

## **Berengarra School**

### **Child safety responding and reporting obligations policy and procedures**

*Berengarra takes a zero-tolerance approach to child abuse and is fully committed to ensuring that its strategies, policies, procedures and practices meet all Child Safety Standards as specified in Ministerial Order No. 1359 (2022).*

#### **Purpose**

The purpose of this policy is to outline the procedures our school has in place to respond to complaints or concerns relating to child abuse and to ensure that all staff and members of our school community understand and follow the various legal obligations that apply to the reporting of child abuse to relevant authorities.

#### **Scope**

This policy applies to complaints and concerns relating to child abuse made by or in relation to a child or student, school staff, volunteers, contractors, service providers, visitors or any other person while connected to the school (physical and online).

#### **Definitions**

##### **Child abuse**

Child abuse includes:

- physical violence inflicted on a child
- sexual offences committed against a child
- grooming of a child by an adult
- family violence committed against or in the presence of a child
- serious emotional or psychological harm to a child
- serious neglect of a child.

The definition of child abuse is broad and can include student to student incidents and concerns, as well as behaviour committed by an adult.

##### **Grooming**

Grooming is a criminal offence under the *Crimes Act 1958 (Vic)* and is a form of child abuse and sexual misconduct. This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in sexual activity later. Grooming can include communicating (including electronic communications) and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer.

## **School staff member**

For the purpose of this policy a school staff member includes volunteers, students on placement, or a contractor engaged by the school or school board to perform child-related work.

## **Policy**

Berengarra School understands the important role our school plays in protecting children from abuse. We have a range of policies and measures in place to prevent child abuse from occurring at our school or during school activities.

At Berengarra School we recognise the diversity of the children, young people, and families at our school and take account of their individual needs and backgrounds when considering and responding to child safety incidents or concerns.

## **Information for students**

All students should feel safe to speak to any staff member to raise any concerns about their safety or any other concerns that they have.

If a student does not know who to approach at Berengarra School they should start by speaking with their Home Group teacher or their Head of Campus.

If a student feels unsafe, they can talk to any staff member, as outlined in our student handbook.

## **Identifying child abuse**

To ensure we can respond in the best interests of students and children when complaints or concerns relating to child abuse are raised, all school staff must:

- understand how to identify signs of child abuse and behavioural indicators of perpetrators - for detailed information on identifying child abuse and behavioural indicators of perpetrators refer to [Identify child abuse](#).
- understand their various legal obligations in relation to reporting child abuse to relevant authorities - for detailed information on the various legal obligations refer to Appendix A
- follow the below procedures for responding to complaints or concerns relating to child abuse, which ensure our school acts in the best interests of students and children and complies with both our legal and other obligations.

## **Procedures for responding to an incident, disclosure, allegation, or suspicion of child abuse**

In responding to a child safety incident, disclosure, allegation or suspicion, Berengarra School will follow:

- the [Four Critical Actions for Schools](#) for complaints and concerns relating to all forms of child abuse
- the [Four Critical Actions: Student Sexual Offending](#) for complaints and concerns relating to student sexual offending

- our Student Wellbeing and Engagement Policy and Bullying Prevention Policy for complaints and concerns relating to student physical violence or other harmful student behaviours.

## **School staff and volunteer responsibilities**

### **1. Immediate action**

If a school staff member witnesses an incident of child abuse, or reasonably believes, suspects or receives a disclosure or allegation that a child has been, or is at risk of being abused, they must follow the following steps:

- if a child is at immediate risk of harm, separate alleged victims and others involved, administer first aid (appropriate to their level of training) and call 000 for urgent medical or police assistance where required to respond to immediate health or safety concerns.
- notify the Principal or the Head of Campus, who will ensure our school follows the steps in these procedures.
- if the Head of Campus is unavailable, please inform the Principal who will take on this role.
- if the concerns relate to the conduct of the Head of Campus, notify the Principal or if the concerns relate to the Principal, you can notify the Chairperson of the school Board, who must then take on responsibility for ensuring our school follows these procedures.

NOTE for school staff:

If you are uncertain if an incident, disclosure, allegation or suspicion gives rise to a concern about child abuse you must always err on the side of caution and report the concern to the Head of Campus or Principal.

Refer to Appendix B for guidance on how to respond to a disclosure of child abuse.

### **2. Reporting to authorities and referring to services**

As soon as immediate health and safety concerns are addressed, and relevant school staff have been informed, reports suspicions and disclosures of child abuse must be reported to appropriate authorities. Heads of Campus and/or the Principal will direct and support staff to make required reports in accordance with the [Four Critical Actions](#), as well as actions required under the Child Safe Standards Reportable Conduct Scheme.

The Principal must ensure:

- all relevant information is reported to the Department of Families, Fairness and Housing (DFFH) Child Protection, Victoria Police or relevant services where required
- all reportable Conduct allegations or incidents are reported by the Principal to the Commission for children and Young People (CCYP)– where a reportable conduct allegation is made against the Principal, the Board Chairperson must be informed who will then make a report to the CCYP.

NOTE: In circumstances where staff members are legally required (see Appendix A) to report child abuse to DFFH Child Protection or Victoria Police and they are unable to confirm that the information has been reported by another person at the school, the staff member who has formed the reasonable belief must still contact DFFH Child Protection and Victoria Police to make the report.

If the staff member who has formed a reasonable belief that a child is need of protections does not agree with the decision of the Head of Campus or Principal not to report to DFFH Child Protection or Victoria Police, the staff member should make the report regardless.

If a staff member believes that a child is not subject to abuse, but there are still significant concerns for their wellbeing action must still be taken. This may include making a referral or seeking advice from Child FIRST or The Orange Door (in circumstances where the family are open to receiving support), DFFH Child Protection or Victoria Police.

### **3. Contacting parents or carers**

The Principal must ensure parents, guardians and carers are notified unless advised otherwise by DFFH Child Protection or Victoria Police, or there are other safety and wellbeing concerns in relation to informing parents/guardians/carers.

For further guidance, refer to [PROTECT Contacting parents and carers](#)

### **4. Ongoing protection and support**

The Principal and Heads of Campus must ensure appropriate steps are taken by the school to protect the child and other children from any continued risk of abuse. These steps must be taken in consultation with any relevant external agency such as DFFH Child Protection or Victoria Police. Ongoing protection will also include further reports to authorities if new information comes to light or further incidents occur.

Appropriate, culturally sensitive and ongoing support must be offered and provided to all affected students. Ongoing support will be based on any available advice from, parents, guardians and carers, health practitioners, and other authorities (such as DFFH or Victoria Police) and may include referral to wellbeing professionals, development of a Safety Plan, Targeted Support Meetings, and, for student to student incidents, behaviour management and support measures.

### **5. Recordkeeping**

The Principal and/or Heads of Campus will ensure that:

- detailed notes of the incident, disclosure, allegation or suspicion are taken using the [Responding to Suspected Child Abuse: Template](#) or the [Responding to Student Sexual Offending: template](#) including, where possible, notes by the school staff member to whom the incident, disclosure, or suspicion was reported

- detailed notes are taken of any immediate or ongoing action taken by the school to respond to the incident, disclosure, allegation or suspicion
- all notes and other records relating to the incident, disclosure, allegation or suspicion, including the schools immediate and ongoing actions, are stored securely in the Child Safety folder in a locked filing cabinet in the Business Manager's office
- It is recommended by the Retention and Disposal Authority (RDA) that institutions that engage in child-related work retain, for at least 45 years, records relating to child sexual abuse that has occurred or is alleged to have occurred. This is to allow for delayed disclosure of abuse by victims and to take account of limitation periods for civil actions for child sexual abuse
- Berengarra School will securely dispose of records and ensure electronic and hardcopy records are destroyed in a way that ensures the records are unreadable and irretrievable. Berengarra School will ensure the use of secure disposal bins for hardcopy records.

### **School visitors and school community members**

All community members aged 18 years or over have legal obligations relating to reporting child abuse – refer to Appendix A for detailed information.

Any person can make a report to DFFH Child Protection or Victoria Police if they believe on reasonable grounds that a child is in need of protection. For contact details, refer to the [Four Critical Actions](#).

Members of the community do not have to inform the school that they are making a disclosure to DFFH Child Protection or the Victoria Police. However, where a community member is concerned about the safety of a child or children at the school, the community member should report this concern to the Principal so that appropriate steps to support the student can be taken

### **Additional requirements for all staff**

All staff play an important role in supporting student safety and wellbeing and have a duty of care to take reasonable steps to prevent reasonably foreseeable harm to students.

Fulfilling the roles and responsibilities in the above procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse. This means that if, after following the actions outlined in the procedure, a staff member reasonably believes that a child remains at risk of abuse, they must take the following steps:

- if they are concerned that the school has not taken reasonable steps to prevent or reduce the risk, raise these concerns with the Principal in the first instance, and report to the Chair of the Board if they remain unsatisfied.
- report the matter to the relevant authorities where they are unable to confirm that the information has been reported by another staff member

Staff must refer to Appendix A for further information on their obligations relating to reporting to authorities.

### **Communication**

This policy will be communicated to our school community in the following ways:

- available publicly on our school's website
- included in staff induction processes and annual staff training
- included in volunteer induction processes and training
- discussed annually in staff briefings or meetings
- included in staff handbook
- hard copy available from school administration upon request

The following Berengarra school policies are also relevant to this policy:

- Child Safety and Wellbeing Policy
- Child Safety Code of Conduct
- Statement of Values and School Philosophy
- Student Wellbeing and Engagement Policy
- Volunteer Policy
- Duty of Care Policy
- Care Safety Welfare restrictive interventions policy
- Reportable Conduct Policy
- Responding and reporting obligations

### **Policy review and approval**

<b>Policy Created</b>	7 June 2022
<b>Consultation</b>	20 June 2022 Parents/Guardians/Carers/School staff/students
<b>Last reviewed</b>	June 2024
<b>Approved by</b>	Berengarra School Board
<b>Next review date</b>	June 2026

## APPENDIX A

### LEGAL OBLIGATIONS RELATING TO REPORTING CHILD ABUSE

The following information outlines the various legal obligations relating to the reporting of child abuse to relevant authorities.

It is important to note that the procedures outlined in the above policy ensure compliance with the below reporting obligations, and also include additional steps to ensure compliance with school policy and our school's duty of care obligations.

#### **Mandatory Reporting to Department of Families, Fairness and Housing (DFFH) Child Protection**

The following individuals are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic):

- registered teachers and early childhood teachers (including principals and school staff who have been granted permission to teach by the VIT)
- school counsellors including staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare coordinators, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff
- nurses
- registered psychologists
- police officers
- registered medical practitioners
- out of home care workers (excluding voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- people in religious ministry
- midwives

All mandatory reporters must make a report to the Department of Families, Fairness and Housing (DFFH) Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/ or sexual abuse; and
- the child's parents or carers have not protected, or are unlikely to protect, the child from harm of that type.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Berengarra School to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the Principal or any other mandatory reporter does not share their belief that a report is necessary.

If charged with not making a mandatory report, it may be a defence for the person charged to prove that they honestly and reasonably believed that all of the

reasonable grounds for their belief had been the subject of a report to child protection made by another person.

The identity of a person who reports any protective concerns to DFFH Child Protection is protected by law. It is an offence for a person, other than the person who made the report, to disclose the name of the person who made a report or any information that is likely to lead to their identification.

At our school, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually.

Berengarra School requires all staff who form a reasonable belief that a child is in need of protection to discuss their concerns with the school leadership team and to report their concerns to DFFH and in some circumstances to Victoria Police, or to ensure that all the information relevant to the report has been made by another school staff member.

Any person can make a report to DFFH Child Protection (131 278 – 24 hour service) if they believe on reasonable grounds that a child is in need of protection even if they are not a mandatory reporter listed above.

### **Reporting student wellbeing concerns to Child FIRST/Orange Door**

At Berengarra School we also encourage staff to make a referral to **Child FIRST/Orange Door** when they have significant concern for a child's wellbeing. For more information about making a referral to Child FIRST/Child FIRST see the Policy and Advisory Library: [Protecting Children – Reporting and Other Legal Obligations](#).

### **Reportable Conduct**

The Reportable Conduct Scheme is focussed on worker and volunteer conduct and how organisations investigate and respond to suspected child abuse. The scheme aims to improve organisational responses to suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children.

There are five types of 'reportable conduct' listed in the *Child Wellbeing and Safety Act 2005*:

- sexual offences against, with or in the presence of, a child
- sexual misconduct (which includes grooming) against, with or in the presence of, a child
- physical violence against, with or in the presence of, a child
- behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

A reportable conduct allegation is made where a person makes an allegation, based on a reasonable belief, that a school staff member has committed reportable conduct or misconduct that may involve reportable conduct.

If school staff become aware of reportable conduct by any current or former employee, contractor or volunteer, they must notify the school Principal immediately. If the allegation relates to the Principal, they must notify the Chair of the Board.

The Principal or Chair of the Board must notify the Commission for Children and young People (CCYP).



For more information about reportable conduct see the Commission for Children and Young People's [website](#).

### **Failure to disclose offence**

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 in Victoria.

Failure to disclose information to Victoria Police (by calling 000, local police station or the Police Assistance Line 131 444) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"Reasonable belief" is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

"Reasonable excuse" is defined by law and includes:

- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
- where the information has already been disclosed to Victoria Police and you have no further information to add (for example, through a mandatory report to DFFH Child Protection or a report to Victoria Police from another member of school staff).

### **Failure to protect offence**

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (ie persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

**Further information**

For more information about the offences and reporting obligations outlined in this fact sheet refer to: [Protecting Children — Reporting and Other Legal Obligations](#).

## **APPENDIX B: MANAGING DISCLOSURES OF CHILD ABUSE**

### **Important information for staff**

#### ***When managing a disclosure relating to child abuse you should:***

- listen to the student and allow them to speak
- stay calm and use a neutral tone with no urgency and where possible use the child's language and vocabulary. Avoid frightening or interrupting the child.
- be gentle, patient and non-judgmental throughout
- highlight to the child that it was important for them to tell you about what has happened
- assure them that they are not to blame for what has occurred
- do not ask leading questions, for example gently ask, "What happened next?" rather than "Why?"
- be patient and allow the child to talk at their own pace and in their own words
- do not pressure the child into telling you more than they want to, they will be asked a lot of questions by other professionals, and it is important not to force them to retell what has occurred multiple times
- reassure the child that you believe them and that disclosing the matter was important for them to do
- use verbal facilitators such as, "I see", restate the child's previous statement, and use non-suggestive words of encouragement, designed to keep the child talking in an open-ended way ("what happened next?")
- tell the child in age-appropriate language you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate (for a young child this may be as simple as saying "I will need to talk to people to work out what to do next to help you")
- Take prompt action in relation to following the procedures outlined below

#### ***When managing a disclosure you should AVOID:***

- displaying expressions of panic or shock
- asking questions that are investigative and potentially invasive (this may make the child feel uncomfortable and may cause the child to withdraw)
- going over the information repeatedly (you are only gathering information to help you form a belief on reasonable grounds that you need to make a report to the relevant authority)
- making any comments that would lead the student to believe that what has happened is their fault
- making any promises you will keep the information the student provided confidential
- making promises to the child about what will occur next or that things will be different given the process can be unpredictable and different for each child depending on their circumstances (instead reassure them that you and others will do your best to help).