



# Natte Yallock P.S. – No 1347

## CHILD SAFETY REPORTING OBLIGATIONS/MANDATORY REPORTING POLICY

### PURPOSE

The purpose of this policy is to:

- provide an outline of the child safe reporting process at Natte Yallock Primary School (NYPS) so that staff are informed of how they are to meet their mandatory obligations
- ensure that any incidents at NYPS are managed in the appropriate manner.

Natte Yallock Primary School has been entrusted with the education of the child, in partnership with parents, guardians and caregivers, who are the primary educators of their children. Staff therefore have a duty of care to students to take reasonable care to avoid acts or omissions that they can reasonably foresee would be likely to result in harm or injury to the student, and to work for the positive wellbeing of the child.

Under the *National Framework for Protecting Australia's Children 2009–2020*, protecting children is everyone's responsibility – parents, communities, governments and businesses all have a role to play.

In Victoria, a joint protocol, *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*, involving the Victorian Department of Education and Training (DET), the Catholic Education Commission of Victoria Ltd (CECV) and Independent Schools Victoria (ISV) exists to protect the safety and wellbeing of children and young people.

DET has also produced *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse and Responding to Suspected Child Abuse: A Template for all Victorian Schools*, both of which are referred to in the joint protocol. All teachers, other staff members, volunteers, contractors, other service providers, within Victoria must understand and abide by the professional, moral and legal obligations to implement child protection and child safety

Natte Yallock Primary School must comply with the legal obligations that relate to managing the risk of child abuse under the Children, Youth and Families Act 2005 (Vic.), the Crimes Act 1958 (Vic.), the Child Wellbeing and Safety Act 2005 (Vic.) and the Education and Training Reform Act 2006 (Vic.). The Child Wellbeing and Safety Act 2005 (Vic.) introduced the seven Victorian Child Safe Standards which aim to create a culture where protecting children from abuse is part of everyday thinking and practice. The Child Safe Standards were introduced in response to recommendations made by the Betrayal of Trust report. *Ministerial Order No. 870 – Managing the Risk of Child Abuse in Schools* was made under the Education and Training Reform Act 2006 (Vic.) and sets out the specific actions that all Victorian schools must take to meet the requirements in the Child Safe Standards. This policy is designed to enable Natte Yallock Primary School to comply with *Standard 5 of the Victorian Child Safe Standards: processes for responding to and reporting suspected child abuse*, as well as the

school specific requirements for procedures for responding to allegations of suspected abuse in Ministerial Order 870.

This policy is designed to assist school staff (which includes volunteers, contractors and other service providers) to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a 'reasonable belief' is formed
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law.

Child protection reporting obligations fall under three separate pieces of legislation with differing reporting requirements:

- the *Children, Youth and Families Act 2005 (Vic.)*
- the *Education and Training Reform Act 2006 (Vic.)*
- the *Crimes Act 1958 (Vic.)*.

These legislative obligations exist in addition to moral and duty-of-care obligations, which require school community members to protect any child under their care and supervision from foreseeable harm. This policy sets out the actions required under the relevant legislation and regulatory guidance when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed. It also provides guidance and procedures on how to make a report.

## 1.Types of Child Abuse and Indicators of Harm

Child abuse can take many forms. The perpetrator may be a parent, carer, school staff member, volunteer, another adult or even another child. The nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect. Therefore the legal obligations for reporting allegations of child abuse can vary depending on the circumstances of the incident.

Child abuse is defined in the *Child Wellbeing and Safety Act 2005 (Vic.)* to include:

- sexual offences
- grooming
- physical violence
- serious emotional or psychological harm
- serious neglect.

Family violence is defined under the *Family Violence Protection Act 2008 (Vic.)* to include behaviour that causes a child to hear, witness, or be exposed to the effects of family violence such as abusive, threatening, controlling or coercive behaviour. While family violence does not form part of the official definition of 'child abuse' in the *Child Wellbeing and Safety Act*, the impact of family violence on a child can be a form of child abuse; for example, where it causes serious emotional or psychological harm to a child.

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger a child is, the more vulnerable he/she is to abuse and the more serious the consequences are likely to be.

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 school 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. For full definitions of all types of child abuse, a comprehensive list of the indicators of harm and advice on identifying perpetrators of child sexual abuse refer to the protocol, *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

## 2. Sources of Child Protection Reporting Obligations

### 2.1 Children, Youth and Families Act 2005 (Vic.)

#### *Mandatory Reporting*

Mandatory reporting is a legal requirement under the Children, Youth and Families Act 2005 (Vic.) to protect children from harm relating to physical injury and sexual abuse. A child, for the purpose of the relevant parts of this Act, is any person 17 years of age or younger. The principal, teachers, medical practitioners and nurses at a school are mandatory reporters under this Act.

If, in the course of carrying out their duties, a mandatory reporter forms a reasonable belief that a child is in need of protection from physical harm or sexual abuse, and that the child's parents are unwilling or unable to protect the child, they must report that belief to DHHS Child Protection and/or Victoria Police, including the information prescribed in the, *Responding to Suspected Child Abuse: A Template for all Victorian Schools*, as soon as possible after forming the belief.

A subsequent report must be made on each occasion on which the mandatory reporter becomes aware of further reasonable grounds for the belief and even if the reporter knows that another report has been made concerning the same child and suspected abuse.

The threshold for reporting child protection incidents, disclosures, concerns or suspicions has been set deliberately low by the joint protocol *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*. This protocol focuses on Four Critical Actions (refer to Appendix 1) that all school staff must take if they form a suspicion or reasonable belief that child abuse has occurred, or that a child is at risk of suffering abuse.

#### *Reasonable Belief*

Where school staff members are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. If a staff member has witnessed potentially abusive behaviour, has a suspicion or has received a disclosure of child abuse, they must determine whether these observations or receipt of such information has caused the staff member to form a 'reasonable belief'.

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. A 'reasonable belief' might be formed if:

- a child states that they have been physically or sexually abused
- any person tells you that they believe someone has been abused; this may include a child who is talking about themselves
- you observe physical or behavioural indicators of abuse, as described in *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*
- a child or young person exhibits sexually abusive or age-inappropriate behaviour(s)
- professional observations of the child's behaviour or development cause you to form a belief that the child has been physically or sexually abused or is likely to be abused. While any indicators of possible child abuse or neglect are concerning, it is important to understand that the presence of a number of indicators that suggest either physical or sexual abuse of a child may be sufficient to form a 'reasonable belief' in a mandatory reporter's mind which must be reported.

## 2.2 Crimes Act 1958 (Vic.)

In response to the *Betrayal of Trust report* three new criminal offences have been introduced under the Crimes Act 1958 (Vic.):

- failure to disclose offence, which requires adults to report to the Police a reasonable belief that a sexual offence has been committed against a child
- failure to protect offence, which applies to people in positions of authority within organisations, who knew of a risk of child sexual abuse by someone in the organisation and failed to reduce or remove the risk
- grooming offence, which targets communication with a child or their parents with the intent of committing child sexual abuse.

### *Failure to Disclose*

**Any school staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to Victoria Police.**

Failure to disclose the information to the Police is a criminal offence under Section 327 of *the Crimes Act 1958 (Vic.)* and applies to **all adults (18 years and over)** in Victoria, not just professionals who work with children.

The obligation is to disclose that information to the Police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

Refer to Appendix 2 for more information on when to report a concern that a child or a young person has been sexually abused, or is in need of protection from sexual abuse.

For further information about the 'failure to disclose' offence, see *Department of Justice and Regulations – Failure to disclose offence and the Betrayal of Trust: Fact Sheet*.

## *Failure to Protect*

Any school staff member in a position of authority who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer, sport coach or visitor) poses a risk of sexual abuse to a child under 16, who is in the care or supervision of the organisation, must take all reasonable steps to reduce or remove that risk.

Failure to take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation is a criminal offence under *Section 49C (2) of the Crimes Act 1958 (Vic.)*.

In a school context, this will include the principal and the business manager and may also extend to school counsellors.

For further information about the 'failure to protect' offence, see *Department of Justice and Regulations - Failure to protect offence and the Betrayal of Trust: Fact Sheet*.

## *Grooming*

The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in Section 49B (2) of the Crimes Act 1958 (Vic.). The offence applies to communication with children **under 16 years**.

Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age. For further information about the 'grooming offence', see Department of Justice and Regulation – Grooming offence and the Betrayal of Trust: Fact Sheet.

For more information about managing and responding to the risk of abuse, see Responding to Student Sexual Assault and Risk Management in the Department of Education and Training resources.

## **2.3 Education and Training Reform Act 2006 (Vic.)**

From a child safety perspective, the key functions of the Education and Training Reform Act 2006 (Vic.) are to:

- require schools to notify the Victorian Institute of Teaching (VIT) when a school has taken action against a teacher
- make compliance with the Victorian Child Safe Standards a requirement for registration of all Victorian schools.

## **2.4 Duty of Care**

School staff have a duty to take reasonable steps to protect children and young persons under their care and supervision from harm that is reasonably foreseeable (this duty applies to all school staff). The question of what constitutes reasonable steps will depend on the individual circumstances of each case.

A staff member may breach their duty of care towards a student if they fail to act in the way a reasonable or diligent professional would have acted in the same situation.

For more information on the scope of staff duty-of-care obligations and examples of reasonable steps they can take in relation to suspected child abuse, refer to the protocol *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

## PROCEDURES

Natte Yallock Primary School have a moral and legal responsibility to create nurturing school environments where children and young people are respected, their voices heard and where they are safe and feel safe. Every person involved in education at NYPS has a responsibility to understand the important and specific role they have individually and collectively to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make.

### 3. Responding to and Reporting Child Protection Concerns

The approach to responding and reporting child protection concerns in the joint protocol incorporates the *Four Critical Actions for Schools*.

Refer to Appendix 1: *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*.

Before the Four Critical Actions can be followed a school staff member must first be made aware of a child protection incident that will determine if they must take action to protect a child.

#### 3.1 Becoming aware of a child protection incident

There are four main ways in which a school staff member may become aware that a child is experiencing, or is at risk of experiencing, abuse:

1. Witnessing an incident: If you witness an incident where you believe a child has been subjected to abuse you must first take immediate action to protect the safety of the child or children involved and then go straight to the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*.
2. Forming a suspicion: All suspicions that a child has been, is being, or is at risk of being abused must be taken seriously, including suspicions that the abuse is taking or may take place outside school grounds or areas. If your suspicion develops into a reasonable belief you must act and refer to the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*.
3. Receiving a disclosure about or from a current student: All disclosures must be treated seriously. You should immediately refer to the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*.

4. Receiving a disclosure about or from a former student: If the former student is currently of school age and attending a Victorian school, you must immediately refer to the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*. If the former student is no longer of school age or attending a Victorian school, you must still report the disclosure to DHHS Child Protection.

#### **Notes & Records**

Staff members are to keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse using the *Responding to Suspected Child Abuse: A Template for all Victorian Schools*. For strategies on how to manage a disclosure refer to *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

### 3.2 The Four Critical Actions

There are Four Critical Actions which must be taken when responding to and reporting a child protection incident, disclosure or suspicion:

1. Responding to an Emergency
2. Reporting to Authorities
3. Contacting Parents/Carers
4. Providing Ongoing Support

#### *Critical Action 1: Responding to an Emergency*

This first step is only applicable if a child has **just been abused** or is **at immediate risk** of harm.

If this is not the case, go straight to **Critical Action 2: Reporting to authorities**.

If the child has just been abused or is at immediate risk of harm you must take reasonable steps to protect the child, including:

- separating the alleged victim and others involved, ensuring that if the parties involved are all present at the school that they are supervised separately by a school staff member
- arranging and providing urgent medical assistance where necessary, including administering first aid or calling 000 for an ambulance
- 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.

If the child protection incident has occurred at the school, school staff should also ensure that reasonable steps are taken to preserve the environment, the clothing and other items and prevent any potential witnesses from discussing the incident until the Police or relevant authorities arrive on the premises.

#### *Critical Action 2: Reporting to Authorities*

**All forms and instances of suspected or alleged child abuse must be reported to the appropriate authority.**

As soon as critical health and safety concerns have been addressed the staff member must take steps to report the child protection incident, suspicion or disclosure as soon as practicable.

**DHHS Child Protection** is the Victorian government agency that protects children at risk of significant harm. All incidents, suspicions and disclosures of child abuse must be reported to DHHS Child Protection except where the incident involves sexual abuse or grooming, in which case it **must be reported to the Police**.

Failure to report physical or sexual abuse of a child is a criminal offence. For more information, refer to the **Failure to disclose** section of this policy.

There are different reporting procedures and authorities who must be notified depending on whether the source of the suspected or alleged abuse came from within the school or within the family or community of the child.

The DHHS and DET have deliberately set a low threshold for the formation of a 'reasonable belief'.

The *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* requires all school staff to report all incidents, suspicions and disclosures of abuse as soon as possible to the relevant authorities.

## How to Make a Mandatory Report

The table below describes the information to include when making a mandatory report about child abuse or child protection concerns. If a child is at immediate risk of harm, contact the Police immediately.

Making a Mandatory Report

Step	Description
1. Keep Notes	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> <li>• a description of the concerns (e.g. physical injuries, student behaviour)</li> <li>• the source of those concerns (e.g. observation, report from child or another person)</li> <li>• the actions taken as a result of the concerns (e.g. consultation with the principal, report to DHHS Child Protection, etc.).</li> </ul>
2. Discuss Concerns	<p>Due to the complexity of child abuse incidents, disclosures and suspicions, it is recommended that concerns and observations regarding suspected physical or sexual abuse of a child are discussed with the principal or Regional Office staff. This is not a legal requirement, however will help to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained. You should then make your own assessment about whether you are required to make a report about the child or young person and to whom the report should be made.</p> <p><b>It is important to remember that the duty to report abuse or suspicions of abuse exists even if the principal or region advises you not to proceed with reporting suspected abuse.</b></p>
3. Gather & Document Information	<p>Gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> <li>• full name, date of birth and residential address of the child or young person</li> <li>• the details of the concerns and the reasons for those concerns</li> </ul>

	<ul style="list-style-type: none"> <li>• your involvement with the child or young person</li> <li>• details of any other agencies which may be involved with the child or young person.</li> </ul> <p>This information should be collected and documented using the <i>Responding to Suspected Child Abuse: A Template for all Victorian Schools</i>. The template is to be used to record as much information as possible to provide when you make your report to either the Police or DHHS Child Protection.</p> <p>It is critical that completing the template does not impact on reporting times – <b>if a child is in immediate danger school staff need to report the matter immediately to the Police.</b></p>
4. Make the Report	<p><b>To report concerns which are life-threatening phone 000 or the Avoca police station.</b></p> <p>Where the source of the abuse comes from <b>within the school</b>; that is, the suspected or alleged abuse involves a staff member, volunteer or contractor at the school:</p> <ul style="list-style-type: none"> <li>• contact the Police. The Police will, in this case, contact DHHS Child Protection when appropriate.</li> <li>• you must also report internally to: The principal, or the Regional Office if the principal is involved in the allegation.</li> </ul> <p>Where the source of the suspected or alleged abuse comes from <b>within the child's family or community</b>, you must:</p> <ul style="list-style-type: none"> <li>• report sexual abuse and grooming to the Police</li> <li>• report the matter to DHHS Child Protection if you consider the child to be in need of protection due to child abuse, or has been, is being or is at risk of being harmed due to any form of abuse. If after hours call the <b>Child Protection Crisis Line on 13 12 78.</b></li> <li>• report internally to: the principal.</li> </ul>
5. Document Written Records of Report	<p>Make a written record of the report including the following information:</p> <ul style="list-style-type: none"> <li>• the date and time of the report and a summary of what was reported</li> <li>• the name and position of the person who made the report and the person who received the report.</li> </ul> <p>The information initially recorded in the <i>Responding to Suspected Child Abuse: A Template for all Victorian Schools</i> and any additional information provided to either the Police or DHHS Child Protection is to be stored securely and maintained for a <b>minimum of seven (7) years</b> by the school, to ensure that records are accessible upon request by external authorities investigating the matter</p>

## ChildFIRST

If you believe that a child is not subject to abuse but you still hold significant concerns for their wellbeing, **you must still act**. This may include making a referral to or seeking advice from ChildFIRST.

ChildFIRST is the Family Information Referral Support Team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to family services.

You should make a report to ChildFIRST if:

- you have a significant concern for a child's wellbeing
- your concerns are about circumstances that have a low-to-moderate impact on the child
- the child's immediate safety is not compromised
- you and the school have discussed the referral to Child FIRST with the child's parents/carers, and all parties are supportive of this decision.

**Where you believe that the child's parents/carers will not be supportive of the referral, you may refer the matter to DHHS Child Protection.**

If you are unsure of what action to take in response to your concerns about a child, speak to the principal or contact DHHS Child Protection or ChildFIRST for further advice.

For more information refer to *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

## Making Additional Reports

**After you have made a report, you may continue to suspect that a child is at risk and in need of protection. Any further observations should continue to be recorded and a report made on each separate occasion where a belief has been formed, on reasonable grounds, that a child is likely to be at risk and in need of protection.**

If there is any suspicion that this relates to a sexual offence involving a person over 18 and a child under 16 then it must be reported to the Police. For more information, refer to the *Failure to disclose* section of this policy.

Where a staff member is aware that another staff member has formed a reasonable belief about the same child on the same occasion, or based on the same indicators of abuse, and has made a report to the appropriate authority, the first staff member need not make a further report.

However, if the first staff member has formed a reasonable belief of abuse or a significant risk of abuse to the child based on different observations, further indicators or additional information, a further report must be made to the appropriate authority detailing this additional information.

## Critical Action 3: Contacting Parents/Carers

Where it is suspected that a child at the school has been, or is at risk of being abused, it is critical that parents/carers of the child are notified as soon as practicable after a report is made to the authorities.

**The school must always seek advice from the Police or DHHS Child Protection, to ensure that it is appropriate to contact the parents/carers.**

Advice from the **Police or DHHS Child Protection** will depend on a number of factors, including:

- whether the parents/carers of the child are alleged to have engaged in the abuse
- whether a disclosure to the parents/carers may result in further abuse to the child
- where the child is a mature minor (at least 17 years of age and assessed to be sufficiently mature and intelligent to make decisions for themselves) and has requested that their parents/carers not be notified – the school should insist that another responsible adult is notified in lieu of the parents/carers
- whether notifying parents/carers would adversely affect an investigation of the matter by external authorities.

Where the suspicion of abuse or risk of abuse has not yet warranted a reasonable belief, parents/carers should also be notified promptly after the school has carefully considered the factors listed above.

For detailed guidance on how to have this conversation with a parent or carer, refer to *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

### Critical Action 4: Providing Ongoing Support

Staff members who witness a child protection incident, receive a disclosure or develop a suspicion of child abuse have a critical role to play in supporting students impacted by the child protection matter, to ensure that they feel supported and safe at the school.

Support provided to students at the school includes:

- regular communication with the student and their parents/carers where appropriate
  - convening a Student Support Group of school wellbeing staff and teachers to plan, support and monitor affected students
  - the development of Student Support Plans for students impacted by the incident to ensure appropriate levels of care and support are provided depending on their involvement.
- Contact the Regional Office for a description of the range of school-based support services that may be available.

Where external authorities are investigating a report of abuse or risk of abuse, it is the role of the principal to ensure that students are supported throughout interviews at the school. The school has a duty to ensure that school staff members are supported following the witnessing of an incident or disclosure, or who have made a report to external authorities about a reasonable belief of child abuse. Staff members requiring wellbeing support can contact the school's Employee Assistance Program (EAP) provider.

The school should conduct a review of the reporting process 4–6 weeks after a report has been made to identify if any follow-up support actions are needed.

*Refer to Responding to Suspected Child Abuse: A Template for all Victorian Schools for more information.*

### 3.3 Potential Consequences of Making a Report

This table describes the potential consequences of making a report.

Potential	Description
Confidentiality	The identity of a reporter must remain confidential unless:

	<ul style="list-style-type: none"> <li>• the reporter chooses to inform the child, young person or parent of the report</li> <li>• the reporter consents in writing to their identity being disclosed</li> <li>• a court or tribunal decides that it necessary for the identity of the reporter to be disclosed, to ensure the safety and wellbeing of the child</li> <li>• a court or tribunal decides that, in the interests of justice, the reporter is required to provide evidence.</li> </ul>
Professional Protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> <li>• it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter</li> <li>• the reporter cannot be held legally liable in respect of the report.</li> </ul>
Interviews	<p>DHHS Child Protection and/or the Police may conduct interviews of children and young people at the school without their parent’s knowledge or consent.</p> <ul style="list-style-type: none"> <li>• Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.</li> <li>• DHHS Child Protection and/or the Police will notify the principal or a member of the Leadership Team of their intention to interview the child or young person on the school premises.</li> <li>• When DHHS Child Protection practitioners/police officers come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person.</li> <li>• When a child or young person is being interviewed by DHHS Child Protection and/or the Police, school staff must arrange to have a supportive adult present with the child or young person.</li> </ul>
Support for the child or young person	<p>The roles and responsibilities of school staff in supporting children who are involved with DHHS Child Protection may include the following:</p> <ul style="list-style-type: none"> <li>• acting as a support person for the child or young person</li> <li>• attending DHHS Child Protection case-planning meetings</li> <li>• observing and monitoring the child’s behaviour</li> <li>• liaising with professionals.</li> </ul>
Requests for Information	<p>DHHS Child Protection and/or Child FIRST and/or the Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.</p> <p>In certain circumstances, DHHS Child Protection can also direct school staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection. Refer to Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools.</p>
Witness Summons	<p>If DHHS Child Protection makes a Protection Application in the Children’s Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings.</p>

### 3.4 Responding to Complaints or Concerns

The school may receive concerns or complaints about school staff management of a child protection incident. These concerns or complaints may be voiced by parents/carers or others within the school community.

The school should follow its internal complaints handling process to ensure that all concerns, complaints or feedback on school policies or processes are effectively captured and appropriately managed.

It is important that, as a first step, the school ensures that the complaint does not raise concerns that child abuse or a risk of child abuse has gone unreported.

If this is the case, the school should follow the Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse to ensure that any new information received through a complaint or concern from a member of the school community is reported to authorities where required.

#### APPENDIX 2: Reporting Criteria: Failure to Disclose

In accordance with the Crimes Act 1958 (Vic.), this table sets out when to report a concern that a child or young person has been sexually abused or is in need of protection from sexual abuse.

Type of Reporting	By Whom	To Whom
<p><b>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</b></p> <p>Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to Victoria Police. You will not be guilty of an offence if you do not report in the following circumstances:</p> <ul style="list-style-type: none"><li>• The victim is 16 years of age or older and does not want the information reported to the Police. However, this exception does not apply where the victim is aged under 16 years, or is aged over 16 years and has an intellectual disability and does not have the capacity to make an informed decision about whether or not to report.</li><li>• The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner, counsellor or in religious confession to a member of the clergy. A 'counsellor' is a person who is treating a</li></ul>	Any person over 18 years of age	Victoria Police

person for an emotional or psychological condition.

**Please note that under the Children, Youth and Families Act 2005 (Vic.) the exceptions to making a disclosure under the Crimes Act 1958 (Vic.) may be overridden.**

- The victim turned 16 years of age before 27 October 2014. Reasonable excuses for failing to comply with the requirement include:
- a reasonable belief that the information has already been reported to the Police or DHHS Child Protection disclosing all of the information
- a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm.

## Related Resources

- *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*
- *Four Critical Actions for Schools Responding to Incidents, Disclosures and Suspicions of Child Abuse*
- *Responding to Suspected Child Abuse: A Template for all Victorian Schools*
- *Ministerial Order 870: Child Safe Standards*
- *The School Policy and Advisory Guide (SPAG)*
- *Mandatory Reporting eLearning Module.*

Ratified by School Council in 2018