



# CHILD SAFETY REPORTING POLICY

FCS is committed to preventing harm to children through the reporting of child abuse and neglect under the Children, Youth and Families Act 2005 (Vic.).

The mandatory reporting policy sets out the principles and framework governing the school's behaviours and activities that enact the mandatory reporting requirements and which aims to keep all children safe from harm. The policy, together with the policy implementation documents must be read and understood by all those connected to the school.

This policy covers all kinds of child abuse, including:

- any act committed against a child involving a sexual offence or grooming;
- physical violence against a child
- serious emotional or psychological harm
- serious neglect of a child
- physical abuse
- family violence

This policy applies to allegations or disclosures of child abuse made by or in relation to a child, school staff, visitors, or other persons while connected to a school environment.

The school, those that work in it and its wider community together have a duty of care to protect children from harm through abuse or neglect.

The school is committed to implementing clear procedures for reporting and recording reports of suspected child abuse and grooming.

The school will create a supportive culture in which children, staff, volunteers and families feel confident and comfortable in discussing any allegations of abuse, grooming or child safety concerns. The school ensures the internal procedures are sensitive to the diversity of the school community and adapted in ways that respond to the diverse contexts and needs of Aboriginal and Torres Strait Islander people and community organisations, people from culturally and/ or linguistically diverse backgrounds and people with a disability.



FCS has developed this policy and procedures document in line with the requirements of the Children, Youth and Families Act 2005 (Victoria) and as part of FCS's commitment to the Child Safe Standards.

The policy applies to allegations or disclosures of child abuse made by or in relation to a child, school staff, visitors, or other persons while connected to a school environment.

All staff at FCS have a duty of care to protect and preserve the safety, health and wellbeing of all students in their care and staff must always act in the best interests of the child or young person. If a staff member has any concerns regarding the health, safety or wellbeing of a child or young person it is important to take immediate action.

All school staff members have a moral and legal obligation and a Duty of Care to protect any child under their care from foreseeable harm (not just staff who are classified as Mandatory Reporters.)

All school staff must respond to any reasonable suspicion that a child has been, or is at risk of being abused. The report should be made as soon as practicable to do so.

Any 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 police. Failure to disclose the information to police is a criminal offence except in limited circumstances such as where the information has already been reported to DHS Child Protection.

### **Aims of the policy**

To comply with the school's reporting obligations under child protection law and criminal law and to fulfil its duty of care.

To enable school staff to protect the safety and wellbeing of students by being able to:

- identify indicators that a child or young person may be in need of protection
- make a report about a child or young person who may be in need of protection.

The policy applies to members of the governing board, the principal, all school staff, volunteers, contracted service providers and ministers of religion working in the school environment.



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### **Legal and regulatory basis for compliance**

- Duty of Care
- Children, Youth and Families Act 2005 (Vic.)
- Crimes Act 1958 (amended) (Vic.).

### **Key definitions**

- 'Child Protection' is the statutory child protection service provided by the Department of Human Services, which is able to intervene to protect children and young people at risk of significant harm.
- 'Child and Family Information, Referral and Support Teams' (Child FIRST) is a Victorian Government initiative to provide support and help for vulnerable families, children and babies. Anyone may make a referral to Child First if they have a significant concern for a child's wellbeing.
- 'Failure to Disclose': in addition to mandatory reporting obligations under the Children, Youth and Families Act 2005 (Vic.), the Crimes Act 1958 (amended) (Vic.) imposes a legal obligation upon all adults to report to Victoria Police [in addition to Child Protection] where they form a reasonable belief that a sexual offence has been committed by an adult against a child.
- 'Failure to Protect': The Crimes Act 1958 (amended) (Vic.) provides that people in positions of authority, such as principals, must take action to protect children where they know that a person associated with their organisation poses a substantial risk of sexually abusing children.
- 'Grooming': Crimes Act 1958 (amended) (Vic.), under the 'Failure to Disclose' offence and duty of care, any person who suspects a child is being groomed by an adult must report their concerns to Victoria Police.

### **Roles and responsibilities**

Mandatory reporters are legally required to report child physical and sexual abuse. Within a school mandated reporters are:



- Victorian Institute of Teaching (VIT) registered teachers, including principals
- staff who have been granted permission to teach by the VIT
- registered doctors and nurses
- registered psychologists
- school counsellors, which means a person who works (other than on a voluntary basis) to provide direct support to school students, at or directly connected with a school, for mental, emotional or psychological wellbeing
- people in religious ministry

It is mandatory for registered principals and registered teachers in Victoria to notify Child Protection if they form the belief on reasonable grounds that a child has been physically or sexually abused or if they form the belief that a child is in need of protection.

Non-mandated people (e.g. educational support staff, non-teaching staff), who believe on reasonable grounds, that a child is in need of protection, must report their concerns to Child Protection.

Any adult (i.e. all members of the school community) who forms a reasonable belief that an adult (over the age of 18) has committed a sexual offence (including grooming) against a child under 16 must report that information to Victoria police, unless the reporting adult has already made a report to Child Protection. This responsibility does not change mandatory reporting obligations (Failure to Disclose offence).

Any person in a position of authority (not just mandated reporters) within or associated with the school (will include the chair of the governing board, board members, principal, senior staff and may also include residential house staff, business managers, religious leaders) has a specific duty to protect children against the risk of a sexual assault. If they know of a substantial risk another adult associated with the school may commit a sex offence against a child under 16 within the school's care, they must take reasonable steps to remove or reduce the risk of child sexual assault and must report the matter to Victoria Police (Failure to Protect offence).

In addition to an employee's legal responsibility to report concerns as set out above, all employees must also comply with the school's internal reporting procedures.



## **Communication of the policy**

The school will make regular public statements to raise an awareness of the school community's collective responsibility in reporting allegations of child abuse.

This policy and relevant policy implementation documents will be made publically available on the school's website and from the school office.

The school will put in place arrangements to ensure that children, school staff and the wider school community (including applicants for jobs) are informed about the school's child safe standards policies, procedures and allocated roles and responsibilities.

## **Circumstances under which a report must be made**

All mandatory reporters must make a report to Victoria Police or DFFH Child Protection as soon as practical if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds:

- where the child has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse, and the child's parents have not protected or are unlikely to protect the child;
- where the child has been abandoned by his or her parents and after reasonable enquiries the parents cannot be found, and no other suitable person can be found who is willing and able to care for the child;
- where the child has suffered or is likely to suffer emotional or psychological harm of such a kind that his or her emotional or intellectual development is, or is likely to be, damaged and the child's parents have not protected or are unlikely to protect the child; or
- where the child's physical development or health has been, or is likely to be, significantly harmed, and the child's parents have not or are unlikely to arrange for basic care or effective medical, surgical or other remedial care for the child.

It is a criminal offence not to report in these circumstances.

Mandatory reporters must also follow the procedures outlined in the Fitzroy Community School Mandatory Reporting Procedures, including following the four critical actions, to ensure they fulfil all their legal obligations.



A report to Child Protection should be made when the child's parent/s have not protected or are unlikely to protect the child from harm of that type in any of the following circumstances:

- **Physical abuse of, or non-accidental or unexplained injury to, a child** (mandatory reporters must report)
- **A disclosure of sexual abuse by a child or witness**, or a combination of factors suggesting the likelihood of sexual abuse – the child exhibiting concerning behaviours e.g. after the child's mother takes on a new partner or where a known or suspected perpetrator has unsupervised contact with the child (mandatory reporters must make a report to child protection)
- **Emotional abuse and ill treatment of a child** – impacting on the child's stability and healthy development
- **Significant neglect, poor care or lack of appropriate supervision** – where there is a likelihood of significant harm to the child, or the child's stability and development
- **Significant family violence or parental substance misuse, psychiatric illness or intellectual disability** – where there is a likelihood of significant harm to the child, or the child's stability and development
- **Where a child's actions or behaviour may place them at risk of significant harm** and the parents are unwilling, or unable to protect the child
- **Where a child appears to have been abandoned, or where the child's parents are dead or incapacitated** and no other person is caring properly for the child.

Many cases will not fit exactly into the above categories, so the following questions may help to make a decision regarding the best course of action:

- What specifically has happened to the child that has caused your concerns and what is the impact on their safety, stability, health, wellbeing and development?
- How vulnerable is the child?



- Is there a history or pattern of significant concerns with this child or other children in the family?
- Are the parents aware of the concerns, capable and willing to take action to ensure the child's safety and stability, and promote the child's health, wellbeing and development?

### **Circumstances that may contribute to forming a reasonable belief of risk**

All Mandated Reporters must make a report on each occasion that they form a 'reasonable belief' that a child is at risk. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere 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. For example, a 'reasonable belief' might be formed if:

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

### **Identifying substantial risk that an adult associated with the school may commit a sexual offence against the child**

The offence requires a person in authority to reduce or remove a known 'substantial' risk that an adult associated with the organisation may commit a sexual offence against a relevant child. It does not make it a criminal offence to fail to address every possible risk that a sexual offence may be committed against a child.

There are a number of factors that may assist in determining whether a risk is a substantial risk. These include:

- the likelihood or probability that the child will become the victim of a sexual offence;



- the nature of the relationship between a child and the adult who may pose a risk to the child;
- the background of the adult who may pose a risk to the child, including any past or alleged misconduct;
- any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence;
- any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.

When determining whether a risk is substantial, the courts will consider a variety of factors, which may include those listed above. The courts will consider all the facts and circumstances of the case objectively, and will consider whether a reasonable person would have judged the risk of a sexual offence being committed against the child abuse as substantial. It is not necessary to prove that a sexual offence, such as indecent assault or rape, was committed.

### **Indications of child abuse**

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

#### *Physical abuse*

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

#### *Sexual abuse*

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





### *Emotional abuse*

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

### *Serious neglect and medical neglect*

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

The child may also disclose that they have been abused or neglected.

## **Procedure for maintaining sensitivity to the diversity characteristics of the school community**

All procedures are to be adapted in ways that respond to the diverse contexts and needs of Aboriginal and Torres Strait Islander people and community organisations, people from culturally and/ or linguistically diverse backgrounds and people with a disability. The Child Safety Leaders as identified in the Child Safety Policy can discuss with the mandatory reporter how to ensure sensitivity, and will communicate this necessity.

## **Policy implementation documents**

This policy is to be read in conjunction with:

- Commitment to Child Safety Statement
- PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools
- PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse
- PROTECT Responding to Suspected Child Abuse: A Template for all Victorian Schools
- All PROTECT Information sheets



- Adult Under Crimes Act Policy
- Mandatory Reporting Procedures
- Child Safe Standards Policy
- Duty of Care
- Codes of Conduct

The documents setting out the strategies and actions required to implement this policy are:

- reporting flow chart, including mandatory reporting
- internal reporting procedures and flow chart
- Child Safe Standards reporting procedures
- Child Safe Standards checklist
- communication plan to inform the school community about the mandatory reporting policy and procedures, allocated roles and responsibilities
- detailed roles and responsibilities for ensuring reporting procedures are implemented, monitored and reviewed
- training and guidance in recognising signs and indications of child abuse.

### **Policy Review**

The governing board will review the Mandatory Reporting Policy annually.

The governing board will require the principal to report on the implementation of the Mandatory Reporting Policy bi-annually.

### **Policy Endorsement**

This Policy has been endorsed by the FCS Governing Body.

Date: July 2022

Review Date: July 2023

Review Cycle. Every 12 months.

Exceptions: This Policy may be reviewed earlier than the date stated subject to circumstance.