

Standard 5 – Responding to and Reporting Suspected Child Abuse

17 November 2020



Processes for Responding to and Reporting Suspected Child Abuse

Rationale

The Virtual School Victoria (VSV) is committed to ensuring the safety and wellbeing of children is maintained by putting the needs of children and young people first and to ensure they are protected against significant harm from abuse and neglect. VSV procedures acknowledge the potential barriers that some people may experience in reporting abuse including those from culturally and/or linguistically diverse backgrounds, Aboriginal and Torres Strait Islanders and children with disabilities.

All children and young people have the right to feel safe and to be safe. All professionals working with children and young people and/or their families share the responsibility of protecting them. We have a legal and moral responsibility to respond to incidences involving abuse of the children and young people with whom we have contact, and to use our professional judgement of available information to ensure the reporting is appropriate to the situation (to report instances that we believe involve physical abuse, sexual abuse, emotional and psychological harm or neglect).

Aim

VSV aims to ensure that all students have the right to be safe and that all students are protected against physical, sexual and emotional abuse and neglect.

VSV aims to ensure all staff are aware of their responsibilities relating to mandatory reporting and are provided with appropriate guidance and resources to fulfil these responsibilities as outlined in the DET “Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools” 2016.

Implementation

Teachers, Principals (including student teachers) and School Counsellors are among a broad range of professional groups identified in the *Children Youth and Families Act 2005* (CYFA) as mandatory reporters. VSV mandated staff members must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person is in need of protection from significant harm as a result of physical injury or sexual abuse, and his/her parents are unable or unwilling to protect the child.

The VSV environment differs to other schools in that students are commonly working from home or from another school site, engaging with staff through online, phone or email interaction. While this affects the capacity of staff to observe students and assess for risks of or signs of abuse, it does not diminish responsibility to act in accordance with the CYFA. VSV processes for responding to and reporting suspected child abuse acknowledge the possibility of increased risk to our students in disclosing due to the unique learning environment.

The VSV Student Wellbeing Team Leader acts as Child Safety Officer. He/she is available to provide knowledge of child safety issues, and to be a point of contact for any staff who have questions or concerns or to support staff who want to report an allegation of child abuse. All concerns about the safety and wellbeing of a student must be reported immediately to the Child Safety Officer, i.e., the Student Wellbeing Team Leader, or in his/her absence, an Assistant Principal or Principal.

The VSV Mandatory Reporting procedures and reporting template are available to guide staff responses to abuse.

Forming a Belief on Reasonable Grounds

A person may form a belief on reasonable grounds that a child or young person is in need of protection after becoming aware that a child or young person's health, safety or wellbeing is at risk and the child or young person's parents are unwilling or unable to protect the child.

There may be reasonable grounds for forming such a belief if:

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

Reporting a Belief

VSV staff members, whether or not mandated, need to report their belief when the belief is formed in the course of undertaking their professional duties. A report must be made as soon as practicable after forming the belief that a child or young person is at risk of harm and in need of protection, and his/her parents are unable or unwilling to protect the child. Additional reports must be made whenever they become aware of any further reasonable grounds for the belief.

There may be times when two or more mandated staff members, for example a teacher and a Principal, have formed a belief about the same child or young person on the same occasion. In this situation, it is sufficient for only one of the mandated staff members to make a report. The other staff member is obliged to ensure that the report has been made and that all of the grounds for their own belief were included in the report made by the other staff member.

If one staff member has a different view from another staff member about making a report and the staff member continues to hold the belief that a child is in need of protection, that person is obliged to make a report to Child Protection.

If a Principal or member of the leadership team does not wish to make a mandatory report, this does not discharge the teacher's obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the teacher's concerns continue, even after consultation with the Principal or member of the leadership team, that teacher is still legally obliged to make a mandatory report of their concerns.

Please note that children can only be reported if they are under the age of 17. Concerns of abuse of students 17 years or older should be directed to Police by calling 000.

(Refer to VSV Mandatory Reporting Procedures and reporting template for guidance on how to lodge a report.)

Making a report to Child Protection

Two types of reports can be made in relation to significant concerns for the safety or wellbeing of a child – a report to Child Protection or a referral to Child FIRST. The decision regarding the most appropriate option should be taken in discussion with the VSV Child Safety Officer or Assistant Principal, Student Wellbeing and Engagement.

A report to Child Protection should be considered if, after taking into account all of the available information, the staff member forms a view that the child or young person is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability or development
- the child's parents cannot or will not protect the child or young person from harm.

If a VSV staff member forms the belief on reasonable grounds that a child is in need of protection, the staff member must make a report to Child Protection regarding this belief and the reasonable grounds for it as soon as practicable.

Staff may form a professional judgement or belief, in the course of undertaking their professional duties based on:

- warning signs or indicators of harm that have been observed or inferred from information about the child
- legal requirements, such as mandatory reporting
- knowledge of child and adolescent development
- consultation with colleagues and other professionals
- professional obligations and duty-of-care responsibilities
- established protocols
- internal policies and procedures in an individual licensed children's service or school

Upon receipt of a report, Child Protection may seek further information, usually from professionals who may also be involved with the child/young person or family, to determine whether further action is required. In most circumstances, Child Protection will inform the reporter of the outcome of the report. When the report is classified by Child Protection as a Wellbeing Report, Child Protection will, in turn, make a referral to Child FIRST.

A direct referral to Child First can be requested by school staff where a belief is formed that the risk to the child is acknowledged by the family and that there is a willingness on the part of the family to accept support and assistance.

The decision to refer to Child First rather than Child Protection should always be made in consultation with the VSV Child Safety Officer. The decision should also be accompanied by a referral to the Student Wellbeing Team and undertaken by a member of the Wellbeing Team.

The Role of School Staff

Note: The role of investigating an allegation of child abuse rests solely with Child Protection and/or Victoria Police. The roles and responsibilities of VSV staff in supporting children and young people who are involved with Child Protection may include acting as a support person for students, attending Child Protection case plan meetings, observing and monitoring students' behaviour and liaising with professionals.

Protecting the Identity of the Reporter

Confidentiality is provided for reporters under the CYFA. The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances.

The identity of a reporter must remain confidential unless:

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

Information provided during a protective investigation may be used in a court report if the risks to the child or young person require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

If Child Protection decides that the report is about a significant concern for the wellbeing of a child or young person, they may refer the report to a community-based child and family service and disclose the identity of the reporter to that service. However, the CYFA provides that neither Child Protection nor the community-based child and family service may disclose the reporter's identity to any other person without the reporter's consent.

Professional Protection for Reporters

If a report is made in good faith:

- it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter
- the reporter cannot be held legally liable in respect of the report

This means that a person who makes a report in accordance with the legislation will not be held liable for the eventual outcome of any investigation of the report.

Failure to Disclose Offence

Reporting child sexual abuse is a community-wide responsibility. All adults (i.e. 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 by another person aged 18 years or over.

Failure to disclose information to Victoria Police (by calling 000 or local police station) 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, for example, through a mandatory report to DHHS Child Protection.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: [Failure to disclose offence](#).

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.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: [Failure to protect offence](#).

Grooming

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

For more information about this offence and reporting obligations see: [Child Exploitation and Grooming](#).

Confidentiality

VSV staff must respect confidentiality when dealing with a case of suspected child abuse and neglect, and may discuss case details and the identity of the child or the young person and their family only with those involved in managing the situation. Students have the right to privacy of their health information and to make their own decisions in regard to privacy where they are competent to do so. Competency generally refers to secondary school students who are not considered immature nor have a disability. When a child or young person has moved to another school, professional judgement should be exercised as to what information needs to be passed on. This will be guided by usual procedures for passing on information about a child's general wellbeing or additional needs, and the role of the school in any ongoing care plans.

Advising Parents, Carers or Guardians

VSV staff do not require the permission of parents, carers or guardians to make a report to Child Protection, nor are they required to tell parents, carers or guardians that they have done so. It is the responsibility of Child Protection to advise the parents, carers or guardians of the interview at the earliest possible opportunity. This should occur before or by the time the child arrives home

Ensuring that a Child Protection Interview Takes Place

The school does not have the power to prevent parents, carers or guardians from removing their children or young people from the school and should not attempt to prevent the parents, carers or guardians from collecting the child. If a parent/carer or guardian removes a child before a planned interview has taken place, the principal and/or their nominee should contact Child Protection or Victoria Police immediately.

Staff Training

Staff will be informed of Mandatory Reporting requirements as part of their initial induction to the school and will be provided with supporting documentation in their staff handbook. Updates will take place annually (DET Module Training) as part of the Performance and Development/Staff Development rotation. It is with all school staff's professional responsibilities to ensure they are up to date with professional learning in this area in the first week of Term 3.

References

Ministerial Order 870 – Managing the risk of Child abuse in Schools, 2016

<http://www.gazette.vic.gov.au/gazette/Gazettes2016/GG2016S002.pdf>

<https://services.dhhs.vic.gov.au/child-protection>

<https://services.dhhs.vic.gov.au/reporting-child-abuse>

<https://providers.dhhs.vic.gov.au/information-sharing-guide-registered-school-teachers-and-principals-word>

Mandatory Reporting Procedure Rationale

VSV is committed to ensuring the safety and wellbeing of children is maintained by putting the needs of children and young people first and to ensuring they are protected against significant harm from abuse and neglect. VSV procedures acknowledge the potential barriers that some people may experience in reporting abuse including those from culturally and/or linguistically diverse backgrounds, Aboriginal and Torres Strait Islanders and children with disabilities.

All children and young people have the right to feel safe and to be safe. All professionals working with children and young people and/or their families share the responsibility of protecting them. We have a legal and moral responsibility to respond to incidences involving abuse of the children and young people with whom we have contact, and to use our professional judgement of available information to ensure the reporting is appropriate to the situation (to report instances that we believe involve physical abuse, sexual abuse, emotional and psychological harm or neglect).

If a child discloses an incident of abuse to you

- Assess the immediate risk of harm and if needed secure the interim safety of the child, this may require a call to 000 depending on the circumstances.
- Try and separate them from the other children discreetly and listen to them carefully.
- Let the child or young person use their own words to explain what has occurred.
- Reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
- Explain to them that this information may need to be shared others, such as with their parent/carer, specific people in your organisation, or the police.
- Do not make promises to the child or young person, such as keeping the incident secret, except that you will do your best to keep them safe.
- Do not leave the child or young person in a distressed state. If they seem at ease in your company, stay with them.
- Provide them with an incident report form to complete, or complete it together, if you think the child is able to do this.
- As soon as possible after the disclosure, use the DET Mandatory Reporting template to record the information using the child or young person's words and report the

disclosure to the VSV child safety officer,¹ or to the Assistant Principal Student Wellbeing, police or child protection.

- Ensure the disclosure is recorded accurately, and that the record is provided to the Child safety officer to be stored securely.
- Inform the Child Safety officer (Team Leader Student Wellbeing) or Student Wellbeing team members and initiate a Student Wellbeing & Inclusion referral.

If a parent/carer says their child has been abused in your organisation or raises a concern

- Explain that VSV has processes to ensure all abuse allegations are taken very seriously.
- Ask about the safety and wellbeing of the child.
- Allow the parent/carer to talk through the incident in their own words.
- Advise the parent/carer that you will take notes during the discussion to capture all details.
- Explain to them the information may need to be repeated to authorities or others, such as the VSV Child Safety Officer, the police or child protection.
- Do not make promises at this early stage, except that you will do your best to keep the child safe.
- Provide them with an incident report form to complete, or complete it together.
- Ask them what action they would like to take and advise them of what the immediate next steps will be.
- Ensure the report is recorded accurately, and that the record is stored securely.
- Inform the Child Safety officer (Team Leader Student Wellbeing) or Student Wellbeing team members and initiate a Student services referral.

Be aware that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. You need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member).

If an allegation of abuse involves an Aboriginal child, you will need to ensure a culturally appropriate response. Further professional learning around [aboriginal cultural awareness](#) can be found on the Department of Education and Training website.

Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters. Advice on [communicating with people with a disability](#) can be found on the Department of Health and Human Services website.

The VSV Child Safety Officer can provide additional guidance when circumstances require greater sensitivity.

Reporting a Concern

Once clear information detailing the concerns has been documented, a phone call should be made to DHHS Child Protection to notify them of the concern. Contact numbers for the Victorian Child Protection intake teams are listed below.

The VSV Child Safety Officer can support staff in making this call, but it must come directly from the staff member who has established the concern to ensure the account is based on first hand observation and judgement by that person.

**Phone 131 278 for emergency child protection concerns
after normal office hours.**

Phone 000 if you believe a child is at immediate risk of abuse.

¹ The Team Leader, Student Wellbeing is the designated child safety officer at VSV. They have knowledge of child safety issues and are a point of contact for others who have questions or concerns or want to report an allegation of child abuse.

Department of Health and Human Services Child Protection

Region	Local Government Areas (LGAs)	Phone No
Northern and western suburban LGAs	Banyule, Brimbank, Darebin, Hobsons Bay, Hume, Maribyrnong, Melbourne, Melton, Moonee Valley, Moreland, Nillumbik, Whittlesea, Wyndham, Yarra.	1300 664 977
Eastern suburban LGAs	Boroondara, Knox, Manningham, Maroondah, Monash, Whitehorse, Yarra Ranges.	1300 360 391
Southern suburban LGAs	Bayside, Cardinia, Casey, Frankston, Glen Eira, Greater Dandenong, Kingston, Mornington Peninsula, Port Phillip, Stonnington.	1300 655 795
West Rural and Regional LGSs	Ararat, Ballarat, Golden Plains, Hepburn, Hindmarsh, Horsham, Moorabool, Northern Grampians, Pyrenees, West Wimmera, Yarriambiack, Colac-Otway, Corangamite, Glenelg, Greater Geelong, Moyne, Queenscliffe, Southern Grampians, Surf Coast, Warrnambool.	1800 075 599
North-western rural and regional LGAs	Buloke, Campaspe, Central Goldfields, Gannawarra, Greater Bendigo, Loddon, Macedon Ranges, Mildura, Mount Alexander, Swan Hill.	1800 675 598
North-eastern rural and regional LGAS	Alpine, Benalla, Greater Shepparton, Indigo, Mansfield, Mitchell, Moira, Murrindindi, Strathbogie, Towong, Wangaratta, Wodonga.	1800 650 227
Eastern and south-eastern rural and regional LGAs	Bass Coast, Baw Baw, East Gippsland, Latrobe, South Gippsland, Wellington.	1800 020 202

Further information regarding child abuse can be found in [“Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools”](#)

Legal Responsibilities

Every adult who reasonably believes that a child has been abused, whether in their organisation or not, has an obligation to report that belief to authorities.

The **failure to disclose** criminal offence requires all adults (aged 18 and over) who hold a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 to disclose that information to police (unless they have a reasonable excuse not to, for example because they fear for their safety or the safety of another).

More information about failure to disclose is available on the Department of Justice and Regulation website

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

While failure to disclose only covers child sexual abuse, all adults should report other forms of child abuse to authorities. Failure to disclose does not change mandatory reporting responsibilities.

More information about [mandatory reporting](#) is available in the *Child protection manual* www.cpmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting .

Mandatory reporters (doctors, nurses, midwives, teachers (including early childhood teachers), principals and police) must report to child protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

See the Department of Health and Human Services website for information about how to make a report to child protection

<https://providers.dhhs.vic.gov.au/sites/dhhsproviders/files/2017-06/stpe-by-step-guide-making-report-child-protection-child-first.pdf>

The **failure to protect** criminal offence (commenced on 1 July 2015) applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently failed to do so.

Further information about failure to protect can be found on the Department of Justice and Regulation website

http://assets.justice.vic.gov.au/justice/resources/0f547d32-a4c4-4e05-9fbf-7415a4b4e3f6/failure_to_protect_betrayal_of_trust_factsheet_2017.pdf

Mandatory Reporting Template

Teaching and school staff must use this template to record disclosures of abuse or safety concerns. This resource can be provided to a child or their family if they disclose an allegation of abuse or safety concern in our school.

Template -

https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf

Consult with Child Safety Officer (Student Wellbeing Team Leader), or the Assistant Principal, Student Engagement and Wellbeing for guidance and support with recording and responding to concerns of abuse.

All incident reports must be given to the Child Safety Officer, Assistant Principal, Student Engagement and Wellbeing or a Wellbeing team member to be stored securely in case files.

Further Information

Further information on [child safe standards](#) can be found on the Department of Health and Human Services' website <www.dhs.vic.gov.au/about-the-department/plans,-programs-and-projects/projects-and-initiatives/children,-youth-and-family-services/creating-child-safe-organisations>.

Additional resources for organisations in the child safe standards toolkit can be found on the [Department of Health and Human Services website](#): <www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards>. In particular, [An Overview to the Victorian child safe standards](#), has information to help organisations understand the requirements of each of the child safe standards, including examples of measures organisations can put in place, a self-audit tool and a glossary of key terms:

<www.dhs.vic.gov.au/__data/assets/word_doc/0005/955598/Child-safe-standards_overview.doc>

Registered schools can contact the Department of Education and Training:

child.safe.schools@edumail.vic.gov.au



VIRTUAL SCHOOL VICTORIA