



SOUTHERN CROSS
— GRAMMAR —

POLICY

MANDATORY REPORTING

February 2020

Document History

Version	Date	Board / Committee Approval	Approval Date	Summary of Changes
1.0	March 2011			Developed
1.1	July 2015			Updated
1.2	December 2019	Board	15 June 2020	Updating of formatting, logo, addition of Responsibilities, Reasonable Grounds, Reporting Action Plan, Guidelines for Reporting, Failure to Disclose and Grooming Offence. Legislation update.



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Introduction

Mandatory reporting arises from Victoria's *Children, Youth and Families Act 2005* which came into effect on 23 April 2007. Every child has the right to live a full and productive life in an environment that builds confidence, friendship, security and happiness, irrespective of their family circumstances and background.

Teachers are mandated reporters. Teachers have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom they have contact, and to report instances that they believe involve physical abuse, sexual abuse or serious neglect. At all times the overriding priority must be the protection of the child.

Southern Cross Grammar is committed to fulfilling its duty of care to all students and specifically students under the age of 16 in relation to the *Crimes Act 1958* (Vic), which was amended in 2014 to include offences of: (i) failing to disclose a sexual offence; (ii) grooming for sexual conduct; and (iii) failing to protect a child from a sexual offence.

Purpose

- To ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse and neglect.
- Ensure all members of the school community aged 18 and over understand their reporting responsibilities and obligations in accordance with the *Crimes Amendment (Protection of Children) Act 2014* (Vic).
- Ensure all employees of Southern Cross Grammar understand the processes for reporting suspected abuse under the Mandatory Reporting
- Enable the governing body members, all persons in positions of authority, care or supervision, all employees of the school and where applicable, students of 18 years or over to understand their role and responsibility in protecting the safety and wellbeing of children and young people under the age of 16 in accordance with the *Crimes Act 1958* (Vic).
- Ensure all members of the school community aged 18 and over understand their reporting obligations in accordance with the *Crimes Amendment (Protection of Children) Act 2014* (Vic).

Who is a Mandatory Reporter?

The following persons are mandatory reporters and may at various times visit or be employed by the School:

- Victorian police officers
- Registered medical practitioners
- Nurses, including midwives
- Registered teachers, within the meaning of the Education and Training Reform Act 2006 and includes teachers granted permission to teach under the act.
- School Principals
- Out of home care workers (excluding voluntary foster and kinship carers)
- Early childhood workers
- Youth justice workers
- Registered psychologists
- School counsellors
- any other individual or professional group as described by the Department of Health and Human Services (DHHS). Refer <https://providers.dhhs.vic.gov.au/mandatory-reporting>

Legislation and Resources

Crimes Act 1958 (Vic)

Children's Services Act 1996

Public Administration Act 2004

Children, Youth and Families Act 2005 (Vic)

The Crimes Amendment (*Grooming*) Act 2014

Public Administration Act 2004

Department of Education:

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

Responsibilities

Principal

The Principal will:

- Ensure that all staff members, volunteers, students aged 18 and over, School Board members and the school parent community are aware of the Crimes Act 1958 (Vic) Policy and have access to a copy of the policy.
- Ensure that all adults within the school community are aware of their obligation to report suspected sexual abuse of a child under 16 years to the police.
- Provide support for staff in undertaking their responsibility in this area

Staff Members

All staff members will:

- Be aware of Southern Cross Grammar's Mandatory Reporting Policy
- Report any reasonable belief of child sexual abuse to the police or fulfil their obligation as Mandatory Notifiers.
- Provide an educational environment that is supportive of all children's emotional and physical safety.

Parent, Caregivers and Other Adults

Parents, caregivers, volunteers and students 18 years and over will:

- Be aware of Southern Cross Grammar's Mandatory Reporting Policy
- Understand their obligations to report a reasonable belief of a child sexual offence to the police

Implementation of Policy

All teachers and other persons as stipulated in the categories above are mandated by law to report signs of physical and/or sexual abuse, and neglect.

- All new staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- All staff are mandated by Southern Cross Grammar as a condition of employment to complete an e-learning module on Mandatory Reporting by the end of Term 1 of each academic year or upon induction if the school year has already commenced. A copy of the certificate of completion will be made available to the School's

Human Resources Manager and placed in their staff file. Mandatory Reporting eLearning Module is available at: <http://www.elearn.com.au/det/protectingchildren/schools/>

- Staff will follow the PROTECT 4 Critical Actions for Schools Plan, a copy of this plan can be found in Staff Rooms, Student Services Spaces, Corporate Services Office and all Executive Staff offices
- All concerns must be reported immediately to the Principal, or in his/her absence, the Deputy Principal or Welfare/Pastoral Care Coordinator/s.
- The Principal will keep a record of all discussions about a student with whom there is a concern.
- If a belief has been formed by a staff member that sexual or physical abuse has taken place the teacher/reporter is required to compile all documentation and provide the Principal, this is to be done with the support of the Principal or Principal's Delegate
- The teacher and/or the Principal will contact the Department of Human Services by telephone as soon as possible to make an official notification on:
(03) 9471 1644 or after school hours crisis line 13 12 78
- Members of the Department of Human Services, or associated support or intervention services that visit the school following a notification, will interview staff and children only in the presence of a Principal, Deputy Principal or Executive member or his/her nominee.
- All "Mandatory Reporting Information Sheets" remain filed in the Principal's office.

Reasonable Grounds

You have reasonable grounds to report when:

- a child tells you that he/she has been physically, emotionally, psychologically, developmentally or sexually abused.
- a child states that they know someone who has been abused. (Sometimes the children are talking about themselves.)
- someone else, such as a relative, friend, acquaintance or sibling of the child, tells you that the child has been abused;
- your observations of the child's behaviour or knowledge of children generally leads you to believe that the child has been abused
- you observe physical signs or indicators of abuse eg. bruises, cuts, burns

You must let students know that you have legal responsibilities as a mandated reporter to talk with someone and find out what will happen next and that you will let them know what to expect.

If you are unsure as to whether reasonable grounds exist please immediately contact a Child Safety Officer, as detailed in the Statement of Commitment to Child Safety and Child Safety Code of Conduct.

Reporting Action Plan

In the event of suspected abuse based upon reasonable grounds, staff will follow the *Four Critical Actions for Schools* (refer to Appendix 1), implemented by the Victorian Government in its commitment to Child Safe Practise in all registered educational Institutions.

The four actions are:

1. Responding to an emergency
2. Reporting to the authorities
3. Contacting parent/carer
4. Providing ongoing support

When a mandated reporter forms a belief on reasonable grounds that a child is in need of protection because of physical abuse and/or sexual abuse, he/she must make a report to the Department of Human Services as soon as practicable following the PROTECT

Whilst only mandated by law to report incidents of physical and sexual abuse, and neglect, there is a moral responsibility to report incidents of emotional abuse or neglect. Recent amendments to the *Crimes Act 1958* include reporting obligations in regard to grooming for sexual conduct.

A mandated reporter may inform the Department of Human Services of his/her belief without the prior knowledge of the Principal. It is good practice for the Principal to be informed of any action as soon as practicable. A template to guide Reporting can be found on the school's G Drive to ensure processes are followed in the best interest of the child and their families.

The content of the link below PROTECT (refer Appendix 2)

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

Failure to Disclose

Reporting child sexual abuse is a community-wide responsibility. Victorian legislation imposes a clear legal duty upon all adults to report information about child sexual abuse to police.

Any adult who suspects abuse with reasonable grounds that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

A person will not be guilty of the offence if he or she has a **reasonable excuse** for not disclosing the information. A reasonable excuse includes:

- Fear for safety
- Where the information has already been disclosed.

A person does not have a reasonable excuse for failing to disclose sexual abuse if they are only concerned for the perceived interests of the perpetrator or the School. 'Perceived interests' includes reputation, legal liability or financial status.

The new offence respects the position of a victim who does not want the offending disclosed and who is sufficiently mature to make that judgment. The obligation to report therefore does not apply where the information comes from a person aged 16 or over and this person requests that the offence not be reported. The law recognises that a child under 16 is not able to make this kind of decision and sometimes lacks the capacity to fully understand the effects of abuse. A person will still be required to disclose information to police if:

- the victim who requested confidentiality has an intellectual disability, and
- the victim does not have the capacity to make an informed decision about a disclosure, and
- the person who received the information is aware or should be reasonably aware of those facts.

Your identity will remain confidential unless:

- you disclose it yourself or you consent in writing to your identity being disclosed
- a court or tribunal decides that it is necessary in the interests of justice for your identity to be disclosed.

The maximum penalty for failing to disclose is three years imprisonment.

Failure to Protect

The offence provides that a person who:

- a. by reason of the position he or she occupies within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the relevant organisation; and
- b. knows that there is a substantial risk that the person will commit a sexual offence against a relevant child -

must not negligently fail to reduce or remove that risk.

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.

Grooming Offence

Under the *Crimes Amendment (Grooming) Act 2014* it is an offence to Groom for sexual conduct with a child under the age of 16 years. This offence targets predatory conduct designed to facilitate later sexual activity with a child. The *Victim's Charter Act 2006* was amended to expressly provide that a child and a family member of that child are victims of a grooming offence and are entitled to provide a victim impact statement to a court.

1. The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.

2. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.
3. The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child.
4. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.
5. The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.

The maximum penalty is 10 years imprisonment.

Review

This Policy will be reviewed on an emergent basis in accordance with Southern Cross Grammar's Policy Review no later than 3 years from this update May 2019

Appendix 1 – PROTECT Four Critical Actions for Schools

The Four Critical Actions for schools poster can be found displayed in staff common areas, student services department and all Head of School Office spaces. The link above can be found and accessed by all on the school's network at G:\Teachers\Student Wellbeing.

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

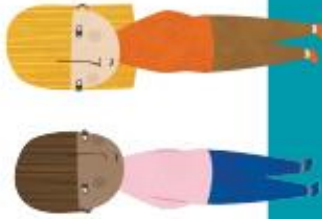
FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

PROTECT

THE EDUCATION STATE

VICTORIA | Education and Training
Government



YOU MUST TAKE ACTION

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

- You must act, by following the 4 critical actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.
- You must act if you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child abuse (eg. if the victim or another person tells you about the abuse).
- You must use the Responding to Suspected Child Abuse template to keep clear and comprehensive notes.

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

1 RESPONDING TO AN EMERGENCY

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

- If a child is at immediate risk of harm you must ensure their safety by:
 - separating alleged victims and others involved
 - administering first aid
 - calling 000 for urgent medical and/or police assistance
 - 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

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 or volunteer to Victoria Police.

- You must also report internally to:
 - GOVERNMENT SCHOOLS**
 - School Principal and/or leadership team
 - Employee Conduct Branch
 - DET Security Services Unit
 - CATHOLIC SCHOOLS**
 - School Principal and/or leadership team
 - Diocesan education office
 - INDEPENDENT SCHOOLS**
 - School Principal and/or school chairperson

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**

- You must also report to:
 - School Principal and/or leadership team
 - DET Security Services Unit

CATHOLIC SCHOOLS

- You must also report to:
 - School Principal and/or leadership team
 - Diocesan education office

INDEPENDENT SCHOOLS

- You must also report to:
 - School Principal and/or chairperson

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act. This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DHHS Child Protection or Victoria Police.

3 CONTACTING PARENTS/CARERS

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

- not to contact the parents/carer (eg. 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).

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.

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

CONTACT

DHHS CHILD PROTECTION AREA

- North Division 1300 664 9777
- South Division 1300 655 795
- East Division 1300 360 391
- West Division (Rural) 1800 075 599
- West Division (Metrol) 1300 664 9777

AFTER HOURS

After hours, weekends, public holidays 13 12 78

CHILD FIRST

www.dhhs.vic.gov.au

VICTORIA POLICE

000 or your local police station

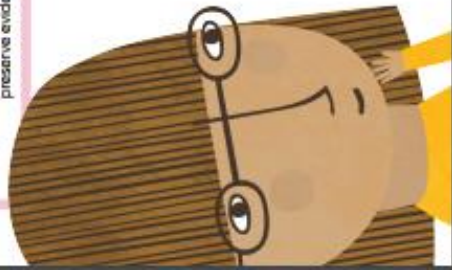
DET SECURITY SERVICES UNIT
(03) 9589 6266

STUDENT INCIDENT AND RECOVERY UNIT
(03) 9637 2934

EMPLOYEE CONDUCT BRANCH
(03) 9637 2595

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

INDEPENDENT SCHOOLS VICTORIA
(03) 9826 7200





Appendix 2 – PROTECT Responding to Suspected Child Abuse: A Template for all Victorian Schools