

Responding to and reporting allegations of suspected child abuse Policy and Procedure

1. Rationale

This Ozford English Language Centre (Ozford) has been developed to ensure that Ozford appropriately responds to and reports allegations of suspected child abuse. Ozford has zero tolerance to child abuse and is committed to the protection and wellbeing of all children in its school environment.

This policy addresses the requirements of the Victorian Child Safe Standards. This policy also addresses the legal obligations in relation to reporting suspected sexual child abuse.

Failing to meet these obligations can constitute a criminal offence, including a:

- failure to disclose a sexual offence
- failure to protect a child (where it is known that a person associated with their organisation poses a substantial risk of sexually abusing children).

In any circumstance where there is a child safe incident, an allegation or a suspicion is formed that a student is victim of child abuse and/or a student has committed a sexual offence, this policy should be applied. This includes suspected offences that have taken place outside of school grounds and hours.

All staff should **immediately call Victoria Police on 000** if there is an immediate concern for a child's safety.

2. Scope

This policy and procedure applies to allegations or disclosures of child abuse by or in relation to a child, staff, volunteer, contractor, student support provider, homestay host, parent or any other persons while connected to an Ozford environment.

It applies to all staff. Staff is defined very broadly under the Victorian Child Safe Standards to include any persons engaged in child connected work in all Ozford environments. Child connected work means all work authorised by the Executive Management team and performed by an adult while children are present or reasonably expected to be present. This will include all persons engaged by Ozford or representing Ozford that may interact with younger students in any manner in Ozford's environments.

This policy is inclusive of the needs of all children, particularly students who are vulnerable due to age, family circumstances, abilities, or indigenous, cultural or linguistic background.

3. What is Child abuse?

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert teachers to the possibility of child abuse and neglect.

Physical violence

Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways, including beating, shaking, burning or use of weapons (such as, belts and paddles). Possible physical indicators:

- Unexplained bruises
- Burns and/or fractured bones

Possible behavioural indicators:

- Showing wariness or distrust of adults
- Wearing long sleeved clothes on hot days (to hide bruising or other injury)
- Fear of specific people
- Unexplained absences
- Academic problems

Sexual offences

Sexual offences occur when a person involves the child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to his/her age and development. Child sexual abuse can involve a range of sexual activity including fondling, masturbation, penetration, voyeurism and exhibitionism. It can also include exposure to or exploitation through pornography or prostitution, as well as grooming behaviour.

Possible physical indicators:

- Presence of sexually transmitted diseases
- Pregnancy
- Vaginal or anal bleeding or discharge

Possible behavioural indicators:

- Displaying sexual behaviour or knowledge that is unusual for the child's age
- Difficulty sleeping
- Being withdrawn
- Complaining of headaches or stomach pains
- Fear of specific people
- Showing wariness or distrust of adults
- Displaying aggressive behaviour

Serious emotional or psychological abuse

Serious emotional or psychological abuse occurs when harm is inflicted on a child through repeated rejection, isolation, or by threats or violence. It can include derogatory name-calling and put-downs, or persistent and deliberate coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological abuse could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

Possible physical indicators:

- Delays in emotional, mental, or even physical development
- Physical signs of self-harming

Possible behavioural indicators:

- Exhibiting low self-esteem
- Exhibiting high anxiety

- Displaying aggressive or demanding behaviour
- Being withdrawn, passive and/or tearful
- Self-harming

Serious neglect

Serious neglect is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life-threatening situations.

Possible physical indicators:

- Frequent hunger
- Malnutrition
- Poor hygiene
- Inappropriate clothing

Possible behavioural indicators:

- Stealing food
- Staying at school outside of school hours
- Aggressive behaviour
- Misusing alcohol or drugs
- Academic issues

Please see Appendix 1 for more information about the signs of harm.

4. Policy

- 4.1 All staff members have a moral and legal obligation and a Duty of Care to protect any child under their care from foreseeable harm. Staff must respond to any reasonable suspicion that a child has been or is at risk of being abused as set out in this policy and procedure.
- 4.2 The designated child safety officer for Ozford is the Head of Marketing, Admissions and Student Support. As an alternative, the Executive Management team, including the Academic Director and Principal, are available to support staff.
- 4.3 All suspicions that a child has been or may be in danger of being abused will be taken seriously.
- 4.4 All staff are expected to be able to recognise the physical or behavioural signs of child abuse. In many circumstances the signs may be the only indication that a child is subject to abuse. When identifying child abuse, it is critical to remember that:
 - the trauma associated with child abuse can significantly impact upon the wellbeing and development of a younger student.
 - all concerns about the safety and wellbeing of a younger student must be acted upon as soon as practicable.
- 4.5 Every adult who reasonably believes that a child has been abused, whether within the school environment or not, has an obligation to report that belief to authorities. If there is a reasonable belief that a child has been, or may be at risk of being abused, the adult must act, even if the adult has not directly witnessed the child abuse or student sexual offending. Staff must also act when a matter is reported by students,

parents/legal guardians, homestay hosts, student advocates or any other person witnessing a child abuse incident.

- 4.6 Fulfilling the roles and responsibilities contained in this 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.
- 4.7 The following table identifies the roles of those who are responsible for various critical functions involved with these procedures.

Responsible for:	Who is responsible?
Promptly managing the school's response to an allegation or disclosure and ensuring that it is taken seriously.	Primary: Academic Director/Principal Alternative 1: ELICOS Coordinator Alternative 2: Head of Student Support
Responding appropriately to a child who makes or is affected by an allegation of child abuse.	All staff.
Monitoring school compliance with this procedure.	ELICOS Coordinator/ Head of Student Support
Protect any child connected to alleged child abuse until the allegation is resolved.	Alternative 1: ELICOS Coordinator Alternative 2: EMT members including Academic Director/Principal
Make, secure and retain records	All staff.

5. Procedure

- 5.1 All suspicions that a child has been or may be in danger of being abused must be taken seriously. If there is a reasonable belief that a child has been, or may be at risk of being abused, the adult must act, even if the adult has not directly witnessed the child abuse or student sexual offending.
- 5.2 There are four critical actions that should be taken in response to a child abuse incident:
- Respond to an emergency
 - Report to authorities
 - Contact parents or carers
 - Provide ongoing support

Appendix 4 sets out the Four critical actions.

Respond to an emergency

- 5.3 **If a child's health and safety is in immediate danger, immediately phone Emergency services on 000.**
- 4.8 Staff must contact Victoria Police if:
- there is any concern for a child's immediate safety and/or
 - a child is partaking in any risk-taking activity that is illegal and extreme in nature or poses a high risk to the child or any other person.
- 4.9 Staff can contact Child Protection if:
- after consideration of all available information a view is formed that the child is in need of protection and

- it is believed that the child's parents/carers will not be open to support from family services to address their child's wellbeing.
- 5.4 To report concerns to Child protection about the immediate safety of a child after hours, call the After-Hours Child Protection Emergency Service: 13 12 78.
- 5.5 Staff must ensure immediate safety, by:
- separating the alleged victim and others involved, ensuring all parties are supervised by a school staff member
 - arranging and providing urgent medical assistance where necessary by:
 - administering first aid assistance
 - calling 000 for an ambulance and following any instructions from emergency service officers/paramedics.
 - calling 000 for urgent police assistance if the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person. Staff should also be prepared to advise that the contact person at the school is the Head of Marketing, Admissions and Student Support, for future liaison with the Police.
- 4.10 Where there is any suspicion of child safe risks in respect to a younger student living in a homestay arrangement, the Student support staff will immediately move the younger student to another arrangement where the student will be safe. The homestay will no longer be used by Ozford.
- 4.11 Any member of the public is able to report concerns about a child's (who is aged at least 10 and under 15 years) sexually abusive behaviour to Victoria Police and Child Protection under the Sexual offence Crimes Act 1958:
- 4.12 Any adult can make a referral to Child FIRST/The Orange Door if they:
- have a significant concern for a child's wellbeing
 - the issue of concern has a low-to-moderate impact on the child
 - the child's immediate safety is not compromised
 - believe that the child and/or family will act on the referral and be supportive of it.

Respond to allegation of child abuse

- 4.13 Staff are permitted to share certain information about a younger student who has been impacted by abuse.
- 4.14 Where an incident of suspected child abuse occurs in an Ozford environment, staff need to take action to preserve any items that may amount to evidence of the abuse. Consider all of the following:
- Environment
 - Clothing
 - Other Physical Items
 - Potential Witnesses
- 4.15 For any child safe incident, the Student support staff will consider and respect:
- the barriers younger students from culturally and/or linguistically diverse backgrounds may face 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. An interpreter or support person will be available in such circumstances.

- the barriers younger students with a disability may face 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: <https://providers.dffh.vic.gov.au/disability>
- 4.16 When managing a disclosure, the staff member should:
- listen to the younger student and allow them to speak
 - stay calm and not display expressions of panic or shock
 - use a neutral tone with no urgency and where possible use the child's language and vocabulary
 - be patient and non-judgmental throughout
 - highlight to the younger student that they are doing the right thing in telling you about what has happened and that it is not their fault
 - do not ask leading questions, but instead, gently ask, 'What happened next?' rather than 'Why?'
 - be patient and allow the younger student to talk at their own pace and in their own words
 - not pressure the younger student into telling you more than they want to
 - reassure the child that you believe them and that disclosing the matter was the right thing to do use verbal facilitators such as, 'Okay, 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
 - tell the child you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate.
- 4.17 When managing a disclosure, a staff member should not:
- ask questions that are investigative and potentially invasive. This may make the child feel uncomfortable and cause the child to withdraw
 - go over the information time and time again (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).
- 4.18 If a current or former younger student discloses an incident of abuse to a staff member:
- Try and separate them from the other children discreetly and listen to them carefully. If a child discloses that they have been, are being, or are in danger of being abused, the disclosure must be treated seriously and immediate action
 - Let the child 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 such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
 - Do not leave the child 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.
 - Ask them what action they would like to take and advise them of what the immediate next steps will be.
- 4.19 If the family (a parent, legal guardian or carer) or a member of the community says the child has been abused in a Institute environment or raises a concern

- Explain that Ozford has processes to ensure all abuse allegations are taken very seriously.
 - Ask about the wellbeing of the child.
 - Allow the person to talk through the incident in their own words.
 - Advise the person that you will take notes during the discussion to capture all details.
 - Explain to them the information may need to be reported to authorities or others, such as the organisation's management, 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.
- 4.20 If a homestay host or member of the community has witnessed a child being abused in an Ozford environment or raises a concern
- Explain that your organisation has processes to ensure all abuse allegations are taken very seriously.
 - Ask about the wellbeing of the child.
 - Allow the person to talk through the incident in their own words.
 - Advise the person that you will take notes during the discussion to capture all details.
 - Explain to them the information may need to be reported to authorities or others, such as the organisation's management, the police or child protection.
 - 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.
- 4.21 There may be concerns or complaints about the staff management of an incident, in particular by family (parents/legal guardians/carers). This is a very stressful time for family, and concerns that they do not believe have been dealt with fairly may quickly escalate. The Complaints and Appeals Policy and Procedure should be followed for any such complaints. As a first step school staff must consider whether the complaint raises any concerns about unreported abuse and/or risk of abuse.

Report to Authorities

- 4.22 As soon as immediate health and safety concerns are addressed all incidents, all reasonable beliefs of or disclosures of child abuse must be reported. The persons involved should make detailed notes of the incident.
- 4.23 A 'reasonable belief' is held if a reasonable person in the same circumstances would believe that an adult had sexually abused a child, for the same reasons you believed it. For example, you might form a reasonable belief that a child has been sexually abused if:
- the child tells you they have been sexually abused
 - the child tells you they know someone who has been sexually abused (which may be a way of talking about themselves)
 - someone who knows the child tells you the child has been sexually abused
 - you observe signs of sexual abuse in the child
 - you are a qualified professional who observes the child's behaviour or development, which leads you to believe the child has been sexually abused
- 4.24 There is no requirement to report rumours or unfounded suspicions.

- 4.25 The staff member should report the incident to the designated Child safety Office, the Head of Marketing, Admissions and Support, who will assist the staff member with reporting and liaison with the Victoria Police or other agencies. If the staff member is unsure whether to take action, or what action to take, a discussion with the child safety officer or any other Executive Management Team member is recommended.
- 4.26 The Child safety Officer will:
- Initiate internal processes to ensure the safety of the child;
 - Clarify the nature of the incident;
 - Assist staff in making relevant disclosures and ensure staff comply with reporting obligations to the external authorities including Victoria Police and Child Protection;
 - Offer support to the younger student, the parents/legal guardian or the person who reports the incident;
 - Establish if there is need to investigate child safety allegations including notifying the Commission of any reportable conduct.
 - Commence an internal review process with the permission of the external authorities if required
 - Notify the relevant individuals involved where this is allowed by external authorities;
 - Keep a record of the investigation and outcome; and
 - Review and update policies and procedures updated where necessary.
- 4.27 If the source of suspected abuse comes from within Ozford (this includes any forms of suspected child abuse involving a school staff member, contractor or volunteer) the staff member must:
- contact Victoria Police via the local police station, Melbourne East, on (03) 9637-1100. It is important that the local police station is contacted and, where appropriate they will refer the staff member on to the local Sexual Offences and Child Abuse Investigation team.
 - report internally to the Child Safety Officer who is available to assist the staff member with the reporting obligations.
- 4.28 If the source of suspected abuse comes from within the family or community, the staff member must:
- Report to Child Protection (West Division Intake 1300 664 977) if a child is considered to be:
 - in need of protection due to 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.
 - Report suspected sexual abuse (including grooming) to Victoria Police on 000.
- 4.29 Where the incident involves student sexual offending, as soon as immediate health and safety concerns are addressed the staff member must report incidents, disclosures and suspicions of student sexual offending as soon as possible to:
- Victoria Police on 000 (all instances)
 - Child Protection if the victim's parent(s)/legal guardian are unable or unwilling to protect the child
 - the student who is alleged to have engaged in the student sexual offending may be displaying physical and behavioural indicators of being the victim of child abuse.
- 4.30 A new report must be made in any circumstance where they become aware of any further incidents, or disclosures, or a form a new suspicion. Every report is critical to protecting a child by building evidence and enabling authorities to gain a clearer understanding of the risks.

- 4.31 The Child Safety Officer will report internally to the Academic Director/Principal (all instances), highlighting:
- the details of the suspected child abuse or risk of abuse including the name of those involved
 - any immediate actions taken to protect the safety of the child
 - the report or intention to report to Child Protection, Victoria Police and/or Child FIRST
 - possible steps that can be taken to contact parents (if appropriate) and support the student
- 4.32 If the source of suspected abuse comes from within the organisation and constitutes a reportable conduct, the adult must:
- contact Victoria Police via the local police station. It is important that the local police station is contacted and, where appropriate, referred on to the local Sexual Offences and Child Abuse Investigation team.
 - also report internally to the Child Safety Officer who is available to assist the staff member with reporting obligations.
- 4.33 In the event that the actions of concern are alleged to have been taken by a member of the leadership team, an independent report must also be made confidentially to the Commission for Children and Young People of alleged reportable conduct. Contact details are available on the Commission website : <https://ccyp.vic.gov.au/contact-us/>
- 4.34 Where an incident of suspected child abuse occurs on campus, the Child Safety Officer will take action to preserve any items that may amount to evidence of the abuse.

Child Protection process

- 4.35 The report to Child Protection is received by the intake team. Intake determines the appropriate response and provides advice to reporters including advice about where children and families can access support services. Intake will decide whether the report should proceed to referral or investigation.
- 4.36 If the report is classified as a protective intervention report and/or a therapeutic treatment report, it will proceed to investigation by Child Protection. An investigation establishes if a child is in need of protection as defined by the law. An investigation involves interviews with the child and parents.
- 4.37 Child Protection, Child FIRST/The Orange Door, and/or Victoria Police may request information from staff about the child or family to investigate a report and assess the risk or wellbeing concerns of the child.
- 4.38 When sharing information with Child Protection, any person in charge of an education service may disclose information to Child Protection in good faith in accordance with the Children Youth and Families Act 2005. This disclosure of information does not constitute unprofessional conduct or a breach of professional ethics or expose the person to any liability.
- 4.39 As part of an investigation, Child Protection and/or Victoria Police may conduct interviews of children at the school without the parent/carer's knowledge or consent. Child Protection would only interview children at school where it is in the best interests of the child.

- 4.40 After an investigation has been undertaken, Child Protection will decide whether the report has been substantiated and protective intervention is required.
- 4.41 If Child Protection makes a protection application in the Children's Court, staff may be required to produce documents or give evidence in court if requested. This is called a subpoena or a witness summons.
- 4.42 If the court finds that the child is in need of protection and that an order is required to promote the child's ongoing safety and development, they will grant a protection order.
- 4.43 The primary role of the Child Protection practitioner during this phase is to administer the protection order made by the Children's Court and continue to engage with the child and family to address the protective concerns.
- 4.44 The Child Safety Officer (or their delegate) must contact Victoria Police or Child Protection (depending on who the report has been made to). Child Protection will advise about whether it is appropriate to contact parents at this stage.
- 4.45 The Child Safety Officer will be advised not to contact the parents in circumstances where:
- the parents are alleged to have engaged in the abuse.
 - a disclosure to the parent(s)/ guardian(s) may subject the child to further abuse.
 - the child is a mature minor (assessed to be sufficiently mature and intelligent to make such decisions on his or her own behalf) and have requested that their parent/carer not be notified (in these circumstances ideally the child will nominate another responsible adult who can be contacted).
 - the notification is likely to adversely affect the investigation of the incident by the relevant authorities.
- 4.46 Where advised to be appropriate, Ozford will make sensitive and professional contact with parent(s)/legal guardian(s) as soon as possible on the day of the incident, disclosure or suspicion. This enables parent(s)/ legal guardian(s) to take steps to:
- prevent or limit their child's exposure to further abuse
 - ensure that their child receives the support that they require.
- 4.47 During this conversation it is important to:
- remain calm, be empathic to feelings and validate concerns.
 - provide appropriate details of the incident, disclosure and/or suspicion of child abuse.
 - outline the action the school staff have taken to date and inform them of who the incident, disclosure and/or suspicion has been reported to.
 - provide the name and contact phone number of Child Protection and/or the police officer who is investigating.
 - provide information on whether they are likely to be contacted by Child Protection or Victoria Police (if known).
 - inform them that the investigation may take some time and ask what further information they would like and how school staff can assist them.
 - assure them that school wellbeing staff can provide support to the child. Staff can make referrals to student support services or other wellbeing staff .

- invite the parents/carers to attend a student support group meeting where a student support plan can be prepared to ensure that appropriate support can be provided for their child.

Provide ongoing support

- 4.48 Experiences of child abuse can cause trauma and significantly impact on the mental health and wellbeing of children. Children who have experienced trauma are more likely to display challenging behaviours, like poor impulse control, hyperactivity or disruptive behaviours. A trauma-informed approach will apply the core principles of safety, trustworthiness, choice, collaboration and empowerment:
- Safety includes providing physical, emotional, and cultural safety. When children do not feel safe, they may struggle to regulate their emotions.
 - Trustworthiness means developing trusting relationships with children. This can include being clear about what is going to happen and setting boundaries, being consistent and reliable, and staying calm and being reassuring.
 - Choice and consent have often been denied to children who have experienced trauma. Providing as many suitable choices as possible for the child empowers them and shows them that they matter.
 - Collaboration also shows children that they have power and a say in what happens. Communicating clearly in age-appropriate language and allowing time and space for decisions are important.
 - Empowerment supports children to develop a sense of control and agency in their life. Showing them what they say and feel matters and treating them with respect will empower them.
- 4.49 In order to protect or support a child, the staff member should contact the Head of Marketing, Admissions and Student support who will arrange for suitable counselling and other support.
- 4.50 The Student support staff will ensure that younger students who disclose that they are feeling unsafe or being abused are heard, taken seriously and treated with sensitivity and compassion. The younger student and their families will be connected with services that can support them to manage a difficult or traumatic experience.
- 4.1 Before, during, and after the Child Protection process, staff must provide ongoing support for children impacted by abuse. Staff can support students by:
- establish regular communication between staff and the child's parent/ legal guardian (if this is appropriate) to discuss a child's progress wellbeing and the effectiveness of planned strategies;
 - convene a student support group to plan ongoing monitoring, support, and follow-up of the child's health and wellbeing (student support groups usually comprise Student support staff, ELICOS staff, allied health professionals and where appropriate the student and/or their parent/legal guardian);
 - develop and implement a student support plan, which documents the planned support strategies and includes timeframes for review (where possible, these support strategies should be informed by allied health and wellbeing professional with expertise in addressing child abuse and trauma);
 - act as a support person for the child during meetings when requested;
 - attend Child Protection case planning meetings;
 - liaise with any allied health and wellbeing professionals engaged by the student and families

- refer the student and their family to support services, which specialise in providing tailored support and advice for children impacted by abuse including Centres Against Sexual Assault who provide expert support for victims of sexual assault.
 - observe and monitor the child's behaviour
- 4.51 All children (including children who are alleged to have perpetrated abuse) must be independently supported in any interviews conducted by Victoria Police or Child Protection at Ozford. Where possible and appropriate the child's parent/carer should be present for these interviews. However, if this is not appropriate or practicable the Academic Director/Principal or Head of Marketing, Admissions and Student support may be identified as the independent person or support person for the child for the purpose of the interview.
- 4.52 It can be stressful for other children involved in any incidents, disclosures or suspicions of child abuse. The Head of Marketing, Admissions and Student support will ensure that other impacted children are offered and provided appropriate support.
- 4.53 It can also be stressful for staff involved in any incidents, disclosures or suspicions of child abuse. The Academic Director/Principal will ensure that impacted staff members are supported and help them to access necessary support.

Where staff are involved in an incident

- 4.54 If the Academic Director/Principal becomes aware that an adult associated with Ozford (employee, contractor, visitor) poses a risk of child abuse to any child under their care, the Academic Director/Principal will take all reasonable steps to remove or reduce that risk.
- 4.55 The Human Resources Policy and Procedure set out the processes that are followed.

Reportable Conduct Scheme

- 4.56 The Reportable Conduct Scheme, or RCS, is administered by an independent body, the Commission for Children and Young People (the Commission), to oversee allegation of child abuse and misconduct. The Reportable Conduct Scheme requires all allegations of suspected criminal conduct to be reported to Victoria Police as the first priority. The scheme maintains the primacy of an investigation by Victoria Police of any allegations of criminal misconduct.
- 4.57 The Academic Director/Principal has a responsibility to report any allegations of 'reportable conduct' raised against adults in child connected work to the Commission for Children and Young People (CCYP) and the alleged victim was under 18 years of age when the alleged conduct occurred.
- 4.58 While the Academic Director/Principal has the reporting obligation. The Head of Marketing, Admissions and Student support as their delegate is required to notify the Commission if any person has formed a 'reasonable belief' a staff member, carer, or volunteer has committed reportable conduct.
- 4.59 Reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it is not the same as having proof and does not require certainty. For example, a person is likely to have a reasonable belief if they observed the

conduct themselves, heard directly from a child that the conduct occurred, or received information from another credible source (including another witness).¹

- 4.60 Within three business days of becoming aware of a reportable allegation, the Head of Marketing, Admissions and Student support must notify the Commission that a reportable allegation has been made against one of their workers or volunteers using the online form Notify and update reportable allegations provided by the Commission.
- 4.61 The Head of Marketing, Admissions and Student support will liaise with police to determine whether an investigation will be conducted. An investigation by Victoria Police into criminal or potentially criminal conduct takes priority. If Victoria Police are investigating the allegation, the Institute must not commence an investigation until they have received permission from Victoria Police. Further information on Victoria Police investigations can be found in the Victoria Police Guidelines – Criminal Abuse of Children and Vulnerable People in Organisations: Reporting to Victoria Police (available via www.police.vic.gov.au).
- 4.62 When an investigation into the reportable allegation is permitted, the investigation may be conducted by an external independent investigator. The Executive Management Team will select and appoint an investigator who holds relevant licences to conduct investigations, such as those required under the Private Security Act 2004 (Vic). Selection will be based on their skills and experience in:
- investigating allegations concerning the abuse of children
 - interviewing children, in particular children who may have been traumatised
 - engaging with children with a disability
 - engaging in a culturally sensitive manner.
- 4.63 A reference check will be conducted to confirm that the investigator is an individual with a good knowledge of conducting interviews with children and in a position to answer questions about the outcomes of previous investigations that the investigator before appointment.
- 4.64 The Head of Marketing, Admissions and Student support will inform the Commission of who will conduct the investigation.
- 4.65 The investigation involves gathering and examining information to establish facts and make findings in relation to allegations of child abuse against an employee. The investigation may also make recommendations about what disciplinary or other action should be taken (if any). The investigation will have a systematic approach to assessing and managing an allegation, followed by a sound decision-making framework that enables procedural fairness for all parties in the investigation process.
- 4.66 The key steps in the investigation will include:
- Understanding the issues
 - Planning the investigation
 - Coordinating the investigation
- 4.67 The balance of probabilities¹ as the standard of proof steps must be applied. This means that an investigation will consider whether it is more likely than not that

¹ See *Allegations of abuse of children in out-of-home care* available on the [Victorian Carer Register website](https://providers.dhhs.vic.gov.au/carer-register) <<https://providers.dhhs.vic.gov.au/carer-register>> and *Information Sheet 2: What is reportable conduct under the Reportable Conduct Scheme* available on the [Commission for Children and Young People's Reportable Conduct Information Sheet website](https://ccyp.vic.gov.au/child-safety/resources/reportable-conduct-scheme-information-sheets) <<https://ccyp.vic.gov.au/child-safety/resources/reportable-conduct-scheme-information-sheets>>.

reportable conduct has occurred. This may involve comparing conflicting versions of events given by different witnesses in order to decide which version is the more probable. However, investigations do not need to undertake a mathematical or mechanical assessment of probabilities. Rather, the person conducting an investigation and making findings should actually be persuaded, based on the available information that reportable conduct has occurred before making such a finding.

- 4.68 During a reportable conduct investigation, the subject of an allegation may choose, but is not required, to give information or documents that support their version of events. However, the subject of an investigation is not obliged to prove or disprove any fact or issue that is being investigated.
- 4.69 The procedures will be fair and reasonable. This will include ensuring that, before any findings are made or disciplinary action is taken, the subject of an allegation:
- is notified of any adverse information that is credible, relevant and significant
 - has a reasonable opportunity to respond to that information.
- 4.70 Procedural fairness does not require that employees or others must be notified of allegations when the Commission is first notified or that are plainly false. Consideration will also be given to when the subject of the allegation should be first told about an allegation, in order to ensure the investigation is not compromised but remains procedurally fair. The investigator may seek any response or submissions made by the employee in response to allegations or actions, preferably in writing.
- 4.71 Throughout the investigation, other allegations or concerns may be identified. If this occurs, this additional information will be considered in the context of the investigation and may add or change the allegations put to the employee.
- 4.72 The investigation report will document the terms of reference of the investigation, together with how the investigation was undertaken, what evidence and information was obtained, what conclusions were made and, if applicable, any recommendations for consideration. A copy of the final investigation report will be provided to Commission as soon as practicable.
- 4.73 After the investigation has concluded, the Head of Marketing, Admissions and Student support will provide CCYP certain information including a copy of the findings and proposed response of the investigation within 30 calendar days. Information provided to include:
- Details of the allegation
 - Details of your response to the allegation
 - Details about any disciplinary or other action proposed
 - Any written response from the worker or volunteer about the allegation and the proposed disciplinary or other action
 - Any other requested information.

Records of Allegations or Disclosures of Suspected Child Abuse

- 4.74 Whenever any disclosure or allegation of suspected child abuse has been made, the details will need to be appropriately recorded. In the first instance, these could take the form of notes on any form of paper available at the time to the respondent. As soon as practicable, these should be transferred to the student management system,

including in addition to the details of the disclosure or allegation, the response and action.

- 4.75 All records relating to a disclosure or allegation must be maintained as set out in the Records Management Policy and Procedure.
- 4.76 As soon as practicable, these should be transferred to the **Reporting Record Template** using the [PROTECT Responding TemplateSchools.pdf \(education.vic.gov.au\)](#), including in addition to the details of the disclosure or allegation, the Ozford response and action.

Other Resources for staff

- 4.77 Staff are encouraged to use the Victorian Department of Education and Training Protect resources.
- [Schools - guidance | Victorian Government \(www.vic.gov.au\)](#)
 - <https://www.vic.gov.au/child-protection-resources-vet-and-higher-education-providers>
 - Online training - <https://www.vic.gov.au/protecting-children-mandatory-reporting-and-other-obligations>
- 4.78 Other useful resources are available at the following links:
- Reporting Child abuse and neglect:
 - <https://www.dhhs.vic.gov.au/reporting-child-abuse-and-neglect>
 - <https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect>
 - CASA Forum: <https://www.casa.org.au/assets/Documents/mandatory-reporting.pdf>

6. Feedback

Feedback or comments on this policy and procedure is welcomed by the Executive Management Team.

Appendix 1 Identifying Signs of Child Abuse and Harm

There can be physical or behavioural indicators of child abuse and neglect, or a combination of both. While the presence of a single indicator, or even several indicators, does not necessarily prove that abuse or neglect has occurred, the repeated occurrence of either a physical or behavioural indicator, or the occurrence of several indicators together, should alert staff to the possibility of child abuse or neglect.

Child sexual abuse is more commonly perpetrated by someone who is known to and trusted by the child and is also often someone highly trusted within their families, communities, schools and/or other institutions, such as Churches.

Child abuse can take many forms:

Physical violence

Physical violence can occur when a person intentionally or recklessly uses physical force against, with or in the presence of a child without their consent, which causes, or could cause, the child harm. Physical violence can also occur when someone intentionally or recklessly causes a child to believe that physical force is about to be used against them without their consent.

Physical violence can include hitting, punching, kicking, pushing or throwing something that strikes a child. It also includes the use of words or gestures that cause a child to believe that they are about to suffer physical violence.

In some cases, physical contact with a child may be necessary, such as to physically restrain them from hurting another child or themselves, but the use of physical contact must be reasonable, and no more force should be used than is absolutely necessary.

Sexual Abuse

Child sexual abuse is when a person uses power or authority over a child to involve them in sexual activity.⁶ It includes a broad range of behaviours involving a sexual element that are committed against, with or in the presence of a child. Child sexual abuse does not always involve force. In some circumstances, a child may be manipulated into believing that they have brought the abuse on themselves, or that the abuse is an expression of love.

Sexual offences may involve contact, like touching or penetration. They also include acts that do not involve physical contact like 'flashing', possessing child abuse material or grooming. A full list of relevant child sexual offences is included in clause 1 of schedule 1 to the Sentencing Act 1991 (Vic).

While a child sexual offence will generally include any sexual encounter by an adult that involves a child, in some circumstances conduct by children aged ten years or over can also constitute a sexual offence.

Grooming

Grooming behaviour can involve the use of a variety of manipulative and controlling techniques used to build trust or normalise sexually harmful behaviour. Grooming is often described as the 'preparation' phase of child sexual abuse, undertaken by the perpetrator to gain the trust of a child, and to establish secrecy and silence. Perpetrators may groom to

gain access to a child, initiate and maintain sexual abuse of that child, and to conceal the sexual abuse from others who may identify it.

Grooming can include communicating or attempting to befriend or purposely establishing a relationship or other emotional connection with a child, their family or organisations they are engaged with. At first people may be tricked into thinking the relationship with the perpetrator is safe and normal. Children may not understand that what is happening is grooming or may feel they have no choice but to be abused.

Grooming behaviours and tactics are often complex and gradual. They can involve a range of subtle, drawn out, calculated, controlling and premeditated behaviours.

Grooming can involve behaviour in person and activities on social media, email or phone.

Some perpetrators may use their power and authority in an organisation to create the impression that they are trustworthy and to pressure children to prevent disclosure. Perpetrators often isolate the child or alienate them from others, creating a barrier between the child and adults they might otherwise talk to about the abuse or who might see that something is wrong. Perpetrators often blame the child for the abuse or create a shared sense of responsibility with the child.

Some types of grooming are captured by the criminal offence of grooming. This offence targets predatory conduct by an adult designed to facilitate later sexual activity with a child under 16 years of age.

Other grooming behaviours, while not a criminal offence, may still come within the definition of child abuse.

Sexual misconduct

Sexual misconduct includes a variety of sexualised behaviours against, with or in the presence of a child. These behaviours may not meet the threshold for a sexual offence but can still pose a significant risk to children. Behaviours could include inappropriate conversations of a sexual nature, comments that express a desire to act in a sexual manner, or in some cases, behaviour that crosses a professional boundary, such as having or seeking to establish an inappropriate or overly personal or intimate relationship with a child.¹⁶

Family Violence

The Family Violence Protection Act 2008 (Vic) defines family violence as behaviour by a person towards a family member where the behaviour: is physically or sexually abusive is emotionally or psychologically abusive is economically abusive is threatening or coercive OR in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person. A child can be victim to any of these behaviours. Family violence also includes behaviour that causes a child to hear or witness, or otherwise be exposed to the effects of, any of these behaviours.

Emotional or psychological harm

Emotional and psychological harm can arise as a result of experiencing a sexual offence, sexual misconduct, physical violence or neglect. Emotional and psychological harm may also arise in circumstances that involve persistent verbal abuse, coercive or manipulative behaviour, hostility towards a child, humiliation, belittling or scapegoating, conveying to a child that they are worthless, unloved, inadequate or rejected, or causing a child to frequently feel frightened or in danger. Serious emotional or psychological harm often decreases a child's sense of identity, dignity and self-worth, and the impact can be chronic and debilitating.

'Emotional harm' is expressed in a tangible or visible way. For example, a child may show signs of distress, withdrawal, fear, anxiety, anger or despair. Emotional harm may have an impact on emotional health and development, the ability to show emotions and the ability to sustain and develop healthy relationships.

'Psychological harm' has a longer-term cognitive impact which may affect a child's conscious and unconscious mind. Psychological harm may not become clear for days, weeks or years after an event. Psychological harm may negatively affect and delay a child's cognitive development. Psychological harm often takes the form of a diagnosable psychological disorder.

Cultural abuse can cause emotional and psychological harm. Cultural abuse occurs when the culture of a people is ignored, denigrated or intentionally attacked. It can be overt or covert, for example, a lack of cultural sensitivity or absence of positive images about another culture. Cultural abuse is especially harmful for children 'because it strikes their sense of identity, self-esteem and connectedness to family and community'.

Discrimination can have negative impacts on children. It can cause emotional or psychological harm or constitute neglect of a child. Being treated unfairly because of who you are or what you like can have a negative effect on mental health. Experiencing discrimination can also increase a child's vulnerability to abuse and harm and can mean that children are less likely to ask for help or speak up if they have a concern.

For emotional or psychological harm to be serious, it must involve an act (or the cumulative effect of many acts) resulting in harm that is more than significant, being either substantial and protracted, or that endangers life.

Neglect

Neglect is a failure to meet the basic needs of a child (such as their wellbeing and safety). Neglect can arise as a result of a single event or a combination of different events. Some neglectful behaviours that can occur in organisations include:

- supervisory neglect (failure to appropriately exercise adequate supervision or control of a child)
- physical neglect (failure to meet a child's physical needs including the provision of adequate and appropriate food, clothing, shelter or physical hygiene)
- educational neglect (failure to ensure that a child's formal educational needs are being met)
- emotional neglect (failure to provide adequate nurturing, encouragement and support to a child).

For neglect to be serious, it must involve a failure to meet the basic needs of a child that is more than significant, being either substantial and protracted, or that endangers life.

'Serious' refers to the quality of the failure to meet the basic needs of a child, not to the outcome of the neglect. It is not necessary that a child suffered any harm as a result of the neglect.

Student sexual offending

Student sexual offending refers to sexual behaviour that is led by a student 10 years and over which may amount to a sexual offence.

Recognising signs of child abuse and harm

Whether child abuse and harm is perpetrated in the organisation or in the home, being aware of behavioural indicators that may signify a child is being abused is important to creating a child safe organisation.

Different types of child abuse and harm can have different indicators. Information on indicators of the different types of abuse and harm is available from the Department of Fairness Families and Housing, Department of Education, Raising Children Network and the Better Health Channel. The following is a short overview of some common behavioural indicators of child abuse and harm to look out for.

Abuse can be hard to spot. Some children show no external signs of abuse. Sometimes a child may tell us if they are being harmed, and at other times we will need to look out for changes in behaviour, emotions or physical appearance. Common signs across different abuse types include:

- unusual or regressive changes in behaviour, like a sudden decline in academic performance, anxiety, withdrawal, hyperactivity, bedwetting, sleep disturbances, drug or alcohol misuse
- concerning behaviours that may be harmful to themselves or others
- being extremely sensitive and alert to their surroundings (hypervigilance)
- absences from school without reasonable explanation
- frequent headaches or stomach pains
- drawings or writing which depict violence or abuse
- raising a concern about a friend or someone they know
- attempted suicide or self-harm
- unexplained or inconsistent, vague, or unlikely explanations for an injury
- unexplained bruising, fractures or other physical injuries
- unusual fear of physical contact
- harm to others or animals
- wariness or fear of someone including a parent, carer, other adult or child
- trying to protect friends or other family members from someone
- reluctance to go home
- the child is assessed as having experienced a significant delay in their emotional or intellectual development or that their functioning has been impaired
- taking on a caring or parental role with siblings prematurely.

A child may be suffering from one or more types of abuse.

Staff should watch for any changes in the child's general mood. The child may become anxious, irritable, depressed, angry, or show a combination of emotions. However, do not assume that just because you see these signs the child is being abused. Keep in mind that these signs can apply to a child under stress and may not be related to child abuse.

Recognising grooming

Recognising the signs of grooming can be difficult. Grooming behaviours can often look like normal caring behaviours. Anyone can groom a child, including people involved with your organisation.

People engaging in grooming behaviour may use social media, the internet and mobile phones to interact with children and ask the child to keep the interaction secret. This could continue for months before the offender arranges a physical meeting. There may be no online element to the grooming.

Some signs of grooming include a child:

- having unexplained gifts or money and not wanting to talk about where they came from

- not wanting to talk about what they've been doing or lying about it
- getting lots of messages from someone they only know online
- spending less time with friends or changing friendship groups suddenly
- not wanting to talk about their day, thoughts or feelings anymore
- regularly missing school, work or other activities
- developing an unusually close connection with an older person
- not wanting others around when they're with particular friends or adults.

Groomers may also try to gain the trust of a child's family or carers including:

- offering to take the child to activities (such as sports) or babysit
- offering to mentor or coach the child individually
- buying gifts or doing things for the family (such as repairs)
- complimenting the family and parenting.

Note:

The above information has been sourced from the CCYP A guide for creating a Child Safe Organisation

[A-guide-for-creating-a-Child-Safe-Organisation-190422.pdf \(ccyp.vic.gov.au\)](https://www.ccyp.vic.gov.au/A-guide-for-creating-a-Child-Safe-Organisation-190422.pdf)

Appendix 2: Failure to disclose sexual offence committed against child under the age of 16 years

All adults, not just professionals who work with children, have a legal obligation to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16.

The obligation applies to a person of or over the age of 18 years (whether in Victoria or elsewhere) who has information that leads the person to form a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person of or over the age of 18 years.

Information must be disclosed to a police officer as soon as it is practicable to do so, unless the person has a reasonable excuse for not doing so.

A 'reasonable belief' is held if a reasonable person in the same circumstances would believe that an adult had sexually abused a child, for the same reasons you believed it. For example, you might form a reasonable belief that a child has been sexually abused if:

- the child tells you they have been sexually abused
- the child tells you they know someone who has been sexually abused (which may be a way of talking about themselves)
- someone who knows the child tells you the child has been sexually abused
- you observe signs of sexual abuse in the child
- you are a qualified professional who observes the child's behaviour or development, which leads you to believe the child has been sexually abused

There is no requirement to report rumours or unfounded suspicions.

An adult that reasonably believes that a sexual offence has been committed against a child under the age of 16 by another adult, must call Victoria Police on 000 or the local police station (see [Working to keep our community safe \(police.vic.gov.au\)](http://www.police.vic.gov.au)).

Failure to disclose the information may be a criminal offence unless you have a 'reasonable excuse' or have an 'exemption' from doing so.

A 'reasonable excuse' for not reporting information about child sexual abuse to police is if:

- you reasonably fear for your safety or the safety of another person, except the person you believe committed, or was involved in, the sexual offence, and your failure to report is a reasonable response in the circumstances. The fear must be reasonable from the perspective of that person in those circumstances. This recognises that this person is best placed to judge whether their safety, or the safety of another person, is endangered.
- you believe on reasonable grounds that another person has already disclosed the information to police, and you have no further information to add.

The exemptions from the offence include if:

- a victim aged 16 or over has provided the information and requests confidentiality. Where a victim is capable of making an informed decision, the law does not require the abuse to be reported. You will still need to report to police if:
 - the victim had an intellectual disability when they provided the information, and

- the victim did not have the capacity to make an informed decision about disclosure when they provided the information, and
- you are aware or should reasonably have been aware of these facts.
- you were a child when you received the information
- the information is in the public domain

Appendix 3: Failure to protect from a sexual offence

Leadership staff, who become aware that an adult associated with Ozford (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse (including through grooming) to a child under the care, of the Institute, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child-related work pending investigation. Failure to do so may be a criminal offence.

The Failure to protect from a sexual offence (section 49O(7) of the Crimes Act 1958 (Vic)) applies to a person who:

- by reason of the position s/he 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
- knows that there is a substantial risk that the person will commit a sexual offence against a relevant child

A 'relevant' child is a child under the age of 16 who is, or may come, under the care. The child does not need to be identified. This means that the risk is not that a particular child will become the victim of sexual abuse. Instead, the substantial risk could be posed to any child who is, or who may be in the future, under the organisation's care, supervision or authority.

What constitutes a substantial risk will depend on a range of factors. The Department of Justice factsheet provides the following considerations:

- 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.

This offence applies to any staff member in a position of authority. All Executive management team members are subject to this requirement. Staff must

- if they know of a substantial risk that a child under the age of 16, under the care, supervision or authority of the organisation will become a victim of a sexual offence committed by an adult associated with the organisation (e.g. employee, contractors, volunteer, visitor); and
- remove or reduce the risk of harm.

A person is generally taken to know that there is a risk if he or she is aware that it exists or will exist in the ordinary course of events. This is more than merely holding a tentative belief or suspicion. It is expected that the person in authority will take steps to follow up on a suspicion or belief that children in their organisation were at risk of harm. For example:

- A current employee who is known to pose a risk of sexual abuse to children in the organisation should be immediately removed from contact with children and reported to appropriate authorities and investigated.
- A community member who is known to pose a risk of sexual abuse to children should not be allowed to volunteer in a role that involves direct contact with children at the organisation.
- A parent who is known to pose a risk of sexual abuse to children should not be allowed to attend overnight school camps as a parent helper.

Appendix 4: Four Critical Actions

FOUR CRITICAL ACTIONS FOR VET & HIGHER EDUCATION PROVIDERS

Responding to Incidents, Disclosures and Suspicions of Child Abuse



YOU MUST TAKE ACTION

As an Organisation/Institution/University 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).

You must use the relevant templates to keep clear and comprehensive notes.



*A child or young person is defined as a person under the age of 18 years

