

**CHILD SAFETY PROCEDURE  
(INCLUDES REPORTING PROCESS)**

|                              |   |
|------------------------------|---|
| <b>Approving authority</b>   | Executive Management Team (EMT)   |
| <b>Purpose</b>               | To confirm the Institute’s statement of commitment to Child Safety and outlines relevant obligations and guidelines   |
| <b>Responsible Officer</b>   | President and CEO   |
| <b>Next scheduled review</b> | September 2026  |
| <b>Document Location</b>     | <a href="http://www.ozford.edu.au/higher-education/policies-and-procedures/">http://www.ozford.edu.au/higher-education/policies-and-procedures/</a>   |
| <b>Associated documents</b>  | <p>Child Safety Policy</p> <p>Academic Staff Professional Development Policy and Procedure</p> <p>Anti-Bullying and Harassment Policy and Procedure</p> <p>Anti-Discrimination Policy and Procedure</p> <p>Critical Incident Policy and Procedure</p> <p>Diversity and Equity Policy and Procedure</p> <p>Human Resources Policy and Procedure (Manual)</p> <p>Professional Staff Professional Development Policy and Procedure</p> <p>Records Management Policy and Procedure</p> <p>Sexual Assault and Sexual Harassment Policy and Procedure</p> <p>Social Media Policy and Procedure (Staff)</p> <p>Social Media Policy and Procedure (Students)</p> <p>Staff Code of Conduct Policy and Procedure</p> <p>Student Code of Conduct Policy and Procedure</p> <p>Student Support and Services Policy and Procedure</p> <p>Student Grievances and Appeals Policy and Procedure</p> <p>Use of Information Technology Facilities and Services Policy and Procedure (Staff)</p> <p>Use of Information Technology Facilities and Services Policy and Procedure (Student)</p> <p>Younger Students Policy and Procedure</p> |

**1. PRINCIPLES**

The Ozford Institute of Higher Education (hereafter referred to as the “Institute”) is a child safe organisation with zero tolerance for child abuse. The Institute is committed to upholding a safe environment for younger students in which younger students’ rights are respected, differences are celebrated, younger student views and voices are sought and acted on, and particular effort is made to advocate for the most vulnerable or marginalised.

The Institute’s Principles include:

- We have zero tolerance of child abuse.
- We strive to show leadership in child safety by taking a preventative, proactive and participatory approach to child safety.
- We have established and made accessible child safety policies, procedures, systems and practices that reflect the risks of the Institute.

- We value and empower younger students to participate in decisions that affect their lives. We recognise, respect and foster younger students' rights ensuring that they are comfortable and encouraged to speak up if they feel worried or unsafe.
- We uphold a culturally safe environment for younger students, staff and stakeholders while keeping child safety paramount. We respect and celebrate diversity and seek to be inclusive of all younger students.
- We engage people who are suitable to work with children and have appropriate supervision and professional development practices. We will ensure that staff are supported to implement the child safe policies to the extent that it is applicable to their role and responsibilities.
- We value the input of, consult with and communicate regularly with our students, staff and families.
- We foster a culture of openness that supports all persons to safely disclose risks of harm to children and encourage the reporting of suspected abuse, neglect or mistreatment promptly to the appropriate authorities.
- We will support our staff and students who disclose or are otherwise linked to suspected child abuse. We will manage all child safety concerns in a sensitive, confidential, honest, responsible and timely manner.
- We ensure the procurement policies for facilities and services from third parties ensure the safety of students.
- We will monitor compliance with and continuously improve the effectiveness of our child safe strategies.

In fulfilling its commitment as a child safe organisation, the ***Child Safety Policy*** and this procedure outlines the Institute's Child Safe obligations and responsibilities and the Institute's Child Safe implementation guidelines including the strategies to prevent or minimise risks to child abuse.

## 2. SCOPE

This procedure applies to persons that undertake child connected work in Institute environments. This procedure applies to all Institute staff as defined by the Victorian Child safe Standards.

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

All governing and leadership team members, staff, volunteers, students over the age of 18 years, contractors including student advocates and homestay hosts are responsible for building and maintaining our child safe culture, taking steps to prevent child abuse and operating in a manner consistent with the ***Child Safety Policy and Procedure***.

Visitors, affiliates, contractors and consultants, appointed or engaged by the Institute, to perform functions and/or recognised for their contribution to the Institute and other persons that younger

students may interact with on activities organised by the Institute must be aware of and comply with the ***Child Safety Policy and Procedure***.

### 3. DEFINITIONS

#### ***Aboriginal***

*The term Aboriginal is inclusive of Aboriginal and Torres Strait Islander peoples.*

#### ***Child or young person or younger student***

The term child or children and younger student includes both children and young people under the age of 18 years.

#### ***Child abuse***

Child abuse is defined in the Child Wellbeing and Safety Act 2005 (Vic) as including:

- a sexual offence committed against a child
- an offence committed against a child under section 49M(1) of the Crimes Act 1958 (Vic), such as grooming
- physical violence against a child
- causing serious emotional or psychological harm to a child
- serious neglect of a child

Harm is damage to the health, safety or wellbeing of a child, including as a result of child abuse by adults or the conduct of other children. It includes physical, emotional, sexual and psychological harm. Harm can arise from a single act or event and can also be cumulative, that is, arising as a result of a series of acts or events over a period of time.

#### ***Child safe culture***

A child safe culture means an organisation has shared attitudes, values, policies and practices that prioritise the safety of children.

#### ***Child connected work***

Work authorised by the Institute and performed by an adult in any Institute environments where children are likely to be present or engaged.

#### ***Child safety***

Child safety encompasses matters related to protecting all children from all forms of child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

#### ***Concerns and complaints***

A concern refers to any potential issue that could impact negatively on the safety and wellbeing of children. A complaint is an expression of dissatisfaction to an organisation related to one or more of the following:

- the organisation's services or dealings with individuals

- allegations of abuse or misconduct by a staff member, a volunteer or another individual associated with the organisation
- disclosures of abuse or harm made by a child
- the conduct of a child at the organisation
- the inadequate handling of a prior concern
- general concerns about the safety of a group of children or activity.

### ***Cultural safety***

Cultural safety is the positive recognition and celebration of cultures. It is more than just the absence of racism or discrimination and more than ‘cultural awareness’ and ‘cultural sensitivity’. It empowers people and allows them to contribute and feel safe to be themselves.

### ***Culturally and linguistically diverse***

Culturally and linguistically diverse is a broad and inclusive term for communities with diverse language, ethnic background, nationality, dress, traditions, food, societal structures, art and religion characteristics.

### ***Disclosure***

A disclosure is the process by which a child conveys or attempts to convey that they are being, or have been, abused. Disclosure can be verbal, non-verbal or indicated through behaviour. A disclosure may be accidental or intentional, partial or complete and victims may disclose in different ways to different people throughout their lives.

### ***Empowerment***

Empowerment is building up children and strengthening their confidence in themselves and in an organisation. It involves equipping children with the skills and knowledge to make informed decisions and enabling them to increase control of their lives.

### ***Families***

Families means people who make up the family unit for a child. Families may be made up of a wide variety of relationships, including those who are related by blood, marriage, adoption, kinship structures or other extended family structures. Families may include people who share in the daily tasks of living or share a very close, personal relationship.

### ***Failure to disclose sexual offence committed against child under the age of 16 years offence***

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.

### ***Failure to protect from a sexual offence***

The Executive team members who become aware that an adult associated with the school (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 school, 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 Institute. 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.

### ***Grooming***

Grooming refers to predatory conduct undertaken by an adult (18 years or over) to prepare a child for sexual activity at a later time. It is a sexual offence under section 49M of the Crimes Act 1958 (Vic.) carrying a maximum 10-year term of imprisonment.

### ***Inclusive environment***

An inclusive environment:

- value all children
- respect their rights
- challenge all forms of discrimination
- understand and respond to the needs and capabilities of all children and their families, including Aboriginal children and their families
- adjust their approaches to ensure all children feel safe, welcome and can participate.

### ***Institute Environments***

Institute environments means any physical or virtual place made available by the Institute for use by a child for teaching, learning or Institute activities, including:

- the campus;
- Online learning environments; and
- Other physical environments where the Institute operates or conducts activities.

Physical environments are the physical places where an organisation operates or conducts activities, such as a building, facility or space and includes physical environments operated by third parties such as student advocates and homestay accommodation.

Online environments are any technological platforms which an organisation uses or controls, such as computers, phones, websites, intranet, email, social media and video conference facilities regardless of where such platforms may be accessed by students.

### ***Reportable Conduct***

As listed in the Child Wellbeing and Safety Act 2005, “reportable conduct” include:

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that causes significant emotional or psychological harm
- significant neglect.

### ***Sexual abuse prevention programs***

Sexual abuse prevention programs refer to age appropriate programs and education delivered to children to build their knowledge and skills to understand inappropriate behaviour by adults and other children, help protect themselves from potentially abusive situations, and become aware of how to seek help in the event of abuse or attempted abuse. Persons delivering formal sexual abuse prevention programs or education should be appropriately skilled and trained.

### ***Staff***

Staff means a person engaged by an organisation as an employee, worker, contractor, labour hire worker, officer or office holder, minister of religion or religious or pastoral leader, regardless of whether that person’s role relates to children.

### ***Volunteer***

Volunteer means any person engaged by or a part of an organisation who provides a service without receiving a financial benefit, regardless of whether their role relates to children. ‘Volunteers’ for the purpose of the Standards includes foster carers and kinship carers. There is no minimum period of engagement to be considered a volunteer.

### ***Younger student***

A student under the age of 18 years.

## **4. PROCEDURE**

4.1 The Executive Management team and all staff have a legal and/or moral responsibility in the prevention and reporting of child abuse and neglect. The following table identifies the roles of those who are responsible for the procedure.

| Responsible for:  | Who is responsible?       |
|---|---------------------------|
| Development of Strategies to embed an organisational culture of child safety including seeking feedback from staff, students and their families                                 | Executive Management Team |
| Development of a child safety policy framework including child safe policy, child safety code of conduct, screening, supervision, training, and other human resources policies, | Executive Management Team |

| Responsible for:  | Who is responsible?   |
|---|---|
| procedures for responding to and reporting suspected child abuse, strategies to identify and reduce or remove risks of child abuse and strategies to promote child participation and empowerment. |   |
| Designated Child protection officer to support all staff and students with this policy  | Head of Marketing and Student Experience  |
| Ensuring the Executive Management Team and staff are appropriately screened and selected  | President and CEO   |
| Coaching staff on risks and ensuring new and existing Governing Board members, Executive Management Team members and staff are provided with regular professional development                     | Executive Management Team   |
| Complete all required professional development including in respect to cultural safety and comply with the Child safe policies and code of conduct  | Executive Management Team and all staff, visitors, volunteers and students          |
| Monitoring staff suitability for child connected work   | Academic Dean and Head of Marketing and Student Experience                          |
| Ensuring the College implements the child empowerment strategies  | Executive Management Team   |
| Promptly managing the response to an allegation or disclosure and ensuring that it is taken seriously.  | Executive Management Team   |
| Encouraging students to speak up and responding appropriately to a child who makes or is affected by an allegation of child abuse.  | All staff.  |
| Reporting an incident   | All staff<br>with support from the Designated Child protection officer              |
| Protect any child connected to alleged child abuse until the allegation is resolved.  | Primary: Head of Marketing and Student Experience<br>Alternative: Other EMT members |
| Monitoring school compliance with this policy.  | Executive Management team including the Principal                                   |
| Make, secure and retain records   | All staff<br>Head of Marketing and Student Experience                               |
| Reviewing this procedure  | Executive Management Team   |

## Standard 1 Culturally safe environment for Aboriginal children

- 4.2 The Institute will provide all staff and students with knowledge of the strengths of Aboriginal cultures, so that they can appreciate the role of culture in the wellbeing and safety of Aboriginal children and young people including:
- Awareness of the importance of encouraging and actively supporting any aboriginal person's ability to express their culture and enjoy their cultural rights.
  - Equipping all members of the Institute's community to acknowledge and appreciate the strengths of Aboriginal culture and understand its importance to the wellbeing and safety of Aboriginal children and young people.
  - The Institute's ***Anti-Discrimination Policy and Procedure*** ensures that racism within the Institute is identified, confronted and not tolerated. Any instances of racism are addressed with appropriate consequences.
  - The Institute will actively support and facilitate participation and inclusion within it by any Aboriginal younger students and their families.
  - The Institute's policies, procedures, systems and processes together create a culturally safe and inclusive environment and meet the needs of Aboriginal younger students and their families.

## Standard 2 Child safety organisational leadership, governance and culture

### ***Child Safety Commitment Promotion***

- 4.3 The Institute makes a public commitment to child safety. The Institute's ***Child Safety Policy and Procedure*** are published on the Institute's website.

### ***Child Safety is Championed and Modelled***

- 4.4 The Institute's child safe culture is championed and modelled by the Executive Management Team and all staff.
- 4.5 The Child Safe code of conduct is in the ***Child Safety Policy*** and the ***Staff Code of Conduct Policy and Procedure*** to provide guidelines for staff on expected behavioural standards and responsibilities. All staff are informed about the policies as part of their induction.

### ***Child Safety Risk Management***

- 4.6 The EMT ensures that the Institute develops and implements risk management strategies as detailed in the ***Risk Management Framework Policy***.
- 4.7 The risk management process includes Child Safe risk identification, assessment, implementation of controls and a monitoring and review process to ensure the currency of the Child Safe risk management approach.



- 4.8 The EMT will identify and analyse child safe risk. Identifying risk involves an assessment of all Institute environments. The process includes review of any previous incident reports.
- 4.9 The identified risks factors will be analysed and evaluated in terms of the possible consequences and the likelihood of the risk occurring, taking account of the increased level of risk associated with the specific nature of some activities and the vulnerability of particular groups.
- 4.10 The EMT will discuss control and mitigation actions required for each risk factor and allocate appropriate staff with risk oversight and management responsibility.
- 4.11 The outcomes from the risk management activities will be recorded in the Risk register. The Risk Register records all the risk factors that have been identified along with the associated risks. It records how the Institute controls these risks and who has oversight of and responsibility for risk management activity.
- 4.12 The risk register is reported to the Executive Management team, the Audit and Risk Committee, the Academic Board and the Governing Board.
- 4.13 As effective child safe risk management strategies are dynamic and change over time as new risks arise and others may no longer be relevant, the EMT will monitor and review the risk register annually to ensure that it includes all situational child abuse risks and monitoring the effectiveness of the controls as outlined in the policy.

### Standard 3 Younger students are empowered

- 4.14 The Student Experience staff, many of whom are bilingual, will provide a specific orientation session for younger students that provides information about their right to safety, information about their rights and that their participation and feedback is encouraged and will be responded to.
- 4.15 All students, including younger students, will be encouraged to engage in Institute activities and build friendships in the student cohort. The importance of friendships is recognised by the Institute and where a younger student has an issue, support from peers will be encouraged to help younger students feel safe and be less isolated.
- 4.16 All students including, younger students, are offered access to the Institute's Sexual Assault and ***Sexual Harassment Policy and Procedure*** and sexual abuse prevention program in an age-appropriate way.
- 4.17 The theme of Ethics and Social Responsibility is also comprehensively covered in a first-year compulsory core unit.
- 4.18 All staff are provided with training to attune them to signs of harm and facilitate child-friendly ways for younger students to express their views, participate in decision-making and raise their concerns.

- 4.19 The Student Experience staff have meetings with and regularly collect feedback from younger students. The Institute provides opportunities for younger students to participate and are responsive to their contributions, thereby strengthening confidence and engagement.
- 4.20 The Student Experience staff will support, enable and encourage staff, parents and younger students to understand, identify, discuss and report child safety matters.
- 4.21 The Student Experience staff will ensure that there is respect and support younger students who disclose or are otherwise linked to suspected child abuse.

#### **Standard 4 Families and communities are informed and involved**

- 4.22 The EMT in developing and reviewing this policy and procedure have been sensitive to the diversity and characteristics of the school community which mainly consists of families from culturally diverse backgrounds.
- 4.23 Families are made aware of that the Institute publicly promotes the child safe policy and procedures on the website.
- 4.24 The Student Experience staff will seek feedback from families and the community about the child safe policies and incorporating that feedback in policy review processes, so the community have a say in the development and review of policies and practices related to child safety and wellbeing.
- 4.25 Student Experience staff will ensure that families participate in decisions related to child safety and wellbeing which affect their child.

#### **Standard 5 Equity is upheld and diverse needs of younger students are respected**

- 4.26 The EMT ensure that the Institute has developed and implemented policies and procedures that are culturally safe, accessible and easy to understand and have a focus on ensuring that equity is upheld, and the diverse needs of younger students are respected. Please see:
- ***Anti-Bullying and Harassment Policy and Procedure***
  - ***Anti-Discrimination Policy and Procedure***
  - ***Diversity and Equity Policy and Procedure***
  - ***Sexual Assault and Sexual Harassment Policy and Procedure***
  - ***Student Grievances and Appeals Policy and Procedure***

#### **Standard 6 People are suitable and supported to keep younger students safe and Standard 8 Staff are equipped to keep younger students safe**

- 4.27 The Institute's Human resource practices include child safe screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel. Please see:
- ***Human Resources Policy and Procedure (Manual)***
  - ***Academic Staff Professional Development Policy and Procedure***

- ***Professional Staff Professional Development Policy and Procedure***

- 4.28 It is a requirement that all governing board members, staff, volunteers, contractors, parents/ guardians/ care giver/homestay, students over the age of 18 years and any other member of Institute interacting with underage students to formally accept in writing and adhere to this procedure, the Child Safety Code of Conduct, and the reporting guidelines.
- 4.29 An induction and ongoing training in Child Safe policies and procedures is provided to governing board members, staff, volunteers, contractors, parents/ guardians/ student advocates, homestay hosts and any other members of the Institute.
- 4.30 The Institute's Human resource practices include annual child staff training that includes:
- How to effectively implement the ***Child Safety Policy*** and this procedure.
  - How to recognise indicators of child harm including harm caused by other children and young people.
  - How to respond effectively to issues of child safety and wellbeing and support colleagues who disclose harm.
  - Building a culturally safe environments for all students including younger students.
  - The obligations on information sharing and record keeping.

#### **Standard 7 Processes for complaints and concerns are child focused.**

- 4.31 The designated child protection officer for the Institute is the Head of Marketing and Student Experience. As an alternative, the Executive team, including the President and CEO, are available to support staff.
- 4.32 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.
- 4.33 All staff are expected to be able to recognise the physical or behavioural signs of child abuse (see Appendix 1). 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.
- 4.34 All staff must act as soon as they witness and incident of form a reasonable belief that younger student has been or is at risk of being abused. The Institute 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.
- 4.35 There are critical actions that should be taken:
- Respond to an emergency
  - Report to authorities

- Contact parents or carers
- Provide ongoing support

### ***Respond to an emergency***

- 4.36 All adults performing child connected work must act as soon as they witness an incident or form a reasonable belief that a child has been or is at risk of being abused. The response to reports of suspected abuse will be the same no matter how the staff member feels about the younger student's disclosure, or the person or persons implicated in their disclosure.
- 4.37 If a child's health and safety is in immediate danger, phone emergency services on 000.
- 4.38 To report concerns about the immediate safety of a child after hours, call the After Hours Child Protection Emergency Service: 13 12 78.
- 4.39 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 and Student Experience, for future liaison with police.
- 4.40 Where there is any suspicion of child safe risks in respect to a younger student living in a homestay arrangement, the Student Experience will immediately move the younger student to another arrangement where the student will be safe. The homestay will no longer be used by the Institute.
- 4.41 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:
- 4.42 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.
- 4.43 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.

4.44 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.

### ***Respond to allegation of child abuse***

4.45 Staff are permitted to share certain information about a younger student who has been impacted by abuse.

4.46 Where an incident of suspected child abuse occurs in an Institute 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

4.47 For any child safe incident, the Head of Marketing and Student Experience 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>

4.48 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.

4.49 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).

4.50 If a current or previous 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.

4.51 If a parent, legal guardian or a member of the community says the child has been abused in a Institute environment or raises a concern

- Explain that the College 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.
- 4.52 If a homestay provider or member of the community has witnessed a child being abused in a Institute 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.
- 4.53 There may be concerns or complaints about the school staff management of an incident, in particular by parents/carers. This is a very stressful time for parents/carers, and concerns that they do not believe have been dealt with fairly may quickly escalate. The ***Student 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***

- 4.54 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.
- 4.55 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
- 4.56 There is no requirement to report rumours or unfounded suspicions.
- 4.57 The staff member should report the incident to the Institute’s designated child protection officer 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 Head of Marketing and Student Experience or any other EMT member is recommended.

- 4.58 The Head of Marketing and Student Experience, as 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.
- 4.59 If the source of suspected abuse comes from within the Institute (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 Head of Marketing and Student Experience (Child Protection Officer) who is available to assist the staff member with reporting obligations.
- 4.60 If the source of suspected abuse comes from within the family or community you 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.
- 4.61 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.
- 4.62 A new report must be made to the Head of Marketing and Student Experience 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.



- 4.63 The Head of Marketing and Student Experience will report internally to the President and CEO (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
- 4.64 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 Head of Marketing and Student Experience who is available to assist the staff member with reporting obligations.
- 4.65 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/>
- 4.66 Where an incident of suspected child abuse occurs on campus, Head of Marketing and Student Experience will take action to preserve any items that may amount to evidence of the abuse.

### ***Child Protection process***

- 4.67 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.
- 4.68 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.
- 4.69 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.
- 4.70 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.

- 4.71 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.
- 4.72 After an investigation has been undertaken, Child Protection will decide whether the report has been substantiated and protective intervention is required.
- 4.73 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.
- 4.74 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.
- 4.75 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.

### ***Contact Parents/ Guardians or carers***

- 4.76 In many cases where it is suspected that a child has been, or is at risk of being abused, it is extremely important that parent(s)/ guardian(s) are notified as soon as practicable. However, there are some circumstances where contacting them may place a child at greater risk.
- 4.77 Before contacting the child's parent, the Head of Marketing and Student Experience (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.
- 4.78 The Head of Marketing and Student Experience 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.
- 4.79 Where advised to be appropriate, the College 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.

- 4.80 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 DHHS Child Protection and/or the police officer who is investigating
  - provide information on whether they are likely to be contacted by DHHS 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. School staff can make referrals to student support services or other wellbeing staff based at the school.
  - 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*

- 4.81 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.
- 4.82 In order to protect or support a child, the staff member should contact the Head of Marketing and Student Experience who will arrange for suitable counselling and other support.
- 4.83 The Student Experience 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.

- 4.84 Before, during, and after the Child Protection process, College 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 Experience staff, Academic 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
- 4.85 All children (including children who are alleged to have perpetrated abuse) must be independently supported in any interviews conducted by Victoria Police or DHHS Child Protection at the Institute. Where possible and appropriate the child's parent/carer should be present for these interviews. However, if this is not appropriate or practicable the President and CEO or Head of Marketing and Student Experience may be identified as the independent person or support person for the child for the purpose of the interview.
- 4.86 It can be stressful for other children involved in any incidents, disclosures or suspicions of child abuse. The Head of Marketing and Student Experience will ensure that other impacted children are offered and provided appropriate support.
- 4.87 It can also be stressful for staff involved in any incidents, disclosures or suspicions of child abuse. The President and CEO will ensure that impacted staff members are supported and help them to access necessary support.

### ***Where staff are involved in an incident***

- 4.88 If the Head of Marketing and Student Experience becomes aware that an adult associated with the Institute (employee, contractor, visitor) poses a risk of child abuse to any child under their care, the Head of Marketing and Student Experience will take all reasonable steps to remove or reduce that risk.

4.89 The *Human Resources Policy and Procedure* set out the processes that are followed.

### ***Records of Allegations or Disclosures of Suspected Child Abuse***

4.90 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.

4.91 All records relating to a disclosure or allegation must be retained by the Institute in compliance with its *Records Management Policy and Procedure*.

### ***Reportable Conduct Scheme***

4.92 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.

4.93 The President and CEO 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.

4.94 While the President and CEO has the reporting obligation. The Head of Marketing and Student Experience 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.

4.95 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).<sup>1</sup>

4.96 Within three business days of becoming aware of a reportable allegation, the Head of Marketing and Student Experience 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.

4.97 The Head of Marketing and Student Experience will liaise with police to determine whether an investigation will be conducted. An investigation by Victoria Police into criminal or potentially

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<sup>1</sup> 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>>.

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](http://www.police.vic.gov.au)).

- 4.98 When an investigation into the reportable allegation is permitted, the investigation may be conducted by an external independent investigator. The EMT 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.
- 4.99 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.
- 4.100 The Head of Marketing and Student Experience will inform the Commission of who will conduct the investigation.
- 4.101 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.
- 4.102 The key steps in the investigation will include:
- Understanding the issues
  - Planning the investigation
  - Coordinating the investigation
- 4.103 The balance of probabilities as the standard of proof steps must be applied. This means that an investigation will consider whether it is more likely than not that 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.
- 4.104 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.

- 4.105 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.
- 4.106 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.
- 4.107 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.
- 4.108 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.
- 4.109 After the investigation has concluded, the EMT 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.

## Standard 9 Physical and online environments promote safety and wellbeing

- 4.110 As part of the Institute's risk management process, staff identify and develop plans to mitigate risks in the online and physical environments. Risk management plans consider risks posed by the organisational setting, activities and the physical environment.
- The online environment is used in accordance with the ***Staff Code of Conduct Policy and Procedure*** and the ***Student Code of Conduct Policy and Procedure*** and this ***Child Safety Policy and Procedure***.

4.111 The Institute's procurement policies ensure the safety of younger students. The ***Younger Student Policy and Procedure*** sets out the process for selecting and monitoring third party providers.

## **Standard 10 Child Safe practices are regularly reviewed and improved**

- 4.112 The Executive Management Team will ensure that the implementation of this procedure is regularly reviewed and improved.
- There is review, evaluation and improvement child safe practices as part of the three-year review process.
  - All Institute complaints, concerns and safety incidents are analysed to identify causes and systemic failures to inform continuous improvement.
  - There will be reporting on the findings of reviews of this procedure to all staff, the community and families, and younger students.

## **Standard 11 Policies and procedures document the Institute's child safe practices**

- 4.113 This procedure documents how the Institute is safe for younger students.
- The procedure addresses all Child Safe Standards.
  - The child safety procedure is fully documented and has been designed to be easy to understand.
  - Best practice models and stakeholder consultation informs the development of the procedure.
- 4.114 The EMT members have responsibility for championing and modelling compliance with this procedure.
- 4.115 Staff are provided with an induction and training to ensure that they understand and implement the procedure.

## **5. QUALITY ASSURANCE**

To ensure that policy is fit for purpose and meet the requirements of the HES Threshold Standards the policy will be;

- 5.1 internally endorsed by the Executive Management Team on development or review, prior to approval by Governing Board, or the Academic Board or other delegated authority;
- 5.2 externally reviewed as part of any independent review of the HES Threshold Standards approved by the Governing Board;
- 5.3 internally reviewed by the Responsible Officer every three years from the date of approval (if not earlier);
- 5.4 referenced to the applicable HES threshold Standard and/or other legislation/regulation.



## 6. FEEDBACK

Feedback or comments on this procedure is welcomed by the listed Responsible officers of the Institute.

## 7. ACKNOWLEDGEMENT

This procedure was developed with reference to the following:

- Melbourne University, Child Safety Policy, 2022 ([Child Safety Policy \(unimelb.edu.au\)](http://unimelb.edu.au))
- Monash University, Child Safe Standards Framework, 2022 ([Child-Safe-Standards-Framework-2022-14.06.22.pdf \(monash.edu\)](http://monash.edu))
- Commission for Children and Young People, Information and website resources ([CCYP | Resources and support for the Child Safe Standards](http://CCYP))
- Victorian Department of Education, Protect information and website resources ([PROTECT | Victorian Government \(www.vic.gov.au\)](http://PROTECT))
- The Ozford College Child Safe Policies and Procedures (see Ozford website)

## 8. VERSION CONTROL

| Version                                     | Date approved   | Description  | Approved by |
|---|---|--|-------------|
| 1.0   | December 2020   | Initial issue  | EMT         |
| 1.1   | July 2022   | Updates to positions and changes to address the revised Child safe standards | EMT         |
| 2.0   | April 2023  | Internal Review  | EMT         |
| 2.1   | September 2023  | Internal review – minor formatting changes and add external referencing      | EMT         |
| Related legislation/<br>regulation/standard | Tertiary Education Quality and Standards Act 2011<br>Higher Education Standards Framework (Threshold Standards) 2021<br>Education Services for Overseas Students Act (ESOS) 2000<br>Education Services for Overseas Students Regulations 2019<br>The National Code of Practice for Providers of Education and Training to Overseas Students 2018 Standards 5<br>The Victorian Child Safe Standards<br>Child Wellbeing and Safety Act 2005<br>Children, Youth and Families Act 2005<br>Occupational Health and Safety Act 2004<br>Crimes Act 1958 (Vic)<br>Sexual offence Crimes Act 1958<br>Racial Discrimination Act 1975 (Cth)<br>Sex Discrimination Act 1984 (Cth)<br>Disability Discrimination Act 1992 (Cth) |  |             |

|  |   |
|--|---|
|  | Disability Standards for Education 2005 (Cth)<br>Australian Human Rights Commission Act 1986 (Cth)<br>Workplace Gender Equality Act 2012 (Cth)<br>Age Discrimination Act 2004 (Cth)<br>Fair Work Act 2009 (Cth)<br>Victorian Legislation<br>Equal Opportunity Act 2010<br>Racial and Religious Tolerance Act 2001 (VIC)<br>Spent Convictions Act 2021 |
|--|---|

EMT = Executive Management Team

## Appendix 1 Identifying Signs of Child Abuse and Harm

The Institute's *Child Safety Policy and Procedure* covers all forms of child abuse.

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.<sup>6</sup> 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.<sup>16</sup>

## **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 \(ccyp.vic.gov.au\)](#)

## 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 \(police.vic.gov.au\)](https://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

Management staff, who become aware that an adult associated with the Institute (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 College. 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. At the College, all Executive 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 in a school should not be allowed to attend overnight camps as a parent helper.