

## RESPONDING TO AND REPORTING ALLEGATIONS OF SUSPECTED CHILD ABUSE POLICY

<b>Approving authority</b>	Executive Management Team
<b>Purpose</b>	This policy and procedure has been developed to ensure that Ozford appropriately responds to and reports allegations of suspected child abuse.
<b>Responsible Officer</b>	Academic Director/Principal
<b>Associated documents</b>	<ul style="list-style-type: none"> <li>• Child Safety Policy and Procedures</li> <li>• Child Safe Risk Management Policy and Procedures</li> <li>• Younger Students Policy and Procedures</li> <li>• Mandatory Reporting Policy</li> <li>• Student Support &amp; Services Policy &amp; Procedures</li> <li>• Homestay Policy and Procedures</li> <li>• Human Resources Policy</li> <li>• Record Management Policy</li> </ul>

### 1. RATIONALE

Ozford has zero tolerance to child abuse and is committed to the protection and wellbeing of all children in its school environment.

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.

This policy addresses the requirements of the Victorian Child Safe Standards and the Ministerial Order No. 870 - Child Safe Standards - Managing the Risk of Child Abuse in Schools. 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).

This policy also covers the Reportable Conduct Scheme where Ozford is required to notify the Commission for Children and Young People of all allegations of reportable conduct by employees and volunteers.

This policy is developed based on Department of Education and Training's Guidance for Provider available at the DET website:

<https://www.education.vic.gov.au/about/programs/health/protect/Pages/vetguidance.aspx>

### 2. SCOPE

This policy and procedure apply to allegations or disclosures of child abuse by or in relation to a child, school staff member, volunteer, contractor, parent/ guardian/ care giver/ homestay or any other persons (including students) while connected to a school environment.

It must be applied in any circumstance where there is an incident, allegation or a suspicion is formed that a student is victim to a student sexual offence and/or a student has committed a sexual offence. This includes suspected offences that have taken place outside of school grounds and hours.

All adults working/connected to the school environment have a moral and legal obligation and a Duty of Care to protect any child under their care from foreseeable harm (not just staff who are classified as

mandatory reporters). School staff must respond to any reasonable suspicion that a child has been, or is at risk of being abused.

This policy and procedure does not replace any responsibilities under Mandatory reporting or Duty of Care Obligations and should be read in conjunction with those Oxford policy and procedures.

### 3. Policy

- 3.1 Oxford has zero tolerance to child abuse and is committed to the protection and wellbeing of all children in its school environment.
- 3.2 Oxford promotes this policy and procedures on its website.
- 3.3 All staff members have a legal and/or moral responsibility in the prevention and reporting of child abuse and neglect.
- 3.4 Oxford is committed to respond, report to all incidents, disclosure and suspicions of child abuse.
- 3.5 Child abuse can take many forms:

- Physical Child Abuse

Physical child abuse can consist of any nonaccidental infliction of physical violence on a child by any person. Examples of physical abuse may include beating, shaking or burning, assault with implements and female genital mutilation.

- Child Sexual Abuse

Child sexual abuse: is when a person uses power or authority over a child to involve them in sexual activity can include a wide range of sexual activity including fondling the child's genitals, oral sex, vaginal or anal penetration by a penis, finger or other object, or exposure of the child to pornography. Child sexual abuse may not always include physical sexual contact and can also include non-contact offences, for example: talking to a child in a sexually explicit way sending sexual messages or emails to a child exposing a sexual body part to a child forcing a child to watch a sexual act (including showing pornography to a child) having a child pose or perform in a sexual manner (including child sexual exploitation). 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, through a process of grooming.

- Grooming

Grooming is a criminal offence and occurs when an adult engages in predatory conduct to prepare a child for sexual abuse at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer. Sometimes it is hard to see when someone is being groomed until after they have been sexually abused, because some grooming behaviour can look like "normal" caring behaviour.

- 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 Child Abuse

Emotional child abuse occurs when a child is repeatedly rejected, isolated or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person, to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health.

- Neglect

Neglect includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision.

In some circumstances the neglect of a child:

- can place the child's immediate safety and development at serious risk, or
- may not immediately compromise the safety of the child, but is likely to result in longer term cumulative harm.

- 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.

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. 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.

**3.6** All staff and persons engaged by Ozford should be aware of their legal obligations. They include:

3.6.1 All school staff have a duty of care to take reasonable steps to prevent reasonably foreseeable injury to children and young people under the care. This duty includes students who are 17 years or over.

3.6.2 Certain classes of professionals who are classified as "mandatory reporters". Within a school mandatory reporters include all:

- Victorian Institute of Teaching (VIT) registered teachers, including principals
- Staff who have been granted permission to teach by the VIT
- Registered doctors and nurses
- Registered psychologists

3.6.3 Failure to disclose is a criminal 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.

3.6.4 Ozford has a responsibility to report any allegations of 'reportable conduct' raised against Ozford employees who are over 18 years to the Commission for Children and Young People (CCYP) and the alleged victim was under 18 years of age when the alleged conduct occurred. There is an allegation of reportable conduct where a person has a reasonable belief that there has been:

- a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child
- behaviour causing significant emotional or psychological harm to a child
- significant neglect of a child, or misconduct involving any of the above.

3.6.5 Failure to protect is a criminal offence. This offence applies to person in a position of authority within an organisation who:

- knows 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
- negligently fails to remove or reduce the risk of harm.

- 3.6.6 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 the Department of Health and Human Services (DHHS) Child Protection. DHHS Child Protection may make an application to the Children's Court for a therapeutic treatment order if it assesses that:
- the child is in need of therapeutic treatment; and
  - the child or the child's parent(s)/carer(s) are unable or unwilling to access treatment.

3.7 The following table identifies the roles of those who are responsible for various critical functions involved with these procedures.

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

## 4 Procedures

### 4.1 Identify Child abuse

- 4.1.1 All school staff member, must be able to recognise the physical or behavioural signs of child abuse. In many circumstances they 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 child
  - all concerns about the safety and wellbeing of a child, or the conduct of a staff member, contractor or volunteer must be acted upon as soon as practicable.
- 4.1.2 All suspicions that a child has been, or may be in danger of being abused must be taken seriously. This includes abuse that is suspected to have occurred outside of school grounds and hours. If there is a reasonable belief that a child has been, or may be at risk of being abused, the staff member must act, even if the staff member has not directly witnessed the child abuse or student sexual offending. In some circumstances, the staff member may also form a belief that a student's sexual behaviour is indicative of their own experience of child abuse. Physical or behavioural signs may be the only indication that a child is impacted by abuse.

### 4.2 Four critical actions

- 4.2.1 All staff must act as soon as they witness and incident of form a reasonable belief that a child has been or is at risk of being abused. The College must also act when a matter is reported by students, parents/legal guardians, homestay providers or any other person witnessing a child abuse incident.
- 4.2.2 There are four critical actions that should be taken:
- 1: Respond to an emergency
  - 2: Report to authorities
  - 3: Contact parents or carers

4: Provide ongoing support

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

4.3.1 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 Student Services, for future liaison with police.

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

4.4.1 As a school staff member you are permitted to share certain information about a child who has been impacted by abuse.

4.4.2 Where an incident of suspected child abuse occurs at the school, 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

4.4.3 When managing a disclosure the staff member should:

- a. listen to the child and allow them to speak
- b. stay calm and not display expressions of panic or shock
- c. use a neutral tone with no urgency and where possible use the child's language and vocabulary
- d. be patient and non-judgmental throughout
- e. highlight to the child that they are doing the right thing in telling you about what has happened and that it is not their fault
- f. do not ask leading questions, but instead, gently ask, 'What happened next?' rather than 'Why?'
- g. be patient and allow the child to talk at their own pace and in their own words
- h. not pressure the child into telling you more than they want to
- i. 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
- j. 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.

4.4.4 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).

#### 4.4.5 If a current or previous 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.

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

- Explain that Oxford 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.

#### 4.4.7 If a homestay provider or member of the community has witnesses a child being abused in a school 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.
- 4.4.8 There may be concerns or complaints about the school staff's 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. As a first step school staff must consider whether the complaint raises any concerns about unreported abuse and/or risk of abuse.
- 4.4.9 People from culturally and/or linguistically diverse backgrounds may face barriers 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. Staff need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member).
- Some children with a disability may experience barriers 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 <[www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities](http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities)>.

#### **4.5 Report to authorities**

- 4.5.1 As soon as immediate health and safety concerns are addressed all incidents, suspicions and disclosures of child abuse must be reported as soon as possible.
- 4.5.2 If the source of suspected abuse comes from within the school (this includes any forms of suspected child abuse involving a school staff member, contractor or volunteer) the staff member must:
- contact Victoria Police via your local police station. 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.
  - also report internally to the Head of Student Services or the Principal (Child Protection Officer) who is available to assist the staff member with reporting obligations.
- 4.5.3 If the source of suspected abuse comes from within the family or community you must:
- a. Report to DHHS Child Protection 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.
  - b. Report suspected sexual abuse (including grooming) to Victoria Police
  - c. Report internally to the School 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 DHHS Child Protection, Victoria Police and/or Child FIRST
    - possible steps that can be taken to contact parents (if appropriate) and support the student
- 4.5.4 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)
  - DHHS Child Protection if you believe that:

- the victim's parent/s are unable or unwilling to protect the child
  - the student who is alleged to have engaged in the student sexual offending is aged over 10 and under 15 years, is exhibiting sexually abusive behaviours, and may be in need of therapeutic treatment to address these behaviours
  - 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
- 4.5.5 Oxford is also required to report any incidents involving students under CAAW responsibility to VRQA on (03) 9637 2806 or via, email: [vrqa.schools@edumail.vic.gov.au](mailto:vrqa.schools@edumail.vic.gov.au).
- 4.5.6 Staff must make a new report in any circumstance where they become aware of any further incidents, or disclosures, or a form a new suspicion that a child is a victim of offending, or has engaged in student sexual offending. Every report is critical to protecting a child by building evidence and enabling authorities to gain a clearer understanding of the risks. This means that a report must be made to protect a child even if:
- DHHS Child Protection or Victoria Police were previously involved or are already involved with the child and/or their family
  - staff are aware that another party, such as a family member, has already raised concerns with the relevant authorities.
- 4.5.7 If the staff member feels unsure whether to take action, or what action to take, the staff member should discuss this with the Head of Student Services or the Principal.

#### 4.6 Contact Parents/ Guardians or carers

- 4.6.1 In many cases where it is suspected that a child has been, or is at risk of being abused, it is extremely important that parents/ guardian/ carers are notified as soon as practicable. However there are some circumstances where contacting them may place a child at greater risk.
- 4.6.2 Before contacting the child's parent, the Principal (or their delegate) must contact Victoria Police or Department of Health and Human Services (DHHS) Child Protection (depending on who the report has been made to). DHHS Child Protection will advise about whether it is appropriate to contact parents at this stage
- 4.6.3 The principal (or delegate) 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 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.
- 4.6.4 Where advised to be appropriate, the schools should make sensitive and professional contact with parents as soon as possible on the day of the incident, disclosure or suspicion. This enables parents to take steps to:
- prevent or limit their child's exposure to further abuse
  - ensure that their child receives the support that they require.
- 4.6.5 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. Victorian government 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.

#### **4.7 Provide ongoing support**

- 4.7.1 Experiences of child abuse can cause trauma and significantly impact on the mental health and wellbeing of children. In order to protect or support a child, the staff member should contact the Head of Student Support who will arrange for suitable counselling and other support.
- 4.7.2 The Head of Student Support and the High School Coordinator will ensure that the child is protected and supported throughout any incident involving a child abuse allegation. The school staff will:
- a. establish regular communication between staff and the child's parent/ guardian/carer (if this is appropriate) to discuss a child's progress wellbeing and the effectiveness of planned strategies
  - b. 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 school wellbeing staff, teachers, allied health professionals and where appropriate the student and/or their parent/carer)
  - c. 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).
  - d. Liaise with any allied health and wellbeing professionals engaged by the student and families
  - e. School staff will also refer to the wide range of non-school based 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.
- 4.7.3 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 school. Where possible and appropriate the child's parent/carer should be present for these interviews. However if this is not appropriate or practicable the Principal (or delegate) may be identified as the independent person or support person for the child for the purpose of the interview.
- 4.7.4 It can be stressful for other children involved in any incidents, disclosures or suspicions of child abuse. The Principal will ensure that other impacted children are offered and provided appropriate support.
- 4.7.5 It can also be stressful for staff involved in any incidents, disclosures or suspicions of child abuse. The Principals will support impacted staff members and help them to access necessary support.

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

- 4.8.1 If the Principal becomes aware that an adult associated with their organisation (employee, contractor, visitor) poses a risk of child abuse to any child under their care, the Principal will take all reasonable steps to remove or reduce that risk.

4.8.2 The Oxford Human Resources policies and procedures set out the processes that are followed.

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

4.9.1 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.

4.9.2 As soon as practicable, these should be transferred to the **Reporting Record Form**, including in addition to the details of the disclosure or allegation, the school response and action.

4.9.3 All records relating to a disclosure or allegation must be retained by Oxford in compliance with its records management procedures. Refer to Oxford's Records Management Policy section 4.7.

#### **4.10 Reportable conduct**

4.10.1 The Reportable Conduct Scheme is a child safety mechanism introduced as a result of the Betrayal of Trust report. The Principal has responsibility for reporting any allegations of 'reportable conduct' raised against employees (and contractors, volunteers, allied health workers and other office holders) who are 18 years or over to the Commission for Children and Young People (CCYP), on behalf of Oxford.

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

- a. a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child;
- b. behaviour causing significant emotional or psychological harm to a child; or
- c. significant neglect of a child, or misconduct involving any of the above.

4.10.3 On becoming aware of a reportable allegation, the staff member should advise the Principal so that the allegations can be assessed and reported to the CCYP, if appropriate.

4.10.4 The Principal has responsibility for

- a. responding to a reportable allegation made against a worker or volunteer from their organisation, by ensuring that allegations are appropriately investigated
- b. reporting allegations which may involve criminal conduct to the police
- c. notifying CCYP of allegations within three business days after becoming aware of the allegation
- d. giving CCYP certain detailed information about the allegation within 30 days after becoming aware of the allegation
- e. after the investigation has concluded, giving CCYP certain information including a copy of the findings of the investigation
- f. ensuring that Oxford has systems in place to:
  - prevent reportable conduct from being committed by a worker or volunteer within the course of their employment
  - enable any person to notify the Principal of a reportable allegation
  - enable any person to notify CCYP of a reportable allegation involving the Principal
  - investigate and respond to a reportable allegation against a worker or volunteer from Oxford.

4.10.5 The Principal must use the CCYP online form *Notify and update reportable allegations* within three business days of becoming aware of an allegation. The information required includes:

- a. Name of the worker or volunteer
- b. Date of birth

- c. Police report
  - d. Organisation contact details
  - e. Head of organisation's name
  - f. Initial advice on the nature of the allegation
- 4.10.6 When CCYP receives the report, it will acknowledge CCYP has received it, allocate a reference number and a contact person. CCYP may:
- a. contact the Principal for more information to help us assess the allegations and inform our decision making
  - b. refer the report to the VRQA to investigate
  - c. initiate its own investigation.
  - d. notify the Victorian Institute of Teaching if the allegation involves a registered teacher.
  - e. Following the completion of an investigation, CCYP may report substantiated allegations to the Working With Children Check Unit as part of ensuring individuals who pose a risk to children are not permitted to work with children, even if they do not have a criminal record
- 4.10.7 The Principal must within 30 calendar days provide information about the allegation, disciplinary or other actions undertaken, and the response of the worker or volunteer to the allegation to CCYP.
- 4.10.8 The information includes:
- a. Details of the allegation
  - b. Details of your response to the allegation
  - c. Details about any disciplinary or other action proposed
  - d. Any written response from the worker or volunteer about the allegation and the proposed disciplinary or other action
- 4.10.9 The Principal 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, Ozford 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)).
- 4.10.10 When an investigation into the reportable allegation is conducted. The process will commence as soon as practicable after the Principal becomes aware of it.
- 4.10.11 The investigation may be conducted by Ozford, the VRQA or an external independent investigator.
- 4.10.12 For any external independent investigator, Ozford will assess a potential investigator's skills and capabilities including whether they have 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.
  - confirm the investigator holds relevant licences to conduct investigations, such as those required under the Private Security Act 2004 (Vic).
  - check the potential investigator's referees 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 has conducted.

- 4.10.13 The Principal will inform the Commission of who will conduct the investigation.
- 4.10.14 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.
- 4.10.15 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.
- 4.10.16 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.
- 4.10.17 The procedures will be fair and reasonable. This will include ensuring that, before any findings are a 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.
- 4.10.18 Procedural fairness does not require that employees or others must be notified of allegations when CCYP 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. CCYP will seek any response or submissions made by the employee in response to allegations or actions, preferably in writing.
- 4.10.19 The key steps in the investigation will include:
- Understanding the issues
  - Planning the investigation
  - Coordinating the investigation
- 4.10.20 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.
- 4.10.21 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 CCYP as soon as practicable.
- 4.10.22 It is a criminal offence for the Principal to fail to comply with the three-day and 30-day notification obligations without a reasonable excuse.
- a. The Principal will provide CCYP with information about the name of investigator and contact.
  - b. The Principal will provide CCYP with outcomes of the investigation including:
    - Copy of findings and reasons for the findings
    - Details about any disciplinary or other action proposed
    - Reasons for taking or not taking action

- c. CCYP may request other documentation. Oxford will make its best endeavours to provide this information.

#### 4.11 Other Resources for staff

- 4.11.1 Staff are encouraged to use the Victorian Department of Education and Training Protect resources. The resources are available at the following link:

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

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_ChildAbuse.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf)

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT\\_Schoolstemplate.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Schoolstemplate.pdf)

- 4.11.2 Reporting Child abuse and neglect:

<https://aifs.gov.au/cfca/publications/reporting-abuse-and-neglect>

Reporting authority	Further services / information	Contact details
<a href="#">Department of Health and Human Services</a> (link is external)	The Child Protection Service is specifically targeted to those children and young people at risk of significant harm.  For information about child protection and mandatory reporting requirements in Victoria, refer to the department's <a href="#">Child Protection</a> (link is external) webpage.	For a list of regional and metropolitan phone numbers: <a href="#">Child Protection Contacts</a> (link is external)  <b>After hours child protection emergency service</b> Ph: 13 12 78

CASA Forum: <https://www.casa.org.au/assets/Documents/mandatory-reporting.pdf>

## 5 Feedback

Feedback and comments on this policy and procedure is welcomed by the listed responsible officer.

## Reporting Record Form

*IF YOU ARE MAKING A REPORT TO DHHS CHILD PROTECTION OR VICTORIA POLICE YOU MUST SEEK ADVICE BEFORE CONTACTING PARENTS/CARERS SO AS NOT TO COMPROMISE ANY INVESTIGATION OR PLACE A CHILD AT FURTHER RISK – THIS IS PARTICULARLY CRITICAL IN INSTANCES OF FAMILY VIOLENCE.*

### STAFF MEMBER LEADING THE RESPONSE

NAME:

OCCUPATION:

LOCATION (SCHOOL ADDRESS):

RELATIONSHIP TO CHILD:

## Action 1: Immediate response to an incident

**If anyone is in immediate danger school staff should report immediately to Victoria Police on 000.**

### RESPONDING TO AN EMERGENCY

DID THE CHILD REQUIRE FIRST AID? PROVIDE DETAILS IF 'YES'.

WHO ADMINISTERED THIS? (NAME AND TITLE)

DID THE CHILD REQUIRE FURTHER IMMEDIATE MEDICAL ASSISTANCE?

CURRENT LOCATION AND SAFETY STATUS:

*E.G. ARE ALL IMPACTED STUDENTS SAFE AND NOT IN ANY IMMEDIATE DANGER?*

*IF A CHILD IS IN IMMEDIATE DANGER SCHOOL STAFF SHOULD REPORT IMMEDIATELY TO VICTORIA POLICE ON 000*



**PERSONAL DETAILS**

NAME:	GENDER:
YEAR LEVEL/CLASS:	DATE OF BIRTH:
RESIDENTIAL ADDRESS:	
PARENT/CARER NAME/S:	
PARENT/CARER CONTACT:	
LANGUAGE(S) SPOKEN BY CHILD:	
DISABILITIES, MENTAL OR PHYSICAL HEALTH ISSUES:	

**CHILD'S BACKGROUND**
**CULTURAL STATUS AND RELIGIOUS BACKGROUND**

*IF THE CHILD IS OF ABORIGINAL OR TORRES STRAIT ISLANDER BACKGROUND, GOVERNMENT SCHOOLS MUST CONTACT THEIR KOORIE ENGAGEMENT SUPPORT OFFICER, AND CATHOLIC SCHOOLS MUST CONTACT THE DIOCESAN EDUCATION OFFICE TO ARRANGE CULTURALLY APPROPRIATE SUPPORT. IF THE CHILD IS AN INTERNATIONAL STUDENT YOU MUST NOTIFY THE INTERNATIONAL EDUCATION DIVISION ON (03) 9637 2990*

ANY KNOWN PREVIOUS HISTORY OF SUSPECTED ABUSE (INCLUDING EXPOSURE TO FAMILY VIOLENCE) PRIOR TO THIS INCIDENT, DISCLOSURE OR SUSPICION OR INVOLVEMENT WITH AGENCIES:

**FAMILY BACKGROUND**
**FAMILY COMPOSITION (IF KNOWN):**

*LIST PARENTING OR CARE ARRANGEMENTS AND SIBLING NAMES AND AGES*

ANY OTHER PEOPLE LIVING WITH THE CHILD (IF KNOWN):

**FAMILY BACKGROUND**

DISABILITY, MENTAL OR PHYSICAL HEALTH ISSUES IN FAMILY (IF KNOWN):

LIKELY REACTION TO A REPORT BEING MADE (IF KNOWN):

### ***Details of the incident, disclosure or suspicion***

#### **GROUNDINGS FOR YOUR BELIEF THAT A CHILD HAS BEEN, OR IS AT RISK OF ABUSE**

INDICATORS OR INSTANCES WHICH LED YOU TO BELIEVE A CHILD/CHILDREN ARE SUBJECT TO CHILD ABUSE, OR AT RISK OF ABUSE INCLUDING EXPOSURE TO FAMILY VIOLENCE:

*DETAIL ANY DISCLOSURES OR INCIDENTS OR SUSPICIONS (INCLUDING NAMES, TIMES AND DATES DOCUMENTING A CHILD'S EXACT WORDS AS FAR AS POSSIBLE). INCLUDE SPECIFIC DETAIL HERE ON WHAT LED YOU TO FORM A REASONABLE BELIEF THAT A CHILD HAS BEEN, OR IS AT RISK OF BEING ABUSED.*

ANY PHYSICAL INDICATORS OF ABUSE:

ANY BEHAVIOURAL INDICATORS OF ABUSE:

ANY PATTERNS OF BEHAVIOUR OR PRIOR CONCERNS LEADING UP TO AN INCIDENT, DISCLOSURE OR SUSPICION:

#### **DETAILS OF PERSONS ALLEGED TO HAVE COMMITTED THE ABUSE (IF KNOWN)**

NAME:

GENDER

DATE OF BIRTH:

RELATIONSHIP TO CHILD:

*NOTING IF THEY ARE WITHIN THE SCHOOL OR WITHIN THE FAMILY AND COMMUNITY (THIS WILL IMPACT ON WHO YOU REPORT TO)*

ADDRESS:

CONTACT DETAILS:

## Action 2: reporting

See Action 2 of **Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse**

### REPORTING TO AUTHORITIES

TICK THE AUTHORITIES YOU HAVE REPORTED TO:

- VICTORIA POLICE
- DHHS CHILD PROTECTION
- CHILD FIRST
- DECISION NOT TO REPORT

IF YOU'VE DECIDED NOT TO REPORT, LIST YOUR REASONS HERE. ALSO INCLUDE ANY FOLLOW-UP ACTIONS UNDERTAKEN BY YOU BELOW:

PROVIDE DETAILS OF YOUR DISCUSSIONS WITH ANY OF THE ABOVE AUTHORITIES:

DATE:

TIME:

AUTHORITY:

OUTCOMES FROM THE REPORT:

### REPORTING INTERNALLY

PROVIDE DETAILS OF YOUR DISCUSSION WITH SCHOOL LEADERSHIP

TIME:

DATE:

NAMES:

DISCUSSION OUTCOMES:

PROVIDE DETAILS OF YOUR INTERNAL DISCUSSIONS TO EITHER OF THE FOLLOWING:

TIME:

DATE:

NAMES:

DISCUSSION OUTCOMES:

### Action 3: contacting parents/carers

ACTIONS TAKEN
<b>PROVIDE DETAILS OF YOUR DISCUSSION WITH PARENTS/CARERS (IF APPROPRIATE):</b> <i>SCHOOL STAFF MUST CONSULT WITH VICTORIA POLICE AND/OR DHHS CHILD PROTECTION TO DETERMINE IF IT IS APPROPRIATE TO CONTACT PARENTS, IF IT IS, PARENTS MUST BE CONTACTED AS SOON AS POSSIBLE (PREFERABLY ON THE SAME DAY OF THE INCIDENT, DISCLOSURE OR SUSPICION). THIS IS PARTICULARLY CRITICAL IN INSTANCES OF SUSPECTED FAMILY VIOLENCE.</i>
HAVE YOU SOUGHT ADVICE FROM DHHS CHILD PROTECTION OR VICTORIA POLICE? <input type="checkbox"/> NO <input type="checkbox"/> YES
IS IT APPROPRIATE TO CONTACT PARENT/CARER <input type="checkbox"/> NO <input type="checkbox"/> YES
LIST REASONS IF IT IS NOT APPROPRIATE TO CONTACT PARENT/CARER:
IF CONTACTING PARENT/CARER, PROVIDE THE FOLLOWING DETAILS:
NAME OF STAFF MEMBER MAKING THE CALL:
NAME OF PARENT/CARER RECEIVING THE CALL:
DISCUSSION OUTCOMES:

## ACTION 4: PROVIDING ONGOING SUPPORT

PLANNED ACTIONS
<i>INCLUDE DETAIL OF WHAT FOLLOW-UP ACTIONS HAVE OCCURRED TO SUPPORT THE STUDENT (FOR EXAMPLE, REFERRAL TO WELLBEING PROFESSIONALS AND OTHER SPECIALISED SERVICES, THE CONVENING OF A STUDENT SUPPORT GROUP AND DEVELOPMENT OF SUPPORT PLANS):</i>
FOLLOW UP ACTIONS
SUPPORT:
REFERRALS(S):

## **PROCESS OF REVIEW**

COMPLETE THIS SECTION BETWEEN 4-6 WEEKS AFTER AN INCIDENT, SUSPICION OR DISCLOSURE OF ABUSE IN CONJUNCTION WITH YOUR SCHOOL LEADERSHIP TEAM.

THIS WILL SUPPORT YOU AND YOUR SCHOOL TO CONTINUE TO PROTECT CHILDREN IN YOUR CARE AND TO REFLECT ON YOUR PROCESSES AND THE NEED FOR ANY FOLLOW- UP ACTIONS.

## **SAFETY AND WELLBEING**

### **CURRENT SAFETY AND WELLBEING OF THE CHILD**

IS THE CHILD SAFE FROM ABUSE AND HARM – INCLUDING EXPOSURE TO FAMILY VIOLENCE?

- NO  
 YES

IF NOT, CONSIDER THE NEED TO MAKE A FURTHER REPORT

DOES THE CHILD HAVE ANY WELLBEING ISSUES THAT ARE NOT CURRENTLY BEING ADDRESSED?

- NO  
 YES

IF SO, CONSIDER HOW THESE CAN BE ADDRESSED AND CAPTURED WITHIN A STUDENT SUPPORT PLAN

### **CURRENT WELLBEING OF OTHER CHILDREN WHO MAY BE IMPACTED BY THE ABUSE**

ARE THERE ANY OTHER CHILDREN WHO MAY BE IMPACTED BY THE ABUSE?

- NO  
 YES

IF SO, HAVE THEIR WELLBEING NEEDS BEEN MET?

- NO  
 YES

IF SO, CONSIDER HOW THESE CAN BE ADDRESSED AND CAPTURED WITHIN A STUDENT SUPPORT PLAN

### **CURRENT WELLBEING OF IMPACTED STAFF MEMBERS**

DOES THE STAFF MEMBER WHO MADE THE REPORT/ WITNESSED THE INCIDENT, FORMED A SUSPICION OR RECEIVED A DISCLOSURE REQUIRE ANY SUPPORT?

- NO  
 YES

IF SO, HAS THIS BEEN RECEIVED?

- NO  
 YES



**REVIEW OF ACTIONS TAKEN**

**HAVE SCHOOL STAFF FOLLOWED THE FOUR CRITICAL ACTIONS FOR SCHOOLS: RESPONDING TO INCIDENTS, DISCLOSURES OR SUSPICIONS OF CHILD ABUSE?**

WAS AN APPROPRIATE DECISION MADE IN RELATION TO WHEN TO ACT?

- NO
- YES

COULD THE SUSPECTED ABUSE HAVE BEEN DETECTED EARLIER?

- NO
- YES

**ACTION 1**

DID THE SCHOOL TAKE APPROPRIATE ACTION IN AN EMERGENCY?

- NO
- YES

**ACTION 2**

WAS A REPORT MADE TO THE APPROPRIATE AUTHORITIES AND INTERNALLY?

- NO
- YES

WERE SUBSEQUENT REPORTS MADE IF NECESSARY?

- NO
- YES

**ACTION 3**

DID THE SCHOOL CONTACT THE PARENTS/CARERS ASAP?

- NO
- YES

HAVE THE PARENTS CONTINUED TO BE ENGAGED IF APPROPRIATE?

- NO
- YES

**ACTION 4**

HAS THE SCHOOL PROVIDED ADEQUATE SUPPORT FOR THE STUDENT?

- NO
- YES

HAS A STUDENT SUPPORT PLAN BEEN ESTABLISHED, IMPLEMENTED AND REVIEWED?

- NO
- YES

HAS A STUDENT SUPPORT GROUP BEEN ESTABLISHED?

- NO
- YES

WAS THE STUDENT APPROPRIATELY SUPPORTED IN ANY INTERVIEWS?

- NO
- YES

HAVE ANY COMPLAINTS BEEN RECEIVED?

- NO
- YES

HAVE THE COMPLAINTS BEEN RESOLVED?

- NO
- YES

**OTHER LEARNINGS**