



RESPONSE AND REPORTING PROCEDURE CHILD SAFETY

Albert Street Primary School is a Child Safe Community
At Albert Street we promote acceptance of diversity in a welcoming environment.

INTRODUCTION

In particular Albert Street:

- **Has zero tolerance for child abuse.**
- **Is committed to providing a safe environment for all children.**
- **Has systems to protect children from abuse and will take all allegations and concerns very seriously and responds to them consistently in line with our school's policies and procedures.**
- **Actively works to listen and empower children.**
- **Promotes the cultural safety, participation and empowerment of aboriginal children.**
- **Promotes the cultural safety, participation and empowerment of children from culturally/linguistically diverse backgrounds.**
- **Ensures all children with a disability are safe and can participate accordingly.**

These procedures form part of ASPS's commitment to child safety and covers all forms of child abuse, sexual assault and mandatory reporting obligations that apply to all School staff at ASPS

PURPOSE

These procedures set out how ASPS will respond to allegations of suspected child abuse where a student is alleged to be involved in an incident of child abuse either as a victim or as a perpetrator and the allegation:

- **is made by or in relation to a student, School staff, visitors or other persons while connected to the ASPS school environment;**
- **requires compliance with mandatory reporting obligations by an ASPS staff member; or**
- **leads a School staff member while undertaking child-connected work to form a reasonable belief that a sexual offence has been committed by an adult against a student under 16.**

Fulfilling the roles and responsibilities contained in these procedures is not intended to displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

ROLE AND RESPONSIBILITIES OF SCHOOL STAFF

The Principal has ultimate responsibility for managing the response of ASPS to any allegations or disclosures of child abuse and for monitoring overall school compliance with this procedure. The Principal or delegate and the Primary Welfare Officer are the key persons to whom allegations or disclosures of child abuse should be reported. They are also responsible for responding appropriately to a child who makes or is affected by an allegation of child abuse.

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RESPONDING TO ALLEGATIONS OR DISCLOSURES OF CHILD ABUSE

Upon being informed of any allegation or disclosure of child abuse all school staff must immediately inform the Principal, Principal's Delegate or Primary Welfare Officer (PWO).

School staff are not required to assess the validity of any allegations or to prove that child abuse did indeed take place before informing the Principal or PWO of the allegations or disclosure.

ASPS will act promptly and sensitively when informed of an allegation or disclosure of child abuse, whether or not the allegation or disclosure is made directly by a student.

Upon learning of an allegation or a disclosure of child abuse, the Principal/PWO will ensure that ASPS:

- Responds to the allegation or disclosure of child abuse in a timely and sensitive way provides a safe environment for the alleged victim and any other students alleged to be involved or affected
- Provides clear information to the alleged victim about what ASPS will do in response to their allegations or disclosure
- Provides appropriate support to the student who has disclosed the child abuse
- Informs the student of the obligation of ASPS to report the allegations or disclosure to the appropriate authorities
- Immediately contact the parents/carers of the alleged victim, unless it is not appropriate in the circumstances to do so
- Call for medical and/or police assistance in cases of emergency.
- Maintain detailed notes and records of all conversations, disclosures and of all follow-up actions.

INFORMING THE AUTHORITIES

Where a report is required to be made to an appropriate authority, the Principal, Principal's Delegate or the Primary Welfare Officer will manage and co-ordinate the report on behalf of ASPS.

In relation to cases of mandatory reporting, ASPS will make a report to the Victorian Child Protection Service, Department of Health and Human Services.

In relation to cases of sexual abuse or sexual assault, ASPS will report any incident to the Sexual Offences and Child Abuse Investigation Team (SOCIT) of the Victoria Police.

In cases of emergency, School staff should not hesitate to immediately contact the Victoria Police or Ambulance Victoria.

MANDATORY REPORTING OBLIGATIONS

Mandatory reporters

A mandatory reporting obligation arises under the *Children, Youth and Families Act 2005* if a mandated reporter forms the belief on reasonable grounds that, in the course of carrying out his or her duties as an employee of ASPS, a child is in need of protection.

A child is in need of protection if he or she has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from the harm.

A mandatory reporter is obliged to report his or her reasonable belief, and the grounds for the belief, to Child Protection as soon as practicable after forming the belief that the child needs protection.

The following persons employed at ASPS are mandated reporters:

- The Principal
- A registered teacher
- A person who has been granted permission to teach by the Victorian Teaching Institute

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It is the School's policy that all mandatory reports should be made through the Principal, Principal's Delegate or Primary Welfare Officer who will assist and support the staff member in relation to their reporting obligations. It is an offence to fail to make a mandatory report when the circumstances suggest that a reasonable person ought to have arrived at the belief that a child was at risk. Therefore, mandated reporters are encouraged to discuss any concern about the safety and wellbeing of students and their obligation to make a mandatory report with the Principal, Deputy Principal or PWO.

If a mandated reporter continues to hold a reasonable belief that a student is at risk, but is not supported in that view by others at ASPS, the mandated reporter should nevertheless make a mandatory report. However, it is not expected that ASPS mandated reporters would be required to face a situation where they would be required to make a report without the support of ASPS.

A mandatory reporter who makes a report in good faith is given protection by the *Children, Youth and Families Act 2005*.

In particular, if a report is made in good faith:

- Making the report does not constitute unprofessional conduct or breach professional ethics
- The reporter is not subject to any liability as a result of making the report
- Evidence in a legal proceeding that identifies the reporter, or is likely to lead to the identification of the reporter, is only admissible if the Court grants leave for the evidence to be given or the reporter consents in writing to that evidence being given.

It is also noted that mandatory reporters should not inform the parents or guardians of a child in respect of whom they have made a report to Child Protection, nor do they require their consent to do so. Child Protection will manage any relevant communications with parents and guardians when required.

Obligation to disclose a sexual offence committed against a child

All ASPS staff members who are adults who have information that leads them to form a reasonable belief that a sexual offence has been committed by another adult against a child under the age of 16 years must disclose that information to the police as soon as it is practicable to do so. Unless the adult has a reasonable excuse for not doing so, it is an offence under the Crimes Act 1958 to fail to make such a disclosure to the police. The offence carries a maximum imprisonment term of 3 years.

The offence does not concern rumour or speculation about another person or a small piece of information that may be relevant. The offence is concerned about the failure of an adult to disclose information of a sufficient quality that would lead that adult to form a reasonable belief that a relevant sexual offence has been committed. The circumstances in which an adult will have a reasonable excuse for failing to disclose information to the police include the following:

- Where the adult may reasonably fear for their safety, or the safety of the child or another person (other than the alleged offender), if the offender was to find out that the offence had been disclosed to the police and the failure to disclose the information was a reasonable response in the circumstances
- Where the adult believes on reasonable grounds that the information has already been disclosed to the police and the adult has no further information to add
- The victim, now being over 16 years of age, requests that the information not be disclosed to the police (unless the victim has an intellectual disability and does not have the capacity to make an informed decision).

If any ASPS staff member has concerns about whether they are required to disclose information to the police they should speak to the Principal or PWO as soon as possible so that assistance can be provided in relation to the staff member's obligations.

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PROTECTION OF CHILDREN CONNECTED TO ALLEGED CHILD ABUSE

ASPS will provide ongoing support within the School environment for children who are involved in allegations of child abuse and who may be vulnerable. This support may involve, as the circumstances require:

- Working collaboratively with services to develop a case plan for vulnerable children
- Working with the child's family, parents or guardians, where appropriate, to ensure the safety and welfare of the child while in the School environment
- Appointing a support staff member or members, such as PWO, to oversee the student's safety and welfare and to observe and monitor the child's behaviour and assess their ongoing needs
- Take such action as is considered necessary to protect any child connected to the alleged child abuse until the allegation is resolved, which may include removing the alleged perpetrator from the School environment or from having further contact with the child
- Ensuring that the School has accurate and relevant information about the values and child-rearing practices of the cultural group to which the child belongs so that it understands and can act within the child's cultural context.

RECORD KEEPING

Staff members should make a clear and detailed record of any disclosure or allegation of child abuse made to them. These records are to be retained and provided to the Principal or Principal's delegate and PWO.

All documentation and evidence received and collated by ASPS in relation to an allegation of child abuse, sexual assault or mandatory report will be securely stored in files under the supervision of the Principal.

The Principal will also make a confidential record of the following information:

- The date of disclosure or when the School is first advised of the allegation of child abuse or sexual assault
- The name of the person making the allegation or to whom the disclosure was made
- Details of the allegations of child abuse including the identity of the alleged abuser/s and other persons involved (such as witnesses)
- Details of the mandatory report to Child Protection
- The procedures followed by the School in responding to the disclosure or allegations and its response.

Nothing in this policy should be read as prohibiting staff from making records in relation to an allegation or disclosure of child abuse.

In certain cases the School's records and communications may be subject to legal professional privilege and therefore not subject to disclosure to others.

All personal information collected, held and stored by ASPS will be managed in accordance with the *Privacy Act 1988* (Cth) and the *Australian Privacy Principles* (APPs).

BREACH OF THIS POLICY

Any breach of this policy will be considered by the Principal or her delegate, and will be dealt with on a case by case basis.

A failure by mandated staff members to report a reasonable belief that a child is in need of protection may result in the person being prosecuted and a court imposing a fine under the Children, Youth and Families Act 2005.

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DEFINITIONS

Child - An individual who is under the age of 18 years and who is enrolled as a student at ASPS.

Child abuse

Child abuse includes:

(a) any act committed against a child involving-

(i) a sexual offence; or

(ii) the offence of grooming; and

(b) the infliction, on a child, of-

(i) physical violence; or

(ii) serious emotional or psychological harm; and

(c) serious neglect of a child.

Child-connected work

This is work that is authorised by ASPS that is performed by an adult in the ASPS school environment while children are present or reasonably expected to be present.

Child Safety

Child safety encompasses matters related to protecting all children from 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.

School Environment

The ASPS school environment is any physical or virtual place that was made available or authorised by ASPS for use by a child during or outside school hours, and includes:

(a) online school environments including email and intranet systems

(b) other locations provided by ASPS for a child's use, including locations used for school camps, sporting events, excursions, competitions and other events.

School Staff

School staff are individuals working in the ASPS school environment who are:

(a) directly engaged or employed by ASPS;

(b) a volunteer or a contracted service provider

Sexual Assault

Any unwanted sexual behaviour that causes humiliation, pain, fear or intimidation and includes offences under the Crimes Act 1958 (Vic) including rape, indecent assault, indecent act with a child and grooming.

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Sexual Offence

A sexual offence for the purposes of the reporting obligation includes the following offences committed against a child under the age of 16 by an adult and includes:

- Any attempt to commit any of these offences
- An assault with intent to commit any of these offences.

The offences include:

- Rape
- Indecent assault
- Sexual penetration of a child under 16
- Indecent act with a child under 16
- Administration of a drug with the intention of rendering the child incapable of resistance to enable a person to take part in an act of sexual penetration or commit an act of indecency with the child.

IMPLEMENTATION AND REVIEW

The School community will be informed about this policy. It will be available on publicly available on the ASPS website and communicated timely in the School's newsletters.

This policy will be reviewed at least every 2 years and otherwise as often as circumstances require.

This policy was ratified by School Council On September 1st 2017

References:

Child Safety Policy

Child Safe Standards – Ministerial Order No. 870 dated 22 December 2015

Education Training and Reform Act 2006 (Vic)

Children, Youth and Families Act 2005 (Vic)

Privacy Act 1988 (Cth)