



SOPHIA  
MUNDI

Steiner Education and IB World School

# Child Protection Policy

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## 1. Policy

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### 1.1 Policy Statement

Sophia Mundi is a child-safe school and is committed to meeting our legal duty of care to children. Every child, without discrimination, has a right to feel and be safe.

All staff employed by Sophia Mundi Steiner School are responsible for the care, safety and protection of children. This responsibility extends to the identification and timely response to concerns regarding the possible sexual, physical, psychological, emotional, racial and cultural or religious abuse or neglect of a child.

At Sophia Mundi, we do not tolerate any form of child abuse, and all allegations and safety concerns will be treated seriously and consistently with our policies and procedures.

This Policy should be read in conjunction with the Child Safety Policy which includes the Child Safety Code of Conduct.

#### Purpose of this policy

Victoria has enacted various legislations to enhance and improve child safety in the community. Schools must comply with Victorian legal obligations that relate to managing child abuse and safety concerns under the following:

- Children, Youth and Families Act 2005
- *Education and Training Reform Act 2006*
- *Victorian Institute of Teaching Act 2001*
- Child Wellbeing and Safety Act 2005 including the Child Safe Standards
- Crimes Act 1958
- Crimes Amendment (Protection of Children) Act 2014
- Children Legislation Amendment (Reportable Conduct) Act 2017
- Wrongs Act 1958

Wrongs Amendment (Organisational Child Abuse) Act 2017. This policy is designed to assist staff 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 separate pieces of legislation with differing reporting requirements. This policy sets out the actions required under the relevant legislation when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed and provides guidance and procedures on how to make a report.

### 1.2 Background

Sophia Mundi Steiner School is committed to the care, safety and protection of all children attending the school.

This document explains the actions to be taken by staff members to protect children in circumstances where abuse is suspected or when allegations of child abuse are made against staff members, children or other people in the community.

Procedures for reporting sexual abuse/assault are made in accordance with the *Children, Youth and Families Act 2005*.

All staff members have an important role in the identification and reporting of child abuse and the provision of support and assistance to children who have been abused.

Child protection and the prevention of child abuse is an across-government initiative and a shared community responsibility. This policy recognises that the best interests of children will be met by collaborating with or engaging the expertise of government agencies or non-government departments in accordance with existing protocols.

### 1.3 Definitions

Term	Definition
<b>Child</b>	A person who is under 17 years of age or, if subject to a Protection Order, under 18 years of age. Specific Acts sometimes refer to 'child' as a person under 16 or 17 years.
<b>Child abuse</b>	Any action, or lack of action, that significantly harms the child's physical, psychological or emotional health and development. Child abuse can occur within a single act or on multiple occasions and includes: <ul style="list-style-type: none"> <li>any act committed against a child involving: <ul style="list-style-type: none"> <li>a sexual offence; or</li> <li>an offence under section 49B(2) of the Crimes Act 1958 (grooming); and</li> </ul> </li> <li>the infliction on a child of: <ul style="list-style-type: none"> <li>physical violence; or</li> <li>serious emotional or psychological harm; and</li> </ul> </li> <li>serious neglect of a child</li> <li>criminal neglect and facilitating such offences by others.</li> </ul>
<b>Orange Door (Family Information Referral and Support Team)</b>	A team run by a registered community service in a local area (e.g. two or three local government areas) 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 or other services who will then try to engage the child or family. Such other services include disability, family violence, mental health and drug or alcohol treatment services
<b>Child in need of protection</b>	In Victoria, a child who has suffered or is likely to suffer significant harm due to physical injury or sexual abuse, or emotional or psychological harm (to the extent that they suffer or are likely to suffer significant emotional or intellectual damage); and/or a child who has been or is likely to be significantly harmed as a result of not being provided basic care or effective medical, surgical or other remedial care.
<b>Child Information Sharing Scheme</b>	Created under Part 6A of the Child Wellbeing and Safety Act 2005, permits the requesting and disclosure of confidential information between prescribed organisations (including schools) for the purpose of promoting the wellbeing and safety of a child or group of children.
<b>Child Protection</b>	The Victorian government agency that protects children at risk of significant harm and that is provided by the Department of Human Services (DHS) from regional offices. Child Protection has statutory powers and can use these to protect a child.
<b>Child Protection Concern</b>	A concern about the welfare of a child based on the observation of indicators or information that may lead to a belief formed on reasonable grounds that a child has been the subject of abuse.
<b>Child safe school</b>	School that takes action to protect children from physical, sexual, emotional, psychological and culture abuse and from neglect. In a child safe school, this commitment to protecting children is embedded in the organisation's culture and responsibility for taking action is understood and accepted at all levels of the organisation.
<b>Community Service</b>	A service established to provide services to meet the needs of children, young people and families requiring care, support, protection or accommodation and of families requiring support.

Term	Definition
<b>Confidentiality</b>	<p>The protection of personal, private and sensitive information. Legislations and professional codes of conduct reinforce the importance of protecting an individual's privacy and include:</p> <ul style="list-style-type: none"> <li>• Health information and identifiers for the purposes of the <i>Health Records Act 2001</i></li> <li>• Personal information for the purposes of the <i>Privacy and Data Protection Act 2014</i>, including sensitive information (such as criminal records), and unique identifiers.</li> </ul>
<b>Duty of Care</b>	<p>The duty owed by teaching staff to take reasonable care for the safety and welfare of students involved in school activities or present for the purpose of a school activity, that cannot be assigned to someone else. The duty is to take reasonable measures in all circumstances to protect students from harm that reasonably ought to be foreseen.</p> <p><i>Guidelines</i></p> <p><i>In the context of a student to student sexual assault it is important to remember that staff members have a duty of care towards all students involved, including the alleged victim, the alleged perpetrator and any other students in the school who may be affected.</i></p> <p><i>Generally a school would not have primary responsibility for the management of an incident that occurred outside the school and outside school hours where the school did not have primary care of the student, however, failure to disclose, failure to protect and reportable conduct requirements remain and it is appropriate for a school to provide pastoral care and support to a student where required during school hours.</i></p>
<b>Emotional/Psychological Abuse</b>	<p>The sustained, repetitive and ongoing maltreatment by a parent/guardian or person in authority to a child through behaviours including threatening, belittling, teasing, humiliating, bullying, neglecting, ignoring, isolating, misleading and encouragement to engage in inappropriate behaviour.</p>
<b>Failure to disclose</b>	<p>Adult failure to report to police a reasonable belief that a sexual offence has been committed against a child, unless they have a reasonable excuse for not doing so. Maximum penalty as at June 2019 is 3 years' imprisonment.</p>
<b>Failure to protect</b>	<p>Applies to people within the School who knew of a risk of child sexual abuse by someone within the organisation and had the authority to reduce or remove the risk, but negligently failed to do so. Maximum penalty as at June 2019 is 5 years' imprisonment.</p>
<b>Grooming</b>	<p>The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in <b>section 49B (2) of the Crimes Act 1958 (Vic.)</b>. The offence applies to communication with children <b>under 16 years</b>. 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. <b>Maximum penalty as at June 2019 is 10 years' imprisonment.</b></p>
<b>Indecent assault</b>	<p>Assault that is accompanied by circumstances of indecency. Examples are unwelcome kissing, touching or massaging in the area of a person's breasts, buttocks or genitals. Indecent assault can also include behaviour that does not involve actual touching, such as forcing someone to watch pornography or masturbation.</p>
<b>Mandatory Report</b>	<p>A report made to the Child Protection Service by a mandated reporter that is based on a reasonable belief that a child is in need of protection from sexual abuse or physical injury.</p>

Term	Definition
<b>Mandatory Reporter</b>	<p>All registered medical practitioners, registered nurses, members of Victoria Police and registered school teachers and principals and other select professionals who form a belief during the course of their work, either voluntary or paid, are mandatory reporters. For the purposes of the legislation, 'teacher' is defined as any person registered under the <i>Victorian Institute of Teaching Act 2001</i>, or who has been granted permission to teach under that Act.</p> <p>The mandatory reporter 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 an adult and a child under 16 then it must be reported to the police.</p>
<b>Mandatory Reporting of Child Abuse</b>	<p>Section 184 of the <i>Children, Youth and Families Act 2005</i> states that certain professionals must report their concerns for a child to Child Protection when they form the belief on reasonable grounds that the child is in need of protection because the child has suffered or is likely to suffer significant harm as a result of physical injury, emotional, psychological or sexual abuse.</p> <p>Mandatory Reporting only applies when a teacher is working in their role as teacher, either in a paid or voluntary capacity. If a belief of sexual abuse is formed outside of working hours, when not working as a teacher, failure to disclose, failure to protect and reportable conduct scheme requirements remain.. As a responsible concerned citizen, a report or contact to Orange Door can be made voluntarily.</p>
<b>Neglect</b>	<p>Neglect includes failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent where the health or development of the child is significantly impaired or placed at risk. A child is neglected if they are abandoned or left uncared for over unreasonable periods of time that is inconsistent with their age, stage and development.</p>
<b>Parent</b>	<p>Includes guardians and carers and refers to a person who at law has responsibility for the care, welfare and development of a child, and includes the spouse or partner of the child's mother or father.</p>
<b>Physical Abuse</b>	<p>Abuse perpetrated through behaviours such as beating, shaking, administration of alcohol and illicit drugs, attempted suffocation or excessive discipline or physical punishment. It does not include accidental injury.</p>
<b>Rape</b>	<p>Rape is the intentional sexual penetration by the penis, finger or an object, of the vagina, mouth or anus of another person without that person's consent. Consent is not a defence to some sexual offences, particularly those relating to the sexual exploitation of young people under the age of 16 years and people with cognitive impairment. Consent is also not a defence to sexual penetration or an indecent act with a child under the age of 18 years who is under that person's care or supervision.</p>
<b>Reasonably associated</b>	<p>As defined in section 90 of the <i>Wrongs Amendment (Organisational Child Abuse) Act 2017</i>. Includes but is not limited to an individual who is an officer, office holder, employee, owner, volunteer or contractor of the relevant organisation and delegate organisations (i.e. contracted organisations who provide care, supervision or authority over children on behalf of Sophia Mundi Steiner School).</p>
<b>Reasonable belief</b>	<p>Belief based on facts that would lead a reasonable person to think that a sexual offence has been committed. A reasonable belief is more than suspicion. There must be some objective bases for the belief, however it does not require certainty. For example, a person is likely to have a reasonable belief if they observed the conduct themselves; heard from a child that the conduct occurred; or received information from another source (including another person who witnessed the offence).</p>

Term	Definition
<b>Reportable conduct</b>	Defined within the <i>Children Legislation Amendment (Reportable Conduct) Act 2017</i> as: sexual offences, sexual misconduct or physical violence against, with or in the presence of a child; any behaviour that causes significant emotional or psychological harm to a child; and/or significant neglect of a child, that is witnessed or reasonably suspected of/by school peers, colleagues or superiors.
<b>School Activity</b>	An activity that is organised or managed by a member of the teaching staff or non-teaching staff as part of his or her duties.
<b>Sexual Abuse</b>	Any type of sexual behaviour involving a child where the child is the subject of bribery, coercion, a threat, exploitation or violence; or the child has less power than another person involved in the behaviour; or there is a significant disparity in the developmental function or maturity of the child and another person involved in the behaviour. It includes inappropriate touching, exposure to sexual acts or pornographic materials and sexual penetration.
<b>Sexual Assault</b>	Any unwanted sexual behaviour that causes humiliation, pain, fear or intimidation. Sexual assault includes rape, assault with intent to rape, and indecent assault, which are offences under the <i>Crimes Act 1958</i> .
<b>Sexual Harassment</b>	<p>Any form of sexual attention that is unwelcome, uninvited and unreciprocated, which makes a person feel humiliated, intimidated or offended. Behaviours must be considered within the developmental level of the child. Where a student is old enough to anticipate that their actions would cause distress to a person, an intention 'not to harm' is no defence. It includes:</p> <ul style="list-style-type: none"> <li>spoken or written harassment, for example, sexualised jokes or obscene remarks;</li> <li>non-verbal harassment (for example, glaring/staring/gesturing in a sexual way), presence of suggestive or sexual magazines/pictures/posters/etc on display or contained in a person's belongings; and</li> <li>electronic harassment, for example, sending sexually suggestive comments, obscene messages or jokes.</li> </ul> <p><i>Guidelines</i></p> <p><i>Where there is an allegation of student sexual behaviour that does not appear to clearly fit the definition of sexual assault, the Principal must seek advice from the Victoria Police SOCA Unit. This advice must be documented and include the reasons for the actions taken to address the report or incident. Based on the advice provided, the Principal may decide that the matter is not a sexual assault but an incident that can be dealt with by:</i></p> <ul style="list-style-type: none"> <li><i>support from the school;</i></li> <li><i>education about appropriate behaviour; and</i></li> <li><i>creation of a Behaviour Management Plan.</i></li> </ul>
<b>Staff</b>	<p>All employees of Sophia Mundi Steiner School, including both teaching and non-teaching staff, volunteers and contractors.</p> <p><b>Teaching Staff</b></p> <p>All staff who hold a teaching qualification recognised by the Victorian Institute of Teaching (VIT), or who have permission to teach and are employed in a teaching capacity.</p> <p><b>Non-Teaching Staff</b></p> <p>Non-teaching staff include but are not limited to the following positions: Principal, Bursar, Registrar, Welfare personnel, ministers of religion, office staff, assistants, library assistants and laboratory assistants, maintenance staff.</p>



Term	Definition
<b>Student Sexual Assault</b>	Includes allegations of sexual assault of a student by another student, by a child under 18 years of age who is not a student, or by an adult. Student sexual assault also refers to allegations that a student is a perpetrator of sexual assault against another student, a child who is not a student or an adult which occur where the school has primary care of the student. This includes during school hours, on school premises, or at school camps or excursions.
<b>Statutory Power</b>	A power conferred by an Act of parliament. For example, the <i>Children, Youth and Families Act 2005</i> empowers Child Protection workers to take action to protect a child by placing a child in a safe place until the matter can be heard in the Children's Court.

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## 2. Crimes Act 1958 (Vic.)

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Three criminal offences have been introduced under amendments to the Crimes Act 1958 (Vic):

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

### 2.1 Failure to disclose

All adults who form 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 police. Failure to disclose the information to police is a criminal offence under section 327 of the Crimes Act 1958 (Victoria) and applies to all adults 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. For further information about the 'failure to disclose' offence.

### 2.2 Failure to protect

Any 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 contained in 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, heads of departments and heads of school. For further information about the 'failure to protect' offence.

### 2.3 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'.

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### 3. Relevant Legislation or Authority

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- *VRQA A Guide to the minimum standards and other requirements for school registration*
- *Charter of Human Rights and Responsibilities Act 2006*
- *Child Safe Standards – Ministerial Order No 870*
- *Children, Youth and Families Act 2005*
- *Child Wellbeing and Safety Act 2005*
- *Children Legislation Amendment (Reportable Conduct) Act 2017*
- *Crimes Act 1958*
- *Education and Training Reform Act 2006*
- *Education and Training Reform Regulations 2007*
- *Equal Opportunity Act 1995*
- *Health Records Act 2001*
- *Information Privacy Act 2000*
- *Privacy and Data Protection Act 2014*
- *Sex Discrimination Act 1984*
- *Victorian Institute of Teaching Act 2001*
- *Working With Children Act 2005*
- *Wrongs Act 1958*
- *Wrongs Amendment (Organisational Child Abuse) Act 2017*
- *Education and Training Reform Regulations 2017*

The *Children, Youth and Families Act 2005* is the principal piece of legislation in Victoria aimed at promoting and protecting the safety and wellbeing of children.

The *Child Wellbeing and Safety Act 2005* is the companion legislation providing for co-ordinated government policy in the provision of services to children.

The Child Safe Standards were made by Ministerial Order No 870 on 22 December 2015 and came into operation on 1 August 2016.

#### *Guidelines*

*Further information can be obtained from the Commission for Children and Young People website (<https://ccyp.vic.gov.au/>).*

The key provisions of the *Children, Youth and Families Act 2005* for schools are those that set out the requirements for the mandatory reporting of child abuse and neglect. Key directions of the Victorian Government's ongoing child safety reforms include:

- Services must be accountable and work better together to be responsive to victims' needs: failure to respond in a timely and appropriate way can dissuade victims from seeking help or expose them to further risk.
- Services must be equipped to identify, assess and manage risk, and support victims. Moving beyond a crisis approach, system responses must be matched with a similar focus and investment on prevention, early intervention and recovery.

The Government advocates a seamless, systematic response to child safety and family violence.

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## 4. Procedures

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### 4.1 Referring to Orange Door and Reporting to Child Protection

Making a referral to Orange Door or a report to Child Protection is an important part of information sharing for the purposes of protecting a child from harm and promoting their development.

The Principal and teaching staff can make a referral to Orange Door if they have a significant concern for the wellbeing of a child. They can also make a report to Child Protection if they believe a child is in need of protection.

If the Principal or teaching staff believe a child is in need of protection from physical injury or sexual abuse, they **must** – as a mandatory reporter – make a report to Child Protection.

#### 4.1.1 When to Contact Orange Door or Child Protection

There may be many factors, or combinations of factors, within family life that adversely impact upon children's safety, stability and development. The following lists are intended to provide some basic guidance as to how to decide whether to refer a matter to Orange Door or make a report to Child Protection.

##### Referral to Orange Door

A referral to Orange Door may be the best way of connecting children, young people and their families to the services they need. You should make a referral to Orange Door where families show any of the following that may impact upon a child's safety, stability or development:

- significant parenting problems that may be affecting the child's development;
- serious family conflict, including family breakdown;
- families under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement;
- young, isolated and/or unsupported families; or
- significant social or economic disadvantage that may adversely impact on a child's care or development.

##### Report to Child Protection

As mandatory reporters, reports to Child Protection should be made in any of the following circumstances:

- serious physical abuse of, or non-accidental or unexplained injury to, a child;
- a disclosure of sexual abuse by a child or witness, or a combination of factors that suggest the likelihood of sexual abuse – the child exhibiting concerning behaviours, e.g. after the child's mother takes on a new partner or where a known or suspected perpetrator has had unsupervised contact with the child;
- serious emotional abuse or ill-treatment of a child impacting on the child's development
- persistent neglect, poor care or lack of appropriate supervision, where there is a likelihood of significant harm to the child or the child's development;
- serious or persistent family violence or parental substance misuse, mental illness or intellectual disability – where there is a likelihood of significant harm to the child or the child's development;
- where a child's actions or behaviour may place them at risk of significant harm and the parents are unwilling or unable to protect the child;
- where a child appears to have been abandoned, or where the child's parents are dead or incapacitated, and no other person is caring properly for the child.

It is essential to document the concerns and observations which contributed to the suspicion that a child is in need of protection. This information may be gathered over a period of time and should be treated confidentially.

It is recommended – not, however, a requirement – that concerns and observations regarding suspected physical injury or sexual abuse of a child are discussed with the principal or a senior school staff member and to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.

If more than one mandated reporter has formed a belief about the same child on the same occasion, it is sufficient for one professional to make a report. The other is obliged to ensure the report has been made and that all grounds for their own belief were included in the report made by the other staff member (Section 184 (2)).

If one mandated reporter directs another mandated reporter not to make a report, and the one professional continues to hold the belief that a child is in need of protection, then that professional is legally obliged to make a report to Child Protection.

## 4.2 Reporting Child Sexual Abuse

### 4.2.1 Responsibilities of Teaching Staff

Teachers must report a belief formed on reasonable grounds of child sexual abuse to Child Protection in accordance with the *Children, Youth and Families Act 2005*.

#### **Guidelines**

*Mandatory reporters who believe a child is in need of protection from sexual abuse and who fail to make a report to Child Protection may be prosecuted unless they have a genuine belief that someone else has reported the same belief and grounds for that belief to Child Protection.*

*Sexual behaviour that may constitute sexual abuse includes but is not limited to:*

- *sexual penetration;*
- *inappropriate touching;*
- *exposure to sexual acts; or*
- *exposure to pornographic materials.*

*A belief on reasonable grounds that a child has been abused or neglected may be based on but is not limited to:*

- *reports of abuse by a third party and/or;*
- *a disclosure of information provided directly by a child or parent/guardian; or*
- *observed evidence of physical and or behavioural indicators.*

*The belief may be based on a number of child protection concerns that form the 'reasonable grounds' and have been documented over time using the School Recording Form for Disclosures and Observations of Child Abuse and Actions (Appendix C).*

If a decision to report has not been made, teachers must document all observations and consultations on the School Recording Form for Disclosures and Observations of Child Abuse and Actions (Appendix C) and provide the completed form to the Principal for storage.

If a decision to report has been made immediately on the basis of a disclosure, observation of indicators or information received, teachers must:

- report a belief formed on reasonable grounds of sexual abuse where the belief is formed during the course of paid or unpaid work as a teacher;
- make the written report using the School Reporting Form for Child Abuse (Appendix D);
- lodge the report with Child Protection;
- inform the Principal that a report will be or has been made;
- if the Principal is absent from the school, inform the person in charge that this report has been made; and
- report to the Chairperson of the School Board if the Principal is the alleged perpetrator or may be biased towards the person alleged to be responsible for the abuse.

Teachers must follow one of the following reporting processes to Child Protection:

- make a written report only; or
- make a verbal report which must be followed up with the written report.

Teachers must lodge reports with Child Protection by one of the following pathways:

- provide the written report to the Principal who is authorised to receive it on behalf of Child Protection;
- make a written report directly to Child Protection and inform the Principal that a report has been made;
- make the verbal report to Child Protection and provide a written report to the Principal; or
- make a verbal report followed by a written report directly to Child Protection and inform the Principal that a report has been made.

When making a report the teacher must:

- if a verbal report is made, submit a written report as soon as practicable;
- note the receipt number provided by Child Protection as proof that a verbal or written report has been made;
- inform the Principal of the receipt number; and
- inform the Principal of the advice contained in the feedback letter received from Child Protection following the report.

#### **Guidelines**

- *If a teacher believes that a report of sexual abuse which provides identical information has been lodged by another member of staff, it is not necessary to make their own report.*
- *It is recommended that a verbal report be made to Child Protection before lodging a written one.*
- *Prior to lodging a report of sexual abuse, a teacher may consult with Child Protection, the Principal or colleagues.*
- *The teacher can add information to the mandatory report by quoting the receipt number or child's name to Child Protection.*
- *Multiple reports can be made for the same child.*
- *The reporter is not required to store their own copy of the report; Child Protection will store the report.*

*(See Appendix E for a summary of reporting procedures and Appendices F for other agencies and guidelines for completing documentation.)*

#### **4.2.2 Responsibilities of Non-Teaching Staff**

Non-teaching staff must advise the Principal of child protection concerns regarding possible sexual abuse. This advice must be either verbal or in writing using the School Recording Form for Disclosures, Observations and Actions (Appendix C).

Staff members who are not school-based must report child protection concerns to the Principal.

#### **Guidelines**

*Non-teaching staff are not mandatory reporters but are required by this policy to report child sexual abuse to the Principal.*

*A non-teaching member of staff may make a report by completing the School Reporting Form for Child Abuse (Appendix D) and providing it to the Principal. In this case, if the Principal forms a belief on reasonable grounds, the Principal will write their own report to Child Protection.*

#### **4.2.3 Responsibilities of the Principal: Reports made by Mandatory Reporters**

The Principal must:

- if requested, support the teacher to make a verbal report to Child Protection;
- forward the written report received to Child Protection;

- provide information to Child Protection or Victoria Police as requested;
- arrange support for the child as required and document using the School Support Plan for Reported Abuse (see Appendix G)
- arrange support for a staff member who has made a mandatory report when there is concern for their safety; and
- provide secure storage for documentation, excluding mandatory reports in a confidential file, separate from the student's school records.

The Principal **must not**:

- make verbal or written mandatory reports on the teacher's behalf;
- alter the written report in any way;
- keep a copy of the mandatory report;
- identify the mandatory reporter;
- authorise or request the collection of photographic evidence by staff members; or
- delegate mandatory reporting of sexual abuse to a deputy or other staff members.

#### **Guidelines**

- *Supporting a teacher to make a verbal report may include providing teacher relief or a private room to make a phone call.*
- *The Principal is not required to make his/her own mandatory report if a report has already been made.*
- *Chaplains should be informed of the need to advise the Principal of child protection concerns.*
- *When there is concern for the safety of a staff member who has made a report, the Principal may develop a support plan.*

*(See Appendix E for a summary of reporting procedures and Appendices F for other agencies and guidelines for completing documentation.)*

#### **4.2.4 Responsibilities of the Principal: Reports Made by Non-Mandatory Reporters**

The Principal must:

- make a mandatory report when information is received from a non-mandatory reporter that leads to a belief on reasonable grounds of child sexual abuse; and
- where a mandatory report is not made, instruct the non-mandatory reporter to document concerns using the School Recording Form for Disclosures, Observations and Actions (Appendix C) and to update this information as necessary.

### **4.3 Reporting of Physical, Psychological/ Emotional Abuse or Neglect**

#### **4.3.1 Responsibilities of All Staff Members**

- All child protection concerns relating to physical, psychological, emotional abuse or neglect that arise during a school activity must be reported.
- Concerns must be documented using the School Recording Form for Disclosures, Observations of Child Abuse and Actions (Appendix C).
- All consultations prior to reporting must be conducted in a confidential manner and documented.
- Staff members who form a belief on reasonable grounds that child abuse has occurred must complete the School Reporting Form for Child Abuse (Appendix D).

#### **Guidelines**

- *Where a decision to report occurs immediately after a disclosure or observation of indicators, it is not necessary to document concerns on the School Recording Form for Disclosures, Observations of Child Abuse and Actions (Appendix C).*
- *The Principal may complete documentation on behalf of the staff member.*
- *Concerns may involve students enrolled at another school who are involved in the school activity.*
- *School activities may take place either on or away from school premises, and either during or outside of school hours.*
- *Prior to making the report to the Principal; staff may seek advice from Child Protection.*

#### **4.3.2 Responsibilities of the Principal**

The Principal must:

- forward all child protection reports to Child Protection and request acknowledgement that the report has been received;
- report child protection concerns that may involve criminal behaviour to Victoria Police;
- seek advice from Child Protection or Victoria Police as appropriate *prior* to informing the parent; and
- store all documentation securely and separately to student files.

The Principal **must not**:

- delegate reporting to other staff members;
- authorise or request the collection of photographic evidence by staff members; or
- interview the child or investigate the report.

#### **Guidelines**

*Reporting physical, psychological/emotional abuse and neglect to Child Protection may be delegated to another staff member who needs to keep the Principal informed of all actions taken.*

*Criminal behaviour to be reported includes:*

- *assault, for example, an unwanted physical or sexual contact;*
- *indecent assault, for example, touching, fondling or grabbing in a sexual manner;*
- *indecent dealings, for example, encouraging a child to perform indecent acts such as touching genitals, penis/digital penetration or oral sex;*
- *possessing, downloading or distributing child pornography;*
- *using electronic means to procure or expose children to indecent material; and*
- *female genital mutilation, female circumcision.*

## **4.4 Reporting Allegations of Abuse Perpetrated by Staff Members**

Allegations of abuse that involve a staff member must be reported consistent with the above sections. In addition, the allegation must be immediately reported to the Principal who must contact Child Protection as soon as the allegation is received.

Allegations made by students, employees or non-employees regarding staff conduct must be acted on by the Principal as soon as practicable.

All staff members must behave with integrity and teaching staff must carry out their professional responsibilities in accordance with the Victorian Teaching Profession Code of Conduct.

#### **Guidelines**

*The assessment of alleged sexual, physical, emotional or psychological abuse of a student, perpetrated by an employee, is the responsibility of Child Protection and may result in disciplinary action.*

*See Appendix H for guidelines on Appropriate Staff-Student Behaviour.*



It is child sexual abuse and a criminal offence for a school employee to have a sexual relationship with a student less than 18 years of age. Under no circumstances can a child consent to a sexual relationship with an employee. It is also considered a breach of discipline to have a sexual relationship with a student over 18 years of age.

#### **Guidelines**

*Students of appropriate age should be made aware of the process to report staff behaviour of concern. This could be implemented as part of protective behaviours curriculum.*

*A child or student over 18 years of age can never consent to a sexual relationship with an employee by virtue of the fact that the employee is in a position of authority.*

*Examples of sexual behaviour that may constitute misconduct include but are not limited to:*

- *watching children undress, for example, in change rooms where supervision is not required or justified; undressing in front of a student; sharing a room, inviting or allowing a student into the staff member's room during residential activities;*
- *making references to a teacher's or student's sex life; sexual compliments; sexualised comments about a student's physical appearance; inappropriate use of sexualised language; sexually suggestive comments; and*
- *electronic communication (via internet, e-mail, screensavers or text messages etc.) of obscene pictures, posters or cartoons, messages or jokes.*

*Examples of sexual behaviour that may constitute criminal behaviour include but are not limited to:*

- *propositions, invitations or requests for sex;*
- *comments that express a desire to act in a sexual manner; and*
- *accessing and communication of pornographic or sexually explicit material.*

#### **4.4.1 Reporting Procedure for All Staff Members**

All staff members must:

- report allegations or concerns involving an employee's behaviour towards a student to the Principal;
- make a mandatory report to Child Protection if a belief is formed on reasonable grounds that sexual abuse has occurred; and
- report allegations regarding the conduct of the Principal to the Chairperson of the School Board who assumes the actions and responsibilities of a Principal as described in these procedures.

#### **Guidelines**

- *Even if the student is 18 years or older, the employee's behaviour is reportable.*
- *An allegation may concern behaviour of a staff member towards a student who is enrolled at the reporter's school or another school.*
- *The allegation may concern the behaviour of a staff member towards a student during or outside of school hours.*
- *An employee may consult with Child Protection.*
- *If dissatisfied with the response of the authority who received the allegation, the staff member can report to Child Protection.*

#### **4.4.2 Reporting Procedure for the Principal**

The Principal must:

- report to the Chairman of the School Board of all actions taken;
- report to Child Protection local office and Victoria Police Sexual Offences and Child Abuse (SOCA) Unit if physical assault is involved;
- make a mandatory report to Child Protection if sexual behaviour is alleged;
- report to the parents/guardians only on the advice of Child Protection or Victoria Police; and

- contact Child Protection as soon as practicable to seek instructions in relation to management of the allegation.

The Principal **must not**:

- interview the child;
- investigate the allegation; or
- inform the alleged offender that an allegation has been made.

#### **Guidelines**

*Under the complaints management framework, some incidents can be managed by the school. Advice should be taken from Child Protection when deciding to respond to a report. For further information see the Disputes and Complaints policy.*

## **4.5 Reporting Allegations of Sexual Abuse/Assault Perpetrated by a Child**

Forced sexual activity involving a child constitutes sexual abuse and must be managed as a mandatory report regardless of whether the behaviour occurred during school supervised activities or outside of school time.

If the allegation concerns behaviour during a school activity, and is substantiated, it must also be managed as a serious breach of school discipline, a critical incident and in some cases a criminal matter. All allegations must be reported to Child Protection who will then inform Victoria Police.

### **4.5.1 Sexual Abuse/Assault Perpetrated During Supervised School Activities**

All staff members must inform the Principal immediately of an allegation of sexual abuse perpetrated during school activities.

The Principal must:

- arrange for the safety and supervision of the alleged victim and the person alleged to have committed the abuse;
- establish that a mandatory report will be made
- notify Victoria Police SOCA Unit;
- seek advice from Child Protection on informing the alleged victim's parents;
- contact the alleged victim's parent/s to inform of the event and action taken;
- if medical attention is required get parents' agreement prior to contacting emergency services;
- arrange support for others affected by the incident; and
- develop a School Support Plan for Reported Abuse (Appendix G).

#### **Guidelines**

*Child Protection will advise the parent/s of the person alleged to have committed the abuse.*

*If the Principal receives a report from a non-mandatory reporter, then they become the mandatory reporter and immediately lodge a report with Child Protection.*

*If the Principal is absent, an incident of forced sexual contact must be reported to Child Protection by the next person in charge.*

The Principal **must not**:

- interview the student/s involved;
- disclose the identity of the person alleged to have committed the abuse to the alleged victim's parent/s; or
- disclose the identity of the staff member who may have made a mandatory report of sexual abuse to the parent/s of the children involved.

#### **4.5.2 Inappropriate Sexual Behaviour (Children Under 10 Years)**

In Victoria, sexual assault alleged to be perpetrated by a child aged less than 10 years cannot be criminally prosecuted. Victorian law holds that a person under the age of 10 years is incapable of forming the criminal intent necessary to commit a criminal offence. For the purposes of this policy, the term 'inappropriate sexual behaviour' will be used to refer to behaviour in children under 10 years that would, if that child was 10 years or more, constitute a sexual assault. Although such inappropriate sexualised behaviour cannot be prosecuted, the impact of the assault on the victim is no less serious and this must be recognised by the manner in which the school addresses such allegations of inappropriate sexual behaviour.

Sexualised behaviour among children less than 10 years old can present on a broad spectrum, ranging from experimental behaviours to behaviours that are very concerning. It is important that the Principal responds appropriately to such reports for the safety and wellbeing of the child and of other students.

The information provided in Appendix A will assist the Principal to assess allegations of sexual behaviour and/or incidents involving children aged less than 10 years and determine the action that should be taken. This assessment should be made in consultation with the parents/guardians of the children involved. If the Principal has concerns about the behaviour of children in this age group, the Victoria Police SOCA Unit can advise on the appropriate course of action. If teachers and/or the Principal have protective concerns, they should consider their obligations under the mandatory reporting of child abuse legislation.

#### **4.5.3 Consensual Sex between Young People**

##### **Guidelines**

*Consensual sexual activity involving a young person under 16 years of age does not constitute sexual abuse and is not required to be reported by teachers.*

*Generally, if the age difference is greater than 3 years, consult with Child Protection who may report to Victoria Police. Child Protection will take into account factors such as parental consent for the relationship.*

*Even if the relationship is consensual, a report may be made to Child Protection if there is a belief on reasonable grounds that child sexual abuse/assault has occurred.*

## **4.6 Reporting Sexual Harassment**

All allegations of sexual harassment must be reported to the Principal.

#### **4.6.1 Sexual Harassment by a Student**

Sexual harassment of a student by another student must be:

- reported where the behaviour leads to the belief on reasonable grounds that sexual abuse/assault has occurred; and
- managed as a breach of school discipline.

##### **Guidelines**

*Under the Commonwealth Sex Discrimination Act 1984, it is unlawful for a student to sexually harass another student and when a criminal offence has been committed, depending on the alleged person's age and mental capabilities, victims have the right to make a police report.*

*Implementing behaviour management strategies does not prevent a report being made to Child Protection where the behaviour is considered to be an indicator of child abuse.*

#### **4.6.2 Sexual Harassment by Staff Members**

Sexual harassment of a student by a member of staff must be managed by the Principal as a possible breach of discipline in accordance with the *Disputes and Complaints Policy*.

##### **Guidelines**

*Advice should be sought from Child Protection on the management of allegations of sexual harassment involving staff members.*

## 4.7 Reporting of Child Abuse Perpetrated Via Electronic Communication

The use of electronic devices for the purposes of the distribution of sexually explicit material, solicitation and harassment constitutes child abuse and/or criminal behaviour that must be reported to the Principal.

### **Guidelines**

*The protection of children from sexual and emotional abuse perpetrated through the use of electronic means is managed through security software, computer access and mobile phone policies, school education programs and by reporting incidents.*

## 4.8 Responding To Disclosures of Child Abuse/Assault

All staff members must be aware of the immediate needs of children making disclosures and respond accordingly.

### **Guidelines**

*When responding to a disclosure staff members are advised to:*

- *reassure the child that telling was the right thing to do;*
- *allow the child to tell the story in their own words;*
- *use protective interrupting if their disclosure is in an inappropriate situation;*
- *find a quiet place to talk;*
- *let the child know what will happen next;*
- *assess the child's immediate safety; and*
- *complete documentation as soon as possible.*

*Staff members are advised to not:*

- *dismiss or ignore the disclosure;*
- *put words in the child's mouth, push for details or conduct an investigation as this could jeopardise the interviewing process of Child Protection and Victoria Police;*
- *make the child repeat the disclosure to a third party;*
- *stop the child from talking once there are reasonable grounds for forming a belief that abuse occurred;*
- *promise not to tell when there are clear limits on confidentiality;*
- *confront the person believed to be the abuser; or*
- *engage in general staffroom discussion about the disclosure.*

*Protective interrupting is a strategy to prevent students disclosing in front of other students and providing them with the opportunity to disclose in a safe and confidential manner using the following steps:*

- *acknowledge that the child has been heard and stop further disclosure;*
- *be supportive and gently indicate that they can talk in a more private situation;*
- *quietly arrange to see them as soon as possible; and*
- *listen attentively in a private location within the school.*

*Staff members should be aware that a disclosure can arouse personal feelings of shock, anger and helplessness. It is important to conceal these feelings; they can be worked through after the disclosure. Staff members should contact the Principal for information regarding counselling or support.*

### 4.8.1 Acting on a Suspicion when there is No Disclosure

All physical and behavioural indicators of child abuse must be documented. This includes confidential discussion with colleagues.

### **Guidelines**

- *Occasionally indicators are difficult to observe and other sources of information should be used to arrive at a belief that child abuse has occurred.*
- *A child who is being subjected to abuse and has not disclosed, may be experiencing emotional and psychological distress which could affect their behaviour and learning.*
- *If there is a concern about a student but the staff/student relationship is not favourable to offering support, advise the Principal who can monitor the student.*
- *Continue to observe the student and document.*
- *The Principal may contact Child Protection to seek advice.*

#### **4.8.2 Reporting Family and Domestic Violence**

Witnessing family and domestic violence is associated with child abuse and must be reported to Child Protection.

##### **Guidelines**

*Other forms of child abuse are more likely to occur when family and domestic violence exists. Children who are involved in or witness this violence may show physical, behavioural, emotional or psychological indicators consistent with child abuse.*

#### **4.8.3 Supporting Children Affected by Abuse**

The Principal must take steps to support child/ren affected by abuse, including children who may be alleged perpetrators.

When a case has been reported to Child Protection, the Principal must develop a support plan that includes details of actions planned and agreed responsibilities of all relevant staff and document this using the School Support Plan for Reported Abuse (see Appendix G).

##### **Guidelines**

- *In cases where the alleged victim and person alleged to have committed the abuse remain on the school grounds, where practicable the alleged offender should be removed from contact with the alleged victim.*
- *Management of support may be delegated but remains the Principal's responsibility.*
- *Where possible, external agencies involved in providing support should be involved in developing the plan.*
- *This support will be determined by the needs of the child and the capacity of student services or other agencies to provide services.*
- *Staff members involved in a supportive role should take into account culture, religion, disability and maturity of the child.*
- *Where appropriate, the child should be involved in decisions that directly affect them and provided with information about what will happen.*

### **4.9 Informing Parents When a Child Abuse Report Has Been Made**

Parents must **not** be informed of reports made to Child Protection or Victoria Police **unless** the agencies have instructed the Principal to do so.

When Child Protection or Victoria Police have directed the Principal to inform parents the Principal must:

- conduct the interview in private and document the discussion;
- tell the parents why the interview is taking place;
- inform parents the interview is confidential;
- be direct, honest and professional;
- advise of reports that have been made to other agencies;
- explain the action to be taken by the school if an allegation has been made against a staff member; and
- inform the parents of the support available to them and their child.

The Principal **must not**:

- disclose the identity or personal information relating to the person alleged to have committed the abuse;
- disclose the identity of the person who made the report;
- offer personal opinions;
- question the family about matters that are unrelated to the situation; or
- place blame on the parties involved.

#### **4.10 Informing Parents When a Child Abuse Report Has Not Been Made**

Parents must not be informed:

- that physical or behavioural indicators have been observed in their child which have led to a concern of possible child abuse;
- of a suspicion of family and domestic violence; or
- of an intention to make a report concerning their child to Child Protection or Victoria Police.

##### **Guidelines**

*Parents may be the perpetrators of abuse and to inform them of a concern of possible child abuse may alert them and pose a further risk to the child.*

*Observations can be discussed with parents in order to seek further information.*

#### **4.11 Record Keeping and Documentation**

All staff members must document observations, consultations and actions involving child abuse.

- All staff members must record all information and observations relating to child abuse using the School Recording Form for Disclosures, Observations of Child Abuse and Actions (see Appendix C) and provide this to the Principal for storage.
- Reports to Child Protection must be made using the School Reporting Form for Child Abuse (see Appendix D)
- All records must provide factual information, observable indicators and not opinion or conclusions. Records must include the dates and approximate times of observations or disclosures with exact wording of statements made by a child. (see Appendix I).
- If the school recording form or school support plan or case management documents contain information relating to child sexual abuse, the identity of the reporter must not be recorded.
- The receipt number for a mandatory report must be recorded by the reporter as proof that a report has been made.

The Principal must:

- keep written records of all communication with Child Protection or Victoria Police and subsequent actions using the School Support Plan for Reported Abuse (see Appendix G); and
- securely store all confidential information separate to student files.

The Principal must not:

- store copies of mandatory reports;
- record or disclose information that may identify the mandatory reporter other than to agencies involved in the investigation; or
- send original copies of child protection documents to a school where the child has subsequently enrolled.

##### **Guidelines**

*When a decision to make a report is made immediately on the basis of a disclosure or observation, it is not necessary to complete the School Recording Form for Disclosures, Observations of Child Abuse and Actions (see Appendix C).*

*It is not necessary for the teacher to keep the report. The receipt number issued by Child Protection is proof that a report was made. However, the teacher may choose to keep their own copy of the mandatory report for future reference.*

*In cases of alleged sexual abuse, only the School Recording Form for Disclosures, Observations of Child Abuse and Actions (see Appendix C) and the School Support Plan for Reported Abuse (Appendix G) can be stored securely by the Principal, separately to a student's files.*

*On request, photocopies of child protection documents may be sent to a child's next school provided they are sent directly to the Principal and marked confidential.*

*Documentation kept by staff may be required by Child Protection or Victoria Police in their investigations.*

#### **4.12 Plans of Support – Collaboration and Case Management**

The Principal or delegate must develop a plan of support for the child/ren. Actions must be documented using the School Support Plan for Reported Abuse (see Appendix G) and the Principal must be kept informed.

Child Protection must be invited to attend school planning for a child taken into care.

##### **Guidelines**

*Making a report of child abuse to Child Protection or Victoria Police does not prevent the need for the ongoing support and care of the child/children concerned.*

*The parents/guardians, the child, Child Protection, Department of Health, Victoria Police and Department of Justice may be involved in planning support actions.*

#### **4.13 Confidentiality and Information Sharing**

Generally speaking, the Principal and staff members should seek and gain consent from a child or their parents to disclose information to Orange Door or Child Protection wherever possible, provided that doing so does not place the child at further risk.

Staff members should consider seeking consent when they first discuss their concerns with a child's parents if they believe the disclosure of information may be necessary. If they have not had an initial discussion with a child's parents, they should consider raising their concerns with them first, unless they believe this would place the child at risk of harm, or place themselves or another person at risk of harm.

Sometimes it is not necessary to seek consent. For example, consent is not necessary when staff members have a significant concern for a child's wellbeing or a reasonable belief that the child is in need of protection, or where they are unable to contact a parent, or where it is clear from previous contacts that consent would not be given.

There is no definite age at which the consent of children should be sought. This partly depends upon the general maturity of the child, and partly on the child's understanding of the particular issues involved. Children over the age of 12 are generally considered increasingly able to give consent on many issues, and many younger children can at least express a view. Staff members should therefore try to determine the views and wishes of a child where this is possible and appropriate. Confidentiality must not be promised to a child and whenever possible they must be informed about who will be involved and the actions that may be taken.

Staff members may need to explain to the child the possible consequences of different courses of action. In any case, staff members may report their concerns Orange Door or Child Protection, but must seriously consider whether their concerns justify doing so against the child's wishes where these are known, bearing in mind the age and maturity of the child.

##### **Guidelines**

*The Principal and staff members are authorised by the Children, Youth and Families Act 2005 to share with Child FIRST or Child Protection any information that they believe is relevant to the safety, stability and development of a child. This may include information about the child or their family.*

*Types of information which may be shared includes:*

- *any known history of the child suffering harm;*



- any periods the child has been cared for by other people;
- any significant issues relating to the child's brothers or sisters;
- any psychological and emotional difficulties the child may have;
- the child's education, including any special education needs;
- any disabilities the child may have, including the care they may need as a result;
- any known allergies and dietary requirements of the child;
- any significant health problems of the child's parents;
- whether a parent has a mental illness, substance abuse problem, disability or a history of family violence;
- whether a parent is receiving treatment for any of the above issues and the outcomes of this;
- information about a person in the household who may pose a risk to the child.

Depending on the nature of the concerns, there may also be other information about a child that staff members are authorised to share, if it is relevant. Information is considered to be relevant if it relates directly to the reporter's concerns about the child or the concerns held by Orange Door or Child Protection.

For example, information about a parent's mental health is only relevant if there is a belief that it is having an adverse impact on the child's safety, stability and development, or if that is the assessment of Orange Door or Child Protection.

It is important to note that where staff members are not authorised by the Children, Youth and Families Act 2005 to share information, they may only disclose information in line with privacy legislation. Staff members should seek advice from the Principal or professional body for further information about privacy legislation.

#### 4.14 Protection and Support for Staff Members

Staff members are protected in the following ways provided they share information as authorised by the *Children, Youth and Families Act 2005* and 'in good faith'. This legal term is open to interpretation but implies that employees are acting honestly and reasonably and in the belief that their actions will achieve an appropriate outcome – in this case, the protection and support of a child and their family.

- Identity - Information about a staff member's identity must be kept confidential unless they consent to it being disclosed.
- Legal Protection - Staff members are not subject to any legal liability in respect of the giving of information. For example, they cannot be successfully sued.
- Professional Protection - Authorised disclosure of information cannot be held to constitute unprofessional conduct or a breach of professional ethics. As a result, staff members cannot be disciplined by their professional body, or incur any formal adverse professional consequences at their workplace.

##### **Guidelines**

All staff members are protected from civil, criminal and disciplinary liability by providing authorised information to Child Protection or Victoria Police for the purpose of investigating child abuse.

If acting in good faith, staff members are deemed not to have breached a duty of confidentiality, professional ethics or standards; or to have engaged in unprofessional conduct by providing such information as authorised under the *Children, Youth and Families Act 2005*.

The identity of the person making a referral to Child FIRST or a report to Child Protection is protected and can only be released with the permission of the reporter or the court, for investigative purposes.

Staff members may be anxious when reporting allegations of misconduct or child abuse and/or neglect because of the impact this may have on relationships with colleagues, the family or the child. This anxiety may be discussed confidentially with the Principal and support requested.

When there is concern for the safety of the reporter, it is important that the school has a risk management plan in place.

An employee who attempts to threaten, intimidate, coerce or take reprisal against an employee who has disclosed or intends to disclose unethical or unlawful behaviour may face disciplinary action.



#### 4.15 Physical Contact for the Care and Protection of Students

Documented plans must be developed in collaboration with parents to provide staff members caring for children with disabilities with guidelines for appropriate and reasonable physical contact to carry out tasks such as toileting and dressing. When there is a known history of the need for physical restraint, documented plans must also include a range of strategies that may be employed when restraining a student in order to prevent them from harming themselves or others.

##### **Guidelines**

*Documented plans may prevent the actions of the staff member from being misinterpreted as possible child abuse.*

#### 4.16 Prevention Programs

The Principal must implement a preventative curriculum for all students.

##### **Guidelines**

*Preventative programs can be part of the health and wellbeing curriculum, and are fundamental to achieving the best outcomes for all children and to empowering children who have experienced or are at risk of experiencing harm resulting from abuse and/or neglect.*

*The Principal may collaborate with Child Protection, Victoria Police and non-government agencies in the selection and implementation of prevention programs.*

<b>Date Implemented</b>	
<b>Authors</b>	Emrys Nekvapil/ Fiona Cock/Kerry Laughton
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<b>Communication</b>	School webpage
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<b>Responsible for Review</b>	Kerry Laughton (Chair of Board of Directors)
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## Appendix A      Sexual Behaviour in Children Under 10 Years

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The information will assist the Principal and parents/guardians to make an assessment of allegations of sexual behaviour and/or incidents involving children under 10 years, and to determine the action that should be taken. Where appropriate, this decision should be made in consultation between the Principal and the parents/guardians. If the Principal has concerns about the behaviour of children in this age-group, the Victoria Police SOCA Unit can advise on the appropriate course of action. If teachers and/or the Principal retain protective concerns they should consider their obligations under the mandatory reporting of child abuse legislation.

There are many activities that schools can undertake to positively influence appropriate child and adolescent sexual behaviour, including appropriate sex education sessions, personal safety lessons and parent information sessions.

Age-appropriate sexual behaviour can become disrupted in children and adolescents by a number of factors, including exposure to sexually explicit material or exposure to sexual activity.

In Victoria, sexual assault alleged to be perpetrated by a child aged less than 10 years cannot be criminally prosecuted. Victorian law holds that a person under the age of 10 years is incapable of forming the criminal intent necessary to commit a criminal offence. For the purposes of this policy, the term 'inappropriate sexual behaviour' will be used to refer to behaviour in children under 10 years that would, if that child was 10 years or more, constitute a sexual assault. Although such inappropriate sexualised behaviour cannot be prosecuted, the impact of the assault on the victim is no less serious and this must be recognised by the manner in which the school addresses such allegations of inappropriate sexual behaviour.

The Principal and parents/guardians should understand that sexualised behaviour among children under 10 years old can present on a broad continuum, ranging from experimental behaviours to behaviours that are very concerning. It is important to consider the context of any alleged sexual behaviour of students, taking into consideration their developmental age and cognitive functioning, so that an informed decision about appropriate action can be made. It is important to understand that some children are likely to engage in some level of sexualized behaviour, that it does not necessarily indicate a problem, and that it is part of the child's development to learn behaviour that is appropriate at school.

Research carried out by the National Center on Sexual Behaviour of Youth (2004) has described typical sexual behaviours between boys and girls aged 2 – 12 years. Research identifies a continuum of sexual behaviours from common sexual play through to concerning sexual behaviour.

When the school becomes aware that young children are engaging in sexual play at school, the children must be advised that this behaviour is not appropriate at school and monitored to ensure that behaviour stops. The Principal will consult with parents/guardians unless there are reasonable grounds for believing that this will not be in the best interests of the child. Parents/guardians can assist the school to ensure children are aware of the conduct appropriate in the school environment.

Children with sexual behaviour problems include those children less than 10 years of age demonstrating developmentally inappropriate and/or aggressive sexual behaviour. Concerning sexual behaviour is defined to also include self-focused sexual behaviour, for example frequent public masturbation, or intrusive and/or aggressive sexual behaviour towards other children that may be coercive or forceful. While the term 'sexual' is used, the child's intent or motivation for the exhibited behaviour may be unrelated to sexual gratification.

Research suggests that only a small number of children develop concerning sexual behaviour. Professionals need to consider whether the behaviour is aberrant, whether the child should be referred for specialist assistance and when to report an incident to the appropriate agencies.

The Principal, teachers and parents/guardians are advised to remember:

- Inappropriate sexual behaviour in children is not a clear indicator that a child has been sexually abused, but advice may need to be sought from Child Protection.
- The majority of children will stop the behaviour if told to do so and if they are well supervised and praised for appropriate behaviour.

If the sexual behaviour is concerning, referral to a mental health professional is appropriate in consultation with the parents/guardians. The Principal or teacher will need to consider whether mandatory reporting to Child Protection is required.

### *Guidelines*

*Concerning sexual behaviour in children under 10 years includes:*

- *Frequent, repeated behaviour – for example, compulsive masturbation;*
- *Occurrences between children who do not know each other well;*
- *High-frequency occurrences that interfere with normal childhood activities;*
- *Occurrences associated with emotional distress;*
- *Occurrences between children of different ages, size and development levels;*
- *Aggressive, forced and/or coerced interaction between children;*
- *Behaviour that does not stop once the child is told to stop, or occurs in secrecy; and*
- *Behaviour that causes harm to the child or other children.*

## Appendix B A Guide When Concerned About Possible Child Abuse

When deciding if you need to report a child protection concern you should have a belief that results in concern for the physical safety, health, psychological or emotional wellbeing of a child. This belief should be based on reasonable grounds such as:

- the child discloses;
- someone else such as a relative or friend of the child provides information;
- a child discloses that they know someone who has been abused (often a child is referring to him or herself);
- observation of indicators; and
- the child's writing or drawing depicts abuse.

When reporting:

- proof is not required;
- the injury from physical abuse is considered to be non-accidental; or
- the indicators are not typical for the age and gender of the child.

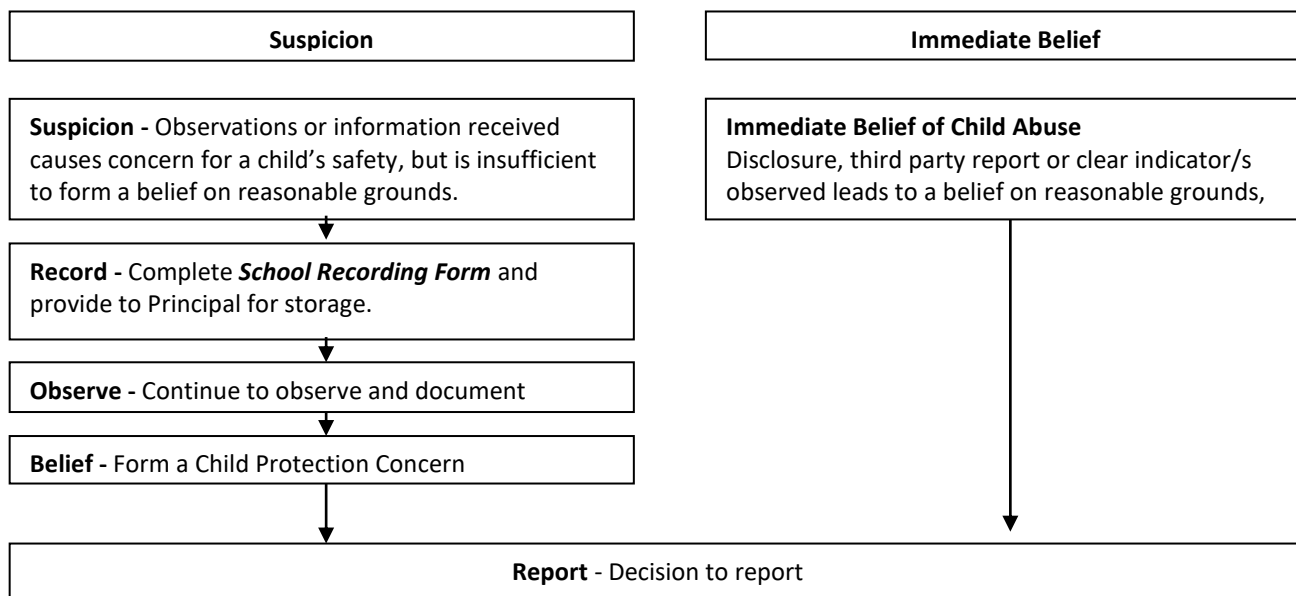
If you are unsure, discuss this confidentially with the:

- Principal; or
- Child Protection.

If you remain unsure you must continue to document observations, information and consultations on the School Recording Form for Disclosures, Observations of Child Abuse and Actions (see Appendix C).

### Forming a Child Protection Concern

A child protection concern may occur over a period of time or may be formed immediately due to a disclosure or presence of clear indicators.



## Appendix C School Recording Form - Disclosures, Observations of Child Abuse and Actions

### School Recording Form - Disclosures, Observations of Child Abuse and Actions (Appendix C)

*Do not print your name on this form. Provide to the Principal for secure storage.*

**Record For** (Child's Name):

Date/Time	Disclosure details and/or observations	Consultation with whom and date	Notification to which agency: e.g. Child FIRST, Child Protection or Victoria Police



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## Appendix D School Reporting Form for Child Abuse

### School Reporting Form for Child Abuse (Appendix D)

A mandatory report of sexual abuse must be completed by the reporter. Reports of all other forms of abuse may be completed by the reporter or the Principal on their behalf.

The Principal must forward all reports of non-sexual abuse to Child Protection. A mandatory report of sexual abuse may be lodged with the Mandatory Reporting Service (Child Protection) by the reporter or given to the Principal who must forward it to the Service as soon as possible (usually within one working day).

1. Reporter's Details <sup>(<sup>*</sup> fields that must be completed)</sup>			
<sup>*</sup> Reporter's Name			Profession
<sup>*</sup> Workplace address			
<sup>or</sup> <sup>*</sup> Other Address for response to report			
Contact Phone No			Fax No
Email			
Is this a written report following a telephone report?	<input type="checkbox"/> No <input type="checkbox"/> Yes	If yes Child Protection Receipt number	Date of report  Time of report
2. Details about the Child			
If more than one child is involved, record their names in section 5.			
<sup>(<sup>*</sup> Or description of child if name unknown)</sup>			
<sup>*</sup> Child's first name			<sup>*</sup> Child's last name
Date of birth			Or estimated age of child
<input type="checkbox"/> Male	<input type="checkbox"/> Female	<input type="checkbox"/> Disability	
Cultural Identity	<input type="checkbox"/> Aboriginal/Torres Strait Islander	<input type="checkbox"/> Don't Know	<input type="checkbox"/> <del>Cultural</del> (cultural and linguistic diversity, if known)
Interpreter required	<input type="checkbox"/> No	<input type="checkbox"/> Yes →	Language spoken at home
Address			
Suburb/Town/Location		Postcode	
Home Phone		Mobile:	
Current residence of the child/young person			
School/pre-school attended or child care service or arrangement etc (family day care/nanny arrangements etc (if known))			



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Do you have a concern for the immediate safety of the child concerned? ☐ Yes ☐ No

6. Signature

Reporter's signature (optional)

Principal's signature



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## Appendix E Reporting Processes for All Staff

Staff	Reporting Sexual Abuse	Reporting Physical, Psychological, Emotional Abuse or Neglect	Reporting allegation of abuse perpetrated by staff (non sexual)	Reporting allegation of abuse perpetrated by staff (sexual)
<b>Teaching Staff</b> (Mandatory reporters)	<b>Mandatory Reporting Requirements</b> <b>Step 1</b> Suspicion of sexual abuse Document observations, information and/or disclosures on School Recording Form and provide to Principal for storage. <i>May consult prior to reporting.</i> <b>Step 2</b> When a belief is formed on reasonable grounds: Make verbal report to Child Protection (Northern & Western Metropolitan Region). Ph: 1300 369 536 (Note receipt number as proof of reporting) <b>AND</b> Verbal report must be followed by written report to Child Protection as soon as practicable <b>OR</b> Provide Principal with the written report to send to Child Protection <b>OR</b> Inform Principal that a report has been made and provide receipt number. Inform Principal of Child Protection feedback letter advising of Child Protection action.	<b>Step 1</b> Suspicion of abuse Document observations, information, disclosures on School Recording Form and provide to Principal for storage. <b>Step 2</b> When a belief is formed on reasonable grounds: <i>May consult prior to reporting.</i> Report to Principal.	<b>Step 1</b> Suspicion of abuse Document observations, information, disclosures on School Recording Form and provide to Principal for storage. <b>Step 2</b> When a belief is formed on reasonable grounds: Report to Principal. <i>If allegation concerns Principal. report to Chairman of the School Board.</i> Complete School Reporting Form for Abuse.	<b>Step 1</b> Suspicion of sexual abuse Document observations, information, disclosures on School Recording Form and provide to Principal for storage. <b>Step 2</b> When a belief is formed on reasonable grounds: <i>May consult with Child Protection prior to reporting.</i> Report to Child Protection. Report to Principal. <i>If allegation concerns the Principal report to Chairman of the School Board.</i>

Staff	Reporting Sexual Abuse	Reporting Physical, Psychological, Emotional Abuse or Neglect	Reporting allegation of abuse perpetrated by staff (non sexual)	Reporting allegation of abuse perpetrated by staff (sexual)
<b>Non-Teaching Staff</b> (Non Mandatory reporters)	Document observations, information, disclosures on School Recording Form and provide to Principal for storage. <i>May consult before reporting to the Principal.</i> Principal to follow mandatory reporting procedure.	Document observations, information, disclosures on School Recording Form and provide to Principal for storage. <i>May consult prior to reporting.</i> Report to Principal. Principal or reporter completes School Reporting Form for Child Abuse.	Document observations, information, disclosures on School Recording Form and provide to Principal for storage <i>May consult with Child Protection prior to reporting.</i> Report to Principal or Child Protection. If allegation concerns Principal report to Chairperson of the Principal or reporter completes School Reporting form for Child Abuse	Document observations, information, disclosures on School Recording Form and provide to Principal for storage. Report to Principal or Child Protection. If allegation concerns Principal, report to Chairperson of the School Board. <i>May consult with Child Protection prior to reporting.</i>
<b>Principal</b>	<b>Mandatory Reporting Requirements</b> If requested, support mandatory reporters to make a verbal report directly to Child Protection. Do not make verbal report on reporter's behalf. Northern & Western Metropolitan Region Ph: 1300 369 536 Forward written reports as soon as practicable after receiving the report to Child Protection If allegation involves student to student sexual contact, seek advice from Child Protection or Victoria Police before informing the family.	Forward all reports of physical, psychological or emotional abuse to Child Protection. Report physical abuse to Child Protection and Victoria Police as this may be a criminal matter. Seek advice from Child Protection or Police before informing the family.	Report psychological or emotional abuse to Chairperson of the School Board. Report physical abuse to: <ul style="list-style-type: none"> <li>Victoria Police;</li> <li>Child Protection.</li> </ul>	Report to: Victoria Police; Child Protection



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## Appendix F      Agencies

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### F.1      Orange Door (Family Information Referral and Support Team – Child First)

A 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 or other services who will then try to engage the child or family. Such other services include disability, family violence, mental health and drug or alcohol treatment services.

### F.2      Child Protection

Protection of children at risk of significant harm is the legal mandate of Child Protection which is the Victorian government agency provided by the Department of Human Services (DHS) from regional offices. Child Protection has statutory powers and can use these to protect a child.

School staff members are essential collaborative partners with Child Protection in supporting the child and maintaining positive relationships with the child's family. When Child Protection receives a school referral, they may respond by either investigating the allegation or offering family support to enhance parental capacity. The Principal is encouraged to request that Child Protection officers advise him/her directly when the referral or report is received in order to avoid unnecessary worry or anxiety by school staff involved. The Principal and staff should be aware that reporting child abuse to Child Protection does not necessarily mean that a child will be removed from the parent/carer, or be placed in the care of Child Protection.

Upon request, schools are required to provide appropriate and detailed written information to support Child Protection responses. Child Protection can support schools to develop and implement prevention and intervention programs to enhance child safety, health and wellbeing, including self-protective behaviours. Regional Domestic and Family Violence committees, established through Child Protection, can provide children services and schools with ongoing support and guidance.

#### F.2.1      Child Protection Legislative Powers

The Children, Youth and Families Act 2005 came into effect in 2007 and provides the legislative basis for the system of services that provide support to vulnerable children and their families and, where necessary, protect children from significant harm.

#### F.2.2      General Principles

The Children, Youth and Families legislation is based on the following principles:

the best interests of the child are paramount;

parents, families and communities have a primary role in safeguarding and promoting the wellbeing of children;

child participation ensures the child is provided with adequate and appropriate information about the significant decisions that affect his/her life and an opportunity to participate in decision making processes; and

decisions regarding Aboriginal and Torres Strait Islander children serve to maintain a connection with family and culture.

Child Protection's legislative powers include:

An authorised officer who believes there is an unacceptable risk to the wellbeing of a child may remove a child from his/her parents and take the child into care.

An authorised Child Protection officer or police officer, who suspects there is an immediate and substantial risk to the child's well-being, may enter any place and search for the child for the purpose of taking the child into provisional protection and care without a warrant.

#### F.2.3      Interviewing the Child

Child Protection has the authority under the act to interview a child at school before contact is made with the parents/guardians.

Child Protection will advise the Principal of their intention to interview a child on site.

The Principal should sight Child Protection officer's identification.

The Principal will be informed of the actions planned by Child Protection.

If Child Protection interviews a child on the school grounds without the parents' knowledge, the child may be asked if they would like a trusted staff member to be with them. This person must be over 18 years of age. An Aboriginal child may prefer a person from his or her community to act as a support. If a staff member is reluctant to act as a support then an alternative should be arranged. The support person should be briefed by Child Protection about their role before the interview.

#### F.2.4 Removal of Children from the School

Child Protection officers may remove a child from the school for an interview if they have the permission of the parents/guardians.

If parental permission is not given, Child Protection officers will apprehend the child.

The Principal should check that these conditions have been met before allowing the removal of a child from school.

Verbal communication is adequate but the Principal must document the conversation with and details of Child Protection officers.

#### F.2.5 Medical Examination

The medical examination of a child can only be authorised by Child Protection or Victoria Police and will be arranged through the Victorian Forensic Paediatric Medical Service (VFPMS) and take place at the Royal Children's Hospital or the Monash Medical Centre according to the child's age and type of abuse under investigation.

Child Protection may require that a medical examination occurs as soon as possible so that bruising, marking and other symptoms can be recorded.

If parent/guardian permission has not been obtained for the medical examination, Child Protection will apprehend the child.

#### F.3 Victoria Police Sexual Offences and Child Abuse (SOCA) Units

The Victoria Police SOCA Units investigate physical abuse, sexual abuse and criminal neglect of children throughout Victoria and are staffed by experienced and qualified police members specially trained to assist with responding to and investigating adult sexual assault and child sexual and physical assault. Members perform work in either plain clothes or police uniform depending on the type of job they are attending. SOCA Units work with police detectives and Centres Against Sexual Assault (CASAs) to ensure that the best response is provided to those involved.

The principal role of the SOCA Units is to provide an initial response to victims of sexual assault and physical assault on children by:

- attending to the welfare of the victim;

- obtaining a statement from a victim/witness for evidentiary purposes;

- completing and submitting the relevant reports; and

- interviewing offenders for minor sexual and physical assaults after consultation and in liaison with the relevant Criminal Investigation Unit (CIU).

When responding to sexual assault, police members operate within a set of guidelines known as The Victoria Police Code of Practice for the Investigation of Sexual Assault.

Any allegation of student sexual assault must be reported to the local SOCA Unit as soon as practicable after the disclosure. Protocols between SOCA Units and Child Protection require that each agency notifies the other about cases of suspected child abuse. Allegations that a child has been sexually abused or has suffered significant harm as a result of physical injury may lead to both criminal charges and protective intervention. In these cases the SOCA Unit and Child Protection may perform joint investigative work.

Where schools need general advice to assist in identifying the appropriate course of action, the Principal can contact the Melbourne SOCA Unit directly.

##### Guidelines

For additional information and to access to The Victoria Police Code of Practice for the Investigation of Sexual Assault, see the Victoria Police SOCA website ([www.police.vic.gov.au/content.asp?Document\\_ID=757](http://www.police.vic.gov.au/content.asp?Document_ID=757)). The Melbourne SOCA Unit can be contacted on (03) 9247 5538.

#### F.4 Centres Against Sexual Assault (CASA)

The Victorian (Australia) Centres Against Sexual Assault (CASAs) are non-profit, government funded organisations that provide support and intervention to women, children and men who are victims/survivors of sexual assault. They also work towards the elimination of sexual violence through professional and community education, informing government policy, advocating for law reform and facilitating research to increase community understanding of the nature and incidence of sexual assault.

There are 15 CASAs across the state of Victoria and the Victorian Sexual Assault Crisis Line (after hours). These offer free, confidential 24 hour emergency or crisis care for victim/survivors of sexual assault. This includes crisis counselling support, access to medical care and legal services as well as counselling support for adults who were abused in their childhood.

CASAs can be contacted for advice about providing support for students involved in an allegation of sexual assault. The Principal should emphasise the need for specialist assistance and refer students and their parents/guardians to CASA for counselling where possible.

#### Guidelines

To contact any CASA and the after hours Sexual Assault Crisis Line (SACL) call 1800 806 292. Further information can also be obtained from the CASA Forum website ([www.casa.org.au](http://www.casa.org.au)) or the Sexual Assault Crisis Line website ([www.sacl.com.au](http://www.sacl.com.au)).

## Appendix G School Support Plan for Reported Abuse

### School Support Plan for Reported Abuse (Appendix G)

Record For (Child's Name) \_\_\_\_\_

Date	Action e.g. consultation, parent, referral, observation, case conference, behaviour plan.	By Whom	Follow Up



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## **Appendix H      Guidelines for Appropriate Staff-Student Behaviour**

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In order to create a safe and secure environment for students, staff members are required to behave in a manner that conforms to the Staff Conduct policy.

Some considerations and guidelines include the following:

- Consider the child's age, developmental level, maturity and level of care required, for example, touching a child to gain their attention, guiding or comforting a distressed child.
- Work in an open environment; for example, in confidential interviews or a one-to-one meeting, the door should be open with visual access. Exceptions apply for professions with strict confidentiality requirements.
- Be alert to cues from students about how comfortable they are in your proximity and respect their need for personal space.
- Be sensitive when interacting with students who may misinterpret your actions, such as those students who may have been traumatised by abuse or adolescents seeking attention from a member of the opposite sex.
- Be aware of cultural norms that may influence the interpretation of your behaviour towards students.
- Be cautious about physical contact in games or practical instruction. If you need to make physical contact for demonstrations, explain the activity and what you will do, maintain a safe and appropriate distance.
- Physical contact should be made in a way that makes students feel comfortable, for example, shaking hands, a congratulatory pat on the back or with young children by gently guiding them or holding their hand for reassurance. Physical contact such as stroking hair or limbs, or allowing a student to sit on your lap should be developmentally appropriate and in full public view. It may be appropriate for a very young child who is distressed but can never be justified for an older student in any circumstance. Massaging a student or allowing a student to massage you is inappropriate physical contact.
- Social interaction through electronic media such as MSN, Facebook, Instagram, YouTube, Bebo etc. is not appropriate and may lead to misinterpretation of the student-teacher relationship.
- The use of images of students as screen savers or backgrounds on personal electronic devices is not appropriate. The collection and storage of photographs of students must be for educational purposes.
- Be aware that the giving and receiving of gifts, giving extra attention, accepting a different standard of behaviour from a child or having 'special time' with a child must be appropriate and justified as a strategy to meet teaching and learning outcomes.
- Be aware that talking about sex or making comments of a sexualised nature, when outside the sexual health curriculum is unprofessional. This behaviour may be perceived as sexual harassment, misinterpreted and or cause distress to a child.
- Obtain parental permission when meeting with students off the school grounds for outside of school activities.
- The provision of your personal contact details should be justified in terms of educational purposes.

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## **Appendix I            Guidelines for Completing Documentation**

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When documenting child protection concerns staff members should be aware that records can be subpoenaed by the court as evidence. If in doubt, you can consult with the Principal or Child Protection.

The Principal may complete documentation on behalf of the staff member who reports physical, psychological, emotional abuse or neglect.

The Principal may complete documentation for a non-teacher's concerns regarding sexual abuse

The teacher reporting child sexual abuse must complete documentation. The Principal must not do this on their behalf.

When recording information staff members should record observations and factual information about what you have seen such as:

- the identity of the source of information you were told;
- statements made by the child or parent/guardian, verbatim and in quotation (" ") marks; and
- professional judgements within your teaching training and experience.

Do not record irrelevant information such as:

- hearsay, information from a third party that is not directly witnessed;
- opinions, for example, "the parent used excessive discipline";
- family history; and
- personal conclusions about the type of abuse suspected.

Use simple language:

- include clear, direct, precise, non-emotive, objective language;
- avoid jargon; and
- use the first person singular, for example, "I saw..."

Avoid language that includes:

- pronouns, for example, he, she, it, etc; use the names of people; and
- 'probably' or 'possibly' - only use these terms if there is a reasonable degree of certainty.

## Appendix J      FlowChart- Responding to a possible mandatory reporting concern

