



# Belgrave South Primary School

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## Child Safety Responding and Reporting

### Obligations Policy and Procedures

#### **Child Safe Standard 5**

##### **PURPOSE**

The purpose of this policy is to ensure that all staff and members of our school community understand the various legal and other reporting obligations related to child safety that apply to Belgrave South Primary School. The specific procedures that are applicable at our school are contained in Appendix A.

##### **SCOPE**

This policy applies to all school staff, volunteers and school community members. It also applies to all staff and students engaged in any school and School Council-ran events, activities and services.

##### **POLICY**

All children and young people have the right to protection in their best interests. Belgrave South Primary School understands the important role our school plays in protecting children from abuse including:

- Physical abuse
- Sexual abuse (including sexual exploitation)
- Family violence
- Emotional abuse
- Neglect (including medical neglect)
- Grooming

The staff at Belgrave South Primary School are required by law to comply with various child safety reporting obligations. For detailed information about each obligation, please refer to [Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

At Belgrave South Primary School, we also recognise the diversity of the children and young people at our school and take account of their individual needs and backgrounds when considering child safety.

## **Mandatory Reporting**

Principals, registered teachers, registered medical practitioners, nurses and all members of the police force are mandatory reporters under the Children, Youth and Families Act 2005 (Vic).

This will include registered psychologist from March 2019 and school based counsellors from January 2020 (eg. Welfare Officers, Chaplains).

All mandatory reporters must make a report to the Department of Health and Human Services (DHHS) 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 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 Belgrave South Primary 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 does not share their belief that a report is necessary.

At our school, all mandated school staff must undertake the Mandatory Reporting and Other Obligations eLearning Module annually. We also encourage other staff, such as ES Integration Aides, to undertake the module even though they are not mandatory reporters.

For more information about Mandatory Reporting, see the Department's School Policy and Advisory Guide: [Child Protection – Reporting Obligations](#).

### **Child in need of protection**

Any person can make a report to DHHS Child Protection (131 278 – 24 hour service) if they believe on reasonable grounds that a child is in need of protection. The policy of the Department of Education and Training (DET) requires **all staff** who form a reasonable belief that a child is in need of protection to report their concerns to DHHS and Victoria Police, and discuss their concerns with the school leadership team.

For more information about making a report to DHHS Child Protection, see the Department's School Policy and Advisory Guide: [Child Protection – Making a Report and Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

At Belgrave South Primary School, we also encourage all staff to make a referral to Child FIRST when they have significant concern for a child's wellbeing. For more information about making a referral to Child FIRST see the School Policy and Advisory Guide: Child Protection – Reporting Obligations.

## **Reportable Conduct**

Reportable conduct relates to the additional reporting responsibilities that a school has if allegations are raised against Department of Education employees. The school must notify the Department's Employee Conduct Branch (9637 2594) if we become aware of any reportable conduct allegations involving current or former teachers, contractors, volunteers (including parents), allied health staff and school council employees (staff employed through local payroll such as gardeners and maintenance).

There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been:

- a sexual offence (even prior to criminal proceedings commencing), sexual misconduct or physical violence committed against, with or in the presence of a child;
- behaviour causing significant emotional or physical harm to a child;
- significant neglect of a child; or
- misconduct involving any of the above.

The Department, through the Employee Conduct Branch, has a legal obligation to inform the Commission for Children and Young People when an allegation of reportable conduct is made.

If school staff become aware of reportable conduct by any person in the above positions, they should notify the school principal immediately. If the allegation relates to the principal, they should notify the Regional Director. For more information about Reportable Conduct, see the Department's School Policy and Advisory Guide: [Reportable Conduct Scheme](#).

## **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 by another person aged 18 years or over. (The school must follow Department of Education policy and guidelines in the circumstances that the alleged offender is under the age of 18).

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](#)

### **RELATED POLICIES AND FURTHER INFORMATION**

- Duty of Care Policy
- Visitors Policy
- Child Safety - Code of Conduct
- Child Safety – Statement of Commitment
- Child Safety Policy
- DET [Responding to Suspected Child Abuse: Template](#)

## DET Child Safe Standards

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/safeenviro.aspx>

## DET Child Protection Reporting Obligations

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/reportobligations.aspx>

## DET Duty of Care Guidelines

<http://www.education.vic.gov.au/school/principals/spag/safety/pages/dutyofcare.aspx>

## DET Volunteer Guidelines

## DET Risk Management Guidelines

<http://www.education.vic.gov.au/school/principals/spag/governance/Pages/risk.aspx>

**EVALUATION** This policy will be reviewed every three years in accordance with the school's policy schedule or as required if regulations or circumstances change. Review Date: 2020

### FOUR CRITICAL ACTIONS FOR SCHOOLS

## Responding to Incidents, Disclosures and Suspicions of Child Abuse

**1 RESPONDING TO AN EMERGENCY**

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

If a child is at immediate risk of harm you **must** ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling **000** for urgent medical and/or police assistance to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

**2 REPORTING TO AUTHORITIES / REFERRING TO SERVICES**

As soon as immediate health and safety concerns are addressed you **must** report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Q: Where does the source of suspected abuse come from?

**WITHIN THE SCHOOL**

**VICTORIA POLICE**

You **must** report all instances of suspected child abuse involving a school staff member, contractor, volunteer or visitor to Victoria Police.

You **must also** report internally to:

**GOVERNMENT SCHOOLS**

- School principal and/or leadership team
- Employee Conduct Branch
- DET Incident Support and Operations Centre.

**CATHOLIC SCHOOLS**

- School principal and/or leadership team
- Diocesan education office.

**INDEPENDENT SCHOOLS**

- School principal and/or school chairperson
- Commission for Children and Young People on **1300 782 978**.

All allegations of reportable conduct **must** be reported as soon as possible to:

**GOVERNMENT SCHOOLS**

- Employee Conduct Branch

**CATHOLIC SCHOOLS**

- Diocesan education office

**INDEPENDENT SCHOOLS**

- Commission for Children and Young People on **1300 782 978**.

**3 CONTACTING PARENTS/CARERS**

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

- not to contact the parents/carer (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- to contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- how to communicate with all relevant parties with consideration for their safety.

**4 PROVIDING ONGOING SUPPORT**

Your school **must** provide support for children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professionals. Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support.

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

**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 Four Critical Actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief\* that a child has, or is at risk of being abused.
- You **must** act if you form a suspicion/ reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).
- It is strongly recommended that you use the Responding to Suspected Child Abuse template to keep clear and comprehensive notes, even if you make a decision not to report.

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

**OTHER CONCERNS**

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/The Change Door (in circumstances where the family are open to receiving support)
- DHHS Child Protection
- Victoria Police.

**CONTACT**

**DHHS CHILD PROTECTION AREA**

North Division **1300 664 977**  
South Division **1300 655 795**  
East Division **1300 360 391**  
West Division (Rural) **1800 075 599**  
West Division (Metro) **1300 664 977**

**AFTER HOURS**  
After hours, weekends, public holidays **13 12 78**.

**CHILD FIRST**  
<https://services.dhhs.vic.gov.au/referral-and-support-teams>

**ORANGE DOOR**  
<https://www.vic.gov.au/familyviolence/the-orange-door.html>

**VICTORIA POLICE**  
**000** or your local police station

**DET INCIDENT SUPPORT AND OPERATIONS CENTRE**  
**1800 126 126**

**INCIDENT MANAGEMENT AND SUPPORT UNIT**  
**1800 126 126**

**EMPLOYEE CONDUCT BRANCH**  
**(03) 9637 2595**

**DIOCESAN OFFICE**  
Melbourne (03) **9267 0228**  
Ballarat (03) **5337 7135**  
Sale (03) **5622 6600**  
Sandhurst (03) **5443 2277**

**INDEPENDENT SCHOOLS VICTORIA**  
**(03) 9825 7200**

**THE LOOKOUT**  
The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence: <http://www.lookout.org.au>.  
Family violence victims/survivors can be referred to **1800 Respect** for counselling, information and a referral service: **1800 737 732**.



**PROTECT** THE EDUCATION STATE VICTORIA Education and Training CECV catholic education commission of victoria inc

School Council last approved this policy 18th September 2019