a place where they won't be overheard (section 464E of the *Crimes Act 1958* (Vic.)).

**However, Victoria Police do not have to wait until the parent, carer or independent adult is**

**present where:**

- communication would result in the escape of an accomplice or the destruction of evidence
- the safety of other people means that questioning should not be delayed.

A student suspected of perpetrating abuse will only be interviewed by Victoria Police at school without a parent or carer present in very urgent and extreme situations.

When approached by Victoria Police and advised that a student suspect is to be interviewed, the principal must:

- try to advise the parents/carers of the situation
- inform the student that a note of the circumstances and the content of the interview will be made and communicated to their parents/carers as soon as possible
- ensure that an independent supportive adult is present at the interview if the student's parents/carers are unavailable.

In cooperating with a legitimate request from Victoria Police, the principal should always consider:

- their duty of care to the student
- their duty of care to all other students at the school
- the rights of the parents/carers.

**Acting in the absence of parents/carers**

This table provides guidance on how the principal should act in the absence of parents/carers.

When the parents/carers:	Then the principal should allow the interview if the questioning or investigation:
<ul style="list-style-type: none"><li>• cannot be present because they:<ul style="list-style-type: none"><li>○ cannot be contacted</li><li>○ have not authorised the principal or their delegate to act as their representative</li></ul></li></ul>	<ul style="list-style-type: none"><li>• is urgently necessary to avert injury to others or a miscarriage of justice.</li></ul>
<ul style="list-style-type: none"><li>• do not agree to the interview;</li></ul>	<ul style="list-style-type: none"><li>• is so urgent for the safety of other people that it should not be delayed.</li></ul>

**Duties of employees as parent/carers representatives**

This table provides guidance for how employees should conduct themselves when acting as a support person for students during interviews.

When:	The employee should:
At all times	<ul style="list-style-type: none"><li>• support the student</li><li>• ensure the student understands what is happening</li><li>• ensure the student understands their rights.</li></ul>



When:	The employee should:
Before the interview	<ul style="list-style-type: none"> <li>• be aware that: <ul style="list-style-type: none"> <li>○ in more serious cases, the most appropriate advice may be that there is no compulsion to answer police questions and the student should seek legal advice</li> <li>○ in less serious cases, the most appropriate advice may be to cooperate fully with the Victoria Police.</li> </ul> </li> <li>• Inform the student that, although it is advisable to do so, they are not legally obliged to provide their name and address to Victoria Police unless: <ul style="list-style-type: none"> <li>○ they are driving a motor vehicle</li> <li>○ Victoria Police have reasonable grounds to believe that the student has or is about to commit an offence, or the student can assist in the investigation of an indictable offence</li> <li>○ Victoria Police or an officer authorised under the Transport (Compliance and Miscellaneous) Act 1983 (Vic.) has reasonable grounds to believe that the student has committed or is about to commit an offence against the Transport Act or its Regulations, such</li> </ul> </li> </ul>
During the interview	<ul style="list-style-type: none"> <li>• focus on supporting the child</li> <li>• refrain from providing their own opinions or account of events</li> <li>• refrain from asking the child questions about the offence or their guilt or acting as an authority figure</li> <li>• ensure that they will be in a position to give an accurate account of the interview in any court proceedings, either by taking notes during the interview or making a note immediately afterwards.</li> </ul>

## Complying with Subpoenas or Court Attendance

A subpoena or witness summons is a court order that compels an individual to either produce documents or attend court and give evidence, or both.

The principal or another school staff member will usually be issued with a subpoena or witness summons because a party to legal proceedings believes that the school, the principal or a staff member has information or documents that are relevant to the proceedings.

For advice and support in relation to complying with subpoenas or witness summons, the school can contact Catholic Education Melbourne's **Legal Services unit** on **9267 0228**.

## Further Information

Catholic Education Melbourne's **Student Wellbeing Information Line** can be contacted between **9 am and 5 pm weekdays** on **9267 0228**.

The Student Wellbeing Information Line seeks to:

- address matters that impact the wellbeing and educational outcomes of young people arising in Catholic school communities across the Archdiocese of Melbourne using a solution-focused framework
- act as a conduit between the school and family to promote effective communication and resolution of enquiries
- empower and enhance the capacity, competence and confidence of stakeholders to address matters related to the wellbeing of young people.