Child Safety Policy
Including Students at Risk and 
Mandatory Reporting
Child Safety Policy

Including Students at Risk and Mandatory Reporting

PREAMBLE

All policy, protocols and procedures flow from the St Andrews Christian College Mission Statement:

“To educate our students so that they are well skilled, understand life on the basis of biblical truth, and are motivated to walk with God and serve Him in their lives, so that they will be a positive Christian influence in the world.”
POLICY DOCUMENT INFORMATION

TITLE: Child Safety Policy Including Students at Risk and Mandatory Reporting

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ACKNOWLEDGEMENTS:
Child Protection Toolkit (January 2016)
- Created by Moores Legal Pty Ltd and published by Our Community.
- Commission for Children and Young People
Child Safety Standard Resources
- Victorian Registration & Qualifications Authority
Flinders Christian Community School

State of Victoria:
An Overview of the Victorian Child Safe Standards (November 2015)
- Department of Health and Human Services
Child Safe Standards Toolkit – Department of Human Services
Child Protection - Reporting Obligations - Department of Education and Training
Identifying Students at Risk – Department of Education and Training
Grooming Offence – Department of Justice and Regulation

RELATED DOCUMENTS:
Ministerial Order 870
Children, Youth And Families Act 2005 (Vic) – (Sect 162)
Crimes Act 1958 (Vic)
Crimes Amendment (Grooming) Act 2014
Betrayal of Trust Implementation, Child Safe Standards and Capacity Building
Consultation Report 2015 - State of Victoria, Department of Health and Human Services

College Documents:
Strategies & Review for Child Safety
Staff Code of Practice
Digital Technology Use Agreement (Junior, Middle, Senior School)
Privacy Policy
Employment Policy
OH&S Policy and Procedures
Student Welfare Policies:
Anaphylaxis Management Policy Anti-Bullying Policy
Drugs Policy Harassment Policy
OH&S First Aid Procedures Student Code of Conduct
Student Wellbeing Policy Sun Smart Policy and Procedure
Visitors Policy Working With Children Check Policy

This policy must be read in conjunction with all College related policies.

KEY DATES

ISSUE DATE: August 2016

REVIEW DATE: 2019. Strategic Plan to be reviewed annually.
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>Purpo</strong>e</td>
<td>5</td>
</tr>
<tr>
<td>2. <strong>Rationale</strong></td>
<td>5</td>
</tr>
<tr>
<td>3. <strong>Definitions</strong></td>
<td>6</td>
</tr>
<tr>
<td>4. <strong>Roles and Responsibilities</strong></td>
<td>8</td>
</tr>
<tr>
<td>5. <strong>Implementation</strong></td>
<td>9</td>
</tr>
<tr>
<td>5.1 Empowerment</td>
<td>9</td>
</tr>
<tr>
<td>5.2 Employment</td>
<td>9</td>
</tr>
<tr>
<td>5.3 Identifying and Managing Risks of Child Abuse</td>
<td>10</td>
</tr>
<tr>
<td>5.4 Identifying Students at Risk</td>
<td>10</td>
</tr>
<tr>
<td>6. <strong>Mandatory Reporting</strong></td>
<td>14</td>
</tr>
<tr>
<td>6.1 Training Requirement for Mandatory Reporting</td>
<td>16</td>
</tr>
<tr>
<td>7. <strong>Further Offences and Duty of Care</strong></td>
<td>17</td>
</tr>
<tr>
<td>7.1 Failure to Disclose Offence</td>
<td>17</td>
</tr>
<tr>
<td>7.2 Duty of Care and the Failure to Protect Offence</td>
<td>17</td>
</tr>
<tr>
<td>7.3 Grooming Offence</td>
<td>17</td>
</tr>
<tr>
<td>8. <strong>Procedures</strong></td>
<td>18</td>
</tr>
<tr>
<td>8.1 Overview</td>
<td>18</td>
</tr>
<tr>
<td>8.2 Responding to and Reporting Concerns and Allegations of Child Abuse</td>
<td>19</td>
</tr>
<tr>
<td>8.3 Investigating</td>
<td>22</td>
</tr>
<tr>
<td>8.4 Discipline and Dismissal</td>
<td>22</td>
</tr>
<tr>
<td>8.5 Responding to Students at Risk</td>
<td>22</td>
</tr>
<tr>
<td>8.6 Responding to a Suicide</td>
<td>23</td>
</tr>
<tr>
<td>9. <strong>Review</strong></td>
<td>23</td>
</tr>
</tbody>
</table>

## Appendices

- **Appendix 1** — Contact Details .......................................................... 24
- **Appendix 2** — Responding to an Incident (Flowchart) .......................... 25
- **Appendix 3** — A Step-by-Step Guide to Making a Report to DHHS (Flowchart) 26
- **Appendix 4** — Incident Report for Allegations of Child Abuse .............. 28
- **Appendix 5** — Betrayal of Trust: Factsheet: The New ‘Failure to Disclose’ Offence .. 30
- **Appendix 6** — Betrayal of Trust: Factsheet Failure to Protect: A New Criminal Offence to Protect Children from Sexual Abuse .................. 34
- **Appendix 7** — Betrayal of Trust: Factsheet: The New Grooming Offence .......... 39
1. **Purpose**

The purpose of this policy is:

1. To provide policy and direction for all the College Community in alignment with our Mission Statement.
2. To facilitate the prevention of child abuse occurring within St Andrews Christian College.
3. To work towards an organisational culture of child safety.
4. To prevent child abuse within St Andrews Christian College.
5. To ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and / or detecting such abuse when it occurs.
6. To provide the College community with guidance as to action that is required where they suspect any abuse within or outside of the school environment.
7. To assist the College community to feel enabled, confident and supported to safely disclose / report child safety concerns.
8. To provide assurance and confidence that any and all suspected abuse will be reported and fully investigated.
9. To provide a clear statement to the College community, including visitors, volunteers and contractors forbidding any such abuse.

*St Andrews Christian College proposes to take the actions outlined below: Implementation, Procedure and Review. Through these processes, the College will:

- *Demonstrate its commitment to child safety,*
- *Monitor its adherence to this policy,*
- *Support, encourage and enable the College community to understand, identify, discuss and report child safety matters; and*
- *Support or assist children who disclose child abuse, or are otherwise linked to suspected child abuse.*

The College also demonstrates its commitment to child safety through it’s Related Documents (see cover page).

2. **Rationale**

St Andrews Christian College is committed to child safety. The College has been given the responsibility to care for and protect students. Providing a safe environment is a priority.

All students are made in the image of God (Genesis 1:26) and are, therefore, valued by God. Thus, they should be valued highly by staff, their peers, visitors to the school, and family members. All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse. The College is committed to promoting and protecting the safety and best interests of children, actively working to empower them, and allowing them to feel and be safe at all times.

*Child abuse of any kind is never acceptable. St Andrews Christian College has zero tolerance for child abuse.*
Every person working within the St Andrews Christian College community is responsible for the care and protection of students and reporting information about child abuse.

Because of the fallen nature of mankind (Genesis 3) we cannot become complacent in our care for the students at St Andrews Christian College. Procedures and measures are put into place to oversee the proper care of students, especially for students who are vulnerable or more likely to be ‘at risk’.

St Andrews Christian College values the opinions of children, staff, parents and volunteers, and will utilise their opinions in how this policy is implemented.

St Andrews Christian College supports and respects all children, staff and volunteers. St Andrews Christian College is committed to the cultural safety of Aboriginal children, and those from culturally and / or linguistically diverse backgrounds, and to providing a safe environment for children living with a disability.

**If any person believes a child is in immediate risk of abuse, telephone 000.**

3. **Definitions**

**Child** means a child enrolled as a student at the school.

**Child abuse** includes—

- Any act committed against a child involving—
  - a sexual offence; or
  - an offence under section 49B(2) of the Crimes Act 1958 (grooming); and
- The infliction, on a child, of—
  - physical / family violence; or
  - serious emotional or psychological harm; and
- Serious neglect of a child.
- See also 5.4 *Indicators of Students at Risk*

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

**Children with a disability.** A disability can be any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child’s ability to undertake everyday activities. A disability can occur at any time in life. Children can be born with a disability or acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden.

**Cultural safety**[^1] is the positive recognition and celebration of cultures. It is more than just the absence of racism or discrimination, and more than cultural awareness and cultural sensitivity. It is an environment which is spiritually, socially and emotionally safe, as well as physically safe for children; where there is no assault, challenge or denial of their cultural or linguistic identity, of who they are and what they need. It is about shared respect, shared meaning, shared knowledge and experience, of learning, living and working together with dignity and truly listening.

**Reasonable grounds for belief** is a belief based on **reasonable grounds** that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- The child is in need of protection,
- The child has suffered or is likely to suffer “significant harm as a result of physical injury”,
- The parents are unable or unwilling to protect the child.

A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof, but is more than mere rumour or speculation.

A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a ‘reasonable belief’ might be formed if:

- A child states that they have been physically or sexually abused;
- A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- Someone who knows a child states that the child has been physically or sexually abused;
- Professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or
- Signs of abuse lead to a belief that the child has been physically or sexually abused.

**School environment** means any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:

- A campus of the school;
- Online school environments (including email and intranet systems); and
- Other locations provided by the school for a child’s use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).

**School governing authority** means:

- The proprietor of a school, including a person authorised to act for or on behalf of the proprietor; or
- The school governing body / College Board; or
- The principal, as authorised by the proprietor of a school, the school governing body, or the ETR Act.

**Staff** means an individual working in a school environment who is:

- directly engaged or employed by a school governing authority;
- a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary); or
- a minister of religion.

**Students at risk** are those whose health, wellbeing and educational success is at risk owing to factors such as poverty, race, ethnicity, language, family stress or other factors. It refers to all children who are vulnerable, in danger, or in need of special care, support, or protection because of age, disability, or risk of abuse or neglect. This can include aboriginal children, children from culturally and / or linguistically diverse backgrounds and children with a disability. See 5.4 Identifying Students at Risk below.
4. **Roles and Responsibilities**

Child protection is a shared responsibility of all the St Andrews Christian College community. This includes staff (school employees, contractors and volunteers), parents and families, visitors and children.

**The school governing authority** of St Andrews Christian College has ultimate responsibility for the prevention of child abuse and is responsible for ensuring that appropriate and effective control systems are in place.

In accordance to the *Board Policy for Delegation of Authority*, the College Board assigns responsibility for discharging the requirements of the Ministerial Order No: 870 – Child Safe Standards – Managing the risk of child abuse in schools, to the Principal.

**The Principal is responsible for:**

- Dealing with and investigating reports of child abuse;
- Ensuring that all staff, contractors, and volunteers are aware of relevant laws, organisational policies and procedures, the College’s Code of Conduct / Practice and their obligation to observe the Code of Conduct / Practice (particularly as they relate to child safety);
- Ensuring that all adults within the College community are aware of their obligation to report suspected sexual abuse of a child in accordance with these policies and procedures;
- Providing support for staff, contractors and volunteers in undertaking their child protection responsibilities.

**All members of the Executive Leadership Team must ensure that they:**

- Promote child safety at all times;
- Assess the risk of child abuse within their section and eradicate / minimise any risk to the extent possible;
- Undertake all actions for their section of responsibility as identified in the Strategic Plan;
- Educate staff about the prevention and detection of child abuse; and
- Facilitate the reporting of any inappropriate behaviour or suspected abusive activities.

The Executive Leadership Team should be familiar with the types of abuse that might occur within their area of responsibility and be alert for any indications of such conduct.

**Head of Senior School** is responsible for ensuring VCE students are made fully aware and understand details of child safe laws and consequences annually. This includes:

- Mandatory reporting responsibilities and the expectations of the College (including Failure to Disclose Offence). That is, those 18 years and older are expected to report both suspected and actual abuse. All other students are encouraged to report any concerns.
- The Grooming Offence.

**All staff/volunteers/contractors** share in the responsibility for the prevention and detection of child abuse, and must:

- Familiarise themselves with the relevant laws, the Code of Conduct, and the College’s policies and procedures in relation to child protection, and comply with all requirements;
- Report any reasonable belief that a child’s safety is at risk to the relevant authorities (such as the police and / or the DHHS Child Protection) and fulfil their obligations as mandatory reporters;
• Report any suspicion that a child’s safety may be at risk, to their supervisor (or, if their supervisor is involved in the suspicion, to a responsible person in leadership within the College); and
• Provide an environment that is supportive of all children’s emotional and physical safety.

5. IMPLEMENTATION

5.1 Empowerment

St Andrews Christian College will support, encourage and enable school staff, parents, and children to understand, identify, discuss and report child safety matters, through means of:
• Implementing this policy and its related documents.
• Discussion forums for staff, parents & students (age appropriate).
• Age appropriate child safety education (e.g. About their body and what to do if they feel unsafe).
• School diary.
• Refer to Strategies and Review for Child Safety.

Forums provide a platform for various viewpoints. St Andrews encourages children to express their views and ‘have a say’ about things that are important to them, as those who are directly affected by child safety. Ideas and suggestions can be explored and developed as the College grows its culture of child safety.

The College listens to and acts on any concerns children, or their parents, raise.

5.2 Employment

St Andrews Christian College undertakes a comprehensive recruitment and screening process which aims to:
• Promote and protect the safety of all children under the care of the organisation;
• Identify the safest and most suitable people who share the College’s values and commitment to protect children; and
• Prevent a person from working at the College if they pose a risk to children.

St Andrews Christian College requires all workers / volunteers to pass through the organisation’s recruitment and screening processes prior to commencing their engagement with the College.

Persons applying for a role as a teacher with the College must be registered with the Victorian Institute of Teaching. All other staff who work in child-connected work are required to obtain a WWCC prior to their employment at the College.

The College may require applicants to provide a police check in accordance with the law and as appropriate, before they commence working at St Andrews Christian College and during their time with the College at regular intervals.

St Andrews Christian College will undertake thorough reference checks as per the approved internal procedure.

All volunteers who participate in activities at St Andrews Christian College must have a WWCC.

Once engaged, workers/volunteers must review and acknowledge their understanding of this policy.

Support and Supervision for Staff, Contractors and Volunteers:

St Andrews Christian College provides support and supervision so that people feel valued, respected and fairly treated.
The College checks VIT registrations for teachers, and WWCCs for all other directly employed staff annually. The VIT and WWCC organisations regularly check the suitability of staff for child connected work throughout period that the registration / check is held.

Staff complete Staff Intentions forms annually. This form outlines expectations and confirms that staff are still in agreement with the College Statement of Faith. It provides opportunity for staff to voice any concerns they may have regarding their employment.

Staff are accountable to read and familiarise themselves with, and sign off on reading College policies annually.

Staff are aware that they are accountable to their peers, supervisors and ultimately, God. As a result of introducing the Child Safe Standards into the College, staff are alerted to risks and are responsible to voice any concerns to their supervisor.

See Roles and Responsibilities above for further information on staff supervision.

Where possible, the College will:
- Organise for trade based works to take place outside of school hours.
- Endeavour to employ regular contractors for trade works.
- Ensure that contracts include child safety standards and expectations.

5.3 Identifying and Managing Risks of Child Abuse

St Andrews Christian College will ensure that child safety is a part of its overall risk management approach. This approach is used to inform our policy, procedures and activity planning.

The College will have an OH&S committee committed to identifying and managing risks in all school environments, including physical and online.

For more information about managing and responding to the risk of abuse see Resources on the Department of Education and Training website Duty of care, Responding to Student Sexual Assault and Risk Management.

5.4 Identifying Students at Risk

The term ‘at risk’ is very broad. The Australian Government, Department of Health\(^2\) defines it into categories such as:

- **Education**
  'At risk’ of leaving the education system prematurely leading to poor transition from school to work or further study.

- **Police**
  'At risk’ of entering the criminal justice system.

- **Mental health**
  'At risk’ of self-harm or suicide etc.

- **Child protection**
  'At risk’ of harm due to abuse or neglect within the family.

- **Accommodation services**
  'At risk’ of becoming homeless or ‘at risk’ because the young person is already homeless.

- **Juvenile justice**
  'At risk’ of re-offending.

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• AOD services
  'At risk' of drug-related harm or 'at risk' of overdose.

There are also those who are 'at risk':
• Of being less than 'safe' (eg. Bullying).
• Of harm from either themselves or another person.

Although there are many kinds of risk, and students at our College may be exposed to any of the above, for the purposes of this policy, the primary focus is for those at risk of abuse. Further, we consider students who are at risk in terms of wellbeing, integration, social and educational engagement. We know that risk factors play a role in the development of the ‘whole person’, and as a College, we intend to do all we can to reduce those factors.

**Risk Factors**

The Department of Education and Training lists the following as some risk factors for students:

• Family and community factors such as poverty, parental unemployment and/or low educational attainment, homelessness, transience or living in out-of-home care, Aboriginal or Torres Strait Islander status, refugee background, family breakdown/relationship issues and domestic violence.

• Personal factors such as physical or mental health issues, disability, behavioural issues, offending behaviour and/or contact with police or justice system, substance misuse or dependency, pregnancy or parenting, caring responsibilities, and learning difficulties.

• School-related factors such as negative relationships with teachers or peers and an unsupportive school culture.

• Young people may often experience multiple risk factors, which may be interdependent. For example, family breakdown may be a factor in substance misuse, which may itself contribute to other problems such as offending behaviour.

For some students, simply identifying as from a certain culture or race can be a risk factor, due to:

• History of intergenerational trauma, rejection and abuse.
• Language/communication barriers.
• Lower socio economic status.
• Differences in child rearing practices.
• Distrust of social service providers.
• May have experienced displacement and loss.
• Not knowing where to go for support.

These factors can have been known to contribute to a disadvantaged social integration.

Children with a disability have an increased risk of being abused compared with children without a disability. A number of factors may contribute to the risk of abuse including physical impairments or difficulties with speech and communication, memory, literacy, vision and hearing impairments, and reliance on caregivers. People with a disability often receive less sexual education than their peers. These factors may also contribute to poor recognition of abuse of children with a disability.  

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3 Identifying Students at Risk—Department of Education and Training.
**Signs of Abuse and Indicators of Students at Risk**

Students at risk may identify through physical indicators, behaviour, needs or circumstance. Signs of students at risk of abuse may be as follows, including physical, sexual, emotional and neglect. Although indicators are categorised, they are fluid and may indicate a different issue than that which is listed.

**Physical Abuse**

Physical indicators include:
- Bruises, burns, sprains, dislocations, bites, cuts.
- Fractured bones, especially in an infant where a fracture is unlikely to occur accidentally.
- Poisoning.
- Internal injuries.

Possible behavioural indicators include:
- Showing wariness or distrust of adults.
- Wearing long sleeved clothes on hot days (to hide bruising or other injury).
- Demonstrating fear of parents and of going home.
- Becoming fearful when other children cry or shout.
- Being excessively friendly to strangers.
- Being very passive and compliant.

**Sexual Abuse**

Sexual abuse is not usually identified through physical indicators. Often the first sign is when a child tells someone they trust that they have been sexually abused. However, the presence of sexually transmitted diseases, pregnancy, bodily bleeding or discharge may indicate sexual abuse.

One or more of these behavioural indicators may be present:
- Child telling someone that sexual abuse has occurred.
- Complaining of headaches or stomach pains.
- Experiencing problems with schoolwork.
- Displaying sexual behaviour or knowledge which is unusual for the child’s age.
- Showing behaviour such as frequent rocking, sucking and biting.
- Experiencing difficulties in sleeping.
- Having difficulties in relating to adults and peers.

**Emotional Abuse**

There are few physical indicators, although emotional abuse may cause delays in emotional, mental, or even physical development.

Possible behavioural indicators include:
- Displaying low self esteem
- Tending to be withdrawn, passive, tearful
- Displaying aggressive or demanding behaviour
- Being highly anxious
- Showing delayed speech
- Acting like a much younger child, e.g. soiling, wetting pants
- Displaying difficulties in relating to adults and peers

**Neglect**

Physical indicators include:
- Frequent hunger

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5 *How can abuse and neglect be recognised? Department of Health and Human Services*

*Child Safety Policy Including Students at Risk and Mandatory Reporting - August 2016*

*Page 12 of 40*
• Malnutrition
• Poor hygiene
• Inappropriate clothing, e.g. Summer clothes in winter
• Left unsupervised for long periods
• Medical needs not attended to
• Abandoned by parents

Possible behavioural indicators include:
• Stealing food
• Staying at school outside school hours
• Often being tired, falling asleep in class
• Abusing alcohol or drugs
• Displaying aggressive behaviour
• Not getting on well with peers

Further indicators of students at risk are:

Possible physical indicators:
• Physical signs of self-harming

Possible behavioural indicators:
• Fear of specific people
• Unexplained absences
• Academic problems
• Exhibiting low self-esteem
• Exhibiting high anxiety
• Self-harming
• Needing attention
• Risk taking
• Negative interactions with peers
• Significant change in behaviour, attitude or performance

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert teachers to the possibility of child abuse and neglect.

Self-Harm
Self-harm can be direct or indirect. Direct self-harm can include immediate tissue damage (reducing emotional pain without the intent to die) and poisoning (usually is with the intent to die).

Indirect self-harm can include:
• Substance abuse
• Excessive exercise
• Eating disorders
• Sleep deprivation
• Risky behaviours (driving without a seatbelt, extreme sports)
• Promiscuity

Students at risk, or who have been abused may or may not be suicidal.

Suicidal indicators include:
• Hopelessness
• Social isolation / withdrawal
• Depression
• Threats, talk of, or joking about suicide
• Making final arrangements, giving away possessions, saying goodbye
• Focus on death / suicidal thoughts, which may be expressed verbally or through artwork, poems or stories
• Noticeable behaviour changes
• Risk taking, skipping school, running away, sexual promiscuity, impulsiveness, agitation, indifference, rebelliousness, destructive or illegal activity
• Loss of interest in hobbies, sports, work and school.
• Sudden mood swings, abrupt changes in personality, sadness, frequent crying
• Self-mutilation
• Fatigue/sleep disturbances
• Inability to concentrate, make decisions or accept alternatives
• Low self-esteem, self-criticism
• Recipient of sexual, emotional, physical abuse or neglect
• Family crisis/homelessness
• Substance abuse
• Mental Health Issues including depression, anxiety, eating disorders, psychotic episodes.

6. **Mandatory Reporting**

Mandatory reporters (see table below), who believe on reasonable grounds that a child or young person is in **need of protection** from physical injury or sexual abuse, must report their concerns to Department of Health and Human Services (DHHS) Child Protection. *Any person 18 years or older must report to Victoria Police if they form a reasonable belief that a sexual offence has been committed in Victoria against a child, by another person of or over the age of 18 years.*

All school staff members who form a belief on reasonable grounds that a child or young person:

• Is in **need of protection**, should report their concerns to DHHS Child Protection or Victoria Police.
• Is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to DHHS Child Protection.

A report should also be made to DHHS Child Protection in circumstances where, for example:

• The child is engaging in risk-taking behaviour.
• There is a risk to an unborn child.
• There are indications that a child is being groomed. For information see: Appendix 7 – Betrayal of Trust Factsheet: The New Grooming Offence.

If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to DHHS Child Protection or Child FIRST. In all of these cases, staff should initially discuss their concerns and the reasons for the concerns with their Head of Section, and the Principal.

Refer to Procedures below for College specific steps to take in the event of concern, allegations or other child safety related issues arising.

The person lodging the report does not have to prove that the abuse has taken place.

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6 Child Protection—Reporting Obligations Department of Education and Training
Child Safety Policy Including Students at Risk and Mandatory Reporting - August 2016
Page 14 of 40
Reports made in the course of carrying out your profession and made in good faith are confidential and do not constitute breaches of professional ethics or a contravention of relevant privacy laws nor can they be the subject of legal or civil action.

If one staff member has a different view from another staff member about making a report and the staff member continues to hold the belief that a child is in need of protection, that person is still obliged to make a report to Child Protection.

The tables below outline mandatory and voluntary reporting requirements relevant to the state of Victoria.

**If any person believes a child is in immediate risk of abuse, telephone 000.**

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Mandated reporters</th>
<th>When must a report be made?</th>
<th>Who is a child?</th>
<th>Who to report to?</th>
</tr>
</thead>
</table>
| Crimes Act 1958 (Vic)              | Any person 18 years or older                  | A mandated reporter must make a report if they form a reasonable belief that a sexual offence has been committed in Victoria against a child by another person of or over the age of 18 years.  
  NB. Exceptions may apply.    | A person under 16 years old.                 | Victoria Police |
| Children, Youth and Families Act 2005 (Vic) | Registered medical practitioners, midwives and registered nurses.  
  - Teachers registered or granted permission to teacher under the Education, Training and Reform Act 2006 (Vic).  
  - Principals  
  - Police | A mandated reporter must make a report as soon as is practicable if:  
  - They form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse;  
  - The parents cannot or will not protect the child; and  
  - The belief is formed in the course of practising his / her position of employment.  
  NB. Exceptions may apply. | A person under 17 years old. | DHHS Child Protection |

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Voluntary reporters</th>
<th>When can a report be made?</th>
<th>Who is a child?</th>
</tr>
</thead>
<tbody>
<tr>
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<td>A voluntary reporter may make a report if the person has a significant concern for the wellbeing of a child.</td>
<td>A person under 17 years old.</td>
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<tr>
<td></td>
<td>Any person</td>
<td>Any person may make a report if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:</td>
<td></td>
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</tbody>
</table>

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7 Child Protection Toolkits, created by Moores Legal Pty Ltd and published by Our Community. Also Child Protection - Reporting Obligations - Department of Education and Training. See the website for a detailed list including exceptions http://www.education.vic.gov.au/school/principals/sppgsafety/Pages/childprotection.aspx
<table>
<thead>
<tr>
<th></th>
<th>Police</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The child has been abandoned or the child’s parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.</td>
<td></td>
</tr>
<tr>
<td>• The child’s physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.</td>
<td></td>
</tr>
<tr>
<td>• The child has suffered or is likely to suffer:</td>
<td></td>
</tr>
<tr>
<td>- Significant harm as a result of physical injury and the parents are unable or unwilling to protect the child.</td>
<td></td>
</tr>
<tr>
<td>- Significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child.</td>
<td></td>
</tr>
<tr>
<td>- Emotional or psychological harm and the parents are unable or unwilling to protect the child.</td>
<td></td>
</tr>
</tbody>
</table>

| Any Person | Any person may make a report if they believe on reasonable grounds that a child is displaying sexually abusive behaviours and is in need of therapeutic treatment. | A person 10 years old or over, but under 15 years old. | DHHS Child Protection |

6.1 Training Requirement for Mandatory Reporting

To help schools ensure that all staff are fully aware of their reporting obligations in regard to child abuse, the DEECD has created a mandatory reporting eLearning module which can be accessed by all mandated and non-mandated staff in schools. The module takes approximately 30 – 45 minutes to complete.


The username is deecd and the password is external.
7. **FURTHER OFFENCES AND DUTY OF CARE**

7.1 **Failure to Disclose Offence**
Any adult associated with the College who forms a reasonable belief that a sexual offence has been committed in Victoria, by an adult against a child under 16, must disclose that information to police. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

The offence applies to **all adults** in Victoria, not just professionals who work with children.

This offence carries a penalty of imprisonment of up to 3 years.

For further information refer to Appendix 5 – Betrayal of Trust Factsheet: The new ‘failure to disclose’ offence produced by the Department of Justice.

7.2 **Duty of Care and the Failure to Protect Offence**

*Duty of Care*
School staff have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care they should take immediate action. *Refer to Procedures below.*

**Protecting children from the risk of sexual abuse – failure to protect offence**
Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child-related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

The offence applies only to **adults in a position of authority** within an organisation, including principals, senior school staff, regional directors and other senior managers.

This offence carries a penalty of imprisonment for up to 5 years.

For further information refer to Appendix 6 – Betrayal of Trust Factsheet: The new ‘failure to protect’ offence produced by the Department of Justice.

7.3 **Grooming Offence**
The Crimes Amendment (Grooming) Act 2014, which commenced in Victoria on 9 April 2014, introduces the offence of Grooming for sexual conduct with a child under the age of 16 years. This offence targets predatory conduct designed to facilitate later sexual activity with a child.

According to the Amendment, the criminal offence is as follows:

“A person of or over the age of 18 years must not communicate by words or conduct with a child under the age of 16 years or a person under whose care, supervision or authority the child is (whether or not a response is made to the communication), with the intention of facilitating the child’s engagement in or involvement in a sexual offence with that person or another person who is over the age of 18 years.”

The Betrayal of Trust report recommended the grooming offence, given the way in which many sex offenders target their victims. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.
What is Grooming?

- The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.
- The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child’s involvement in sexual conduct, either with the groomer or another adult.
- Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.
- The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as upskirting and indecent behaviour in public.

This offence carries a penalty of imprisonment for up to 10 years.

The Head of Senior School will ensure that VCE students are made fully aware of the Grooming Offence annually. VCE students are to understand of details and consequences of child safe laws and College policies.

For further information refer to Appendix 7 – Betrayal of Trust Factsheet: The new ‘Grooming’ Offence produced by the Department of Justice.

8. Procedure — Responding, Reporting and Care

If any person believes a child is in immediate risk of abuse, telephone 000.

Fulfilling the roles and responsibilities contained in the Procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.11

8.1 Overview

This procedure covers all forms of child abuse (see Definitions above). It applies to allegations or disclosures of child abuse made by or in relation to a child, school staff, visitors, or other persons while connected to the school environment.12

Any person who becomes aware must respond appropriately to a child who makes or is affected by an allegation of child abuse13.

Any person within the College community who has grounds to suspect abusive activity must immediately notify the appropriate child protection service or the police. They should also advise their supervisor about their concern.

In situations where the supervisor is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the next highest level of supervision.

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11 Ministerial Order 870 – Child Safe Standards—Managing the Risk of Child Abuse 11(3)(d)
12 Ministerial Order 870 – Child Safe Standards—Managing the Risk of Child Abuse 11(3)(a), 11(3)(b)
Staff are not required to make a judgement about the truth of the allegation of child abuse\textsuperscript{14}. Never blame or interrogate a child.

For a list of contact details, see Appendix 1.

**Care and Concern**

As a Christian community, it is expected that anyone aware of a child who has been abused, at risk or in need of protection, will go over and above the legal requirements to protect and comfort the child. It is expected that all parties that become aware of the situation pray and seek God for comfort and resolve for all involved. It is expected that the care, concern and support for the child will envelop the entire process, including follow up, and after the situation seems to have resolved. Child abuse is an extremely serious and traumatic matter. It is something that can affect a person for their entire lifetime, and the ripple effects have been known to spread down through generations. This is why it is expected that care, concern and prayer will continue.

**Considering Diversity\textsuperscript{15}**

In considering the diversity of the College community, it is important that steps are taken to ensure that the child and the child’s family understand the situation and are supported.

Some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. We need to be sensitive to these issues and meet people’s needs where possible, such as having an interpreter present (who could be a friend or family member).

If an allegation of abuse involves an Aboriginal child, we need to ensure a culturally appropriate process / response. A way to help ensure this could include engaging with parents of Aboriginal children, local Aboriginal communities or an Aboriginal community controlled organisation to review policies and procedures.

Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters. Advice on communicating with people with a disability can be found on the Department of Health and Human Services website.

8.2 **Responding to and Reporting Concerns and Allegations of Child Abuse**

**Stage One – Initial Response**

What to do if you have a concern to disclose (‘tell’/’share’) –

*Children, Families, Staff and Volunteers*

**Students**, if you do not feel safe, or someone has done something to you that made you feel unsafe or uncomfortable, please tell someone that you trust - a teacher, chaplain or staff member. The adult will listen to you and do all they can to keep you safe.

If you know someone who has had harm done to them, or someone who is not safe, or have concerns regarding child safety:

- Keep notes of any evidence or concerns. It may assist teachers to think in terms of reporting behaviour or a series of behaviours and concerns. You do not have to prove the abuse, but have a reasonable belief that the person is / has been in danger.

\textsuperscript{14} Ministerial Order 870 – Child Safe Standards—Managing the Risk of Child Abuse 11(4)(c)

\textsuperscript{15} What to do When an Allegation of Child Abuse is Made—Child safe standards toolkit: resource six

*Child Safety Policy Including Students at Risk and Mandatory Reporting - August 2016*

Page 19 of 40
• Speak to a trusted adult within the College about your concern.
  - For children, this may be your teacher, chaplain or Head of Section.
  - For families, this may be the Head of Section for your child, or the Principal.
  - For staff and volunteers, these concerns must be discussed, in the first instance, with the Head of Section, then Principal.

• After these internal discussions, it is usual that the teacher who formed the belief would report to DHHS. However, it is possible that as a result of discussion with others in the school, it becomes clear that several teachers share the same belief. It is then possible and legal, that one nominated person may report to DHHS on behalf of those teachers. This process must be documented in College records to protect individual teachers not making the report.

What to do if a Person Discloses to a Staff Member

If a child wants to disclose:
• Try and separate them from the other children discreetly and listen to them carefully in an appropriate open space.
• Let the child use their own words to explain what has occurred.
• Thank the child for trusting you with their concern.
• Reassure, comfort and support the child. Inform them:
  - That you take what they are saying seriously.
  - It is not their fault and that they are doing the right thing.
  - You will do your best to keep them safe.
• Do not make promises to the child such as promising not to tell anyone about the incident. Explain to them that this information may need to be shared with others, such as with their parent/carer, specific people in your organisation, or the police.
• Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
• Alert supervisor of the situation.
• Provide them with an incident report form to complete, or complete it together, if you think the child is able to do this.
• As soon as possible after the disclosure, record the information using the child’s words and report the disclosure to your Head of Section, then Principal and police or child protection.
• Ensure the disclosure is recorded accurately, and that the record is stored securely.

If a parent / carer raises a concern, or says their child has been abused within the College:
• Explain that the College has processes to ensure all abuse allegations are taken very seriously.
• Ask about the wellbeing of the child.
• Do not make promises at this early stage, except that you will do your best to keep the child safe.
• Explain to them the information may need to be repeated to authorities or others, such as the College leadership, the police or Child Protection. Ask them if they are happy to involve Leadership at this stage.
• Alert supervisor of the situation and hand over the remainder of the process to them.

Supervisor should:
• Allow the parent / carer to talk through the incident in their own words.
• Advise the parent / carer that you will take notes during the discussion to capture all details.
• Provide the parent / carer with an incident report form to complete, or complete it together.
• Advise them of what the immediate next steps will be.
• Ensure the report is recorded accurately, and that the record is stored securely.
The Roles of Leadership

Once aware of the situation, the Head of Section or Principal will:

- Promptly manage the College’s response to an allegation or disclosure of child abuse, and ensure that the allegation / disclosure is taken seriously. If this person cannot perform his / her role, the Principal or Deputy Principal or another person within the Executive Leadership Team will manage an alternative procedure for responding to an allegation / disclosure16.
- Head of Section must report complaints of suspected abusive behaviour or misconduct to the Principal and also to any external regulatory body such as the police.
- In managing the College’s response, the Head of Section or Principal will:
  - Assist parties in understanding their rights and the process that will be followed.
  - Inform parties of support / assistance provided in accessing internal as well as external counselling / support services.
  - Deal with issues that arise as outlined above, including conducting interviews / meetings as required.
  - Ensure anyone, including children, staff, families voicing a concern feels fully supported throughout the process.
  - Ensure any child connected to the alleged child abuse is protected until the allegation is resolved17. This can be done by asking them about their needs and seeking advice from counsellor / chaplains.
  - Provide immediate and ongoing support for the reporting teacher/s and the student that is the cause for concern and anyone else affected. This can be arranged with the College Counsellor / Chaplain.
  - Ensure any families, peers or staff connected to the situation are fully supported.
  - Ensure the report has been made to appropriate authorities, including but not limited to mandatory reporting18.
  - Ensure concerns and allegations, and the College’s response are appropriately recorded and stored securely to protect privacy19.
  - Ensure ongoing support is provided by making referrals, following up with individuals and prayer for all involved.

The Principal is responsible for:

- Monitoring overall school compliance with this procedure20.
- Timely reviews of policy, procedure and organisational response as outlined below.
- Overseeing the outcomes of the incident and reporting to the College Board.

Stage Two

- It should be decided who else, if anyone, should be informed. The need for confidentiality should be remembered at all times in the interests of the child and the family. Only where the welfare of the child will be affected should the matter be discussed with anyone else.
- If following a report a family approaches the College, an interview must be conducted with a minimum of two College staff members present, including either the Principal, or Head of Section. The focus of such a meeting should be the welfare of the child not on justifying the actions of the teacher/s involved.

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17 Ministerial Order 870 – Child Safe Standards – Managing the Risk of Child Abuse 11(3)(c)(ii)  
19 Ministerial Order 870 – Child Safe Standards – Managing the Risk of Child Abuse 11(3)(c)(iii)  
20 Ministerial Order 870 – Child Safe Standards – Managing the Risk of Child Abuse 11(3)(c)(iii)
How to Report to DHHS

See also Appendix 3 – A Step-by-Step Guide to Making a Report to DHHS - Child Protection or Child First.

The following information is requested when making a report:
- The child’s name, age and address.
- The reason for believing that the injury or behaviour is the result of abuse.
- The assessment of immediate danger to the child or children (information may be requested about the whereabouts of the alleged abuser/s).
- A description of the injury or behaviour observed.
- The current whereabouts of the child.
- Any other information about the family.
- Relationship with the child of the person reporting.

The DHHS Phone Number is: 1300 360 391. As a mandated notifier, the teacher must still notify DHHS of his / her concerns even if all of the above information is not available.

8.3 Investigating

If the appropriate child protection service or the police decide to conduct an investigation of this report, all employees, contractors or volunteers must co-operate fully with the investigation.

Whether or not the authorities decide to conduct an investigation, the Principal will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any proceeding of the authorities, the Principal may decide to conduct such an investigation. All employees, contractors and volunteers must co-operate fully with the investigation.

Any such investigation will be conducted according to the rules of natural justice.

The Principal will make every effort to keep any such investigation confidential; however, from time to time other members of staff may need to be consulted in conjunction with the investigation.

After an initial review and a determination that the suspected abuse warrants additional investigation, the Principal shall coordinate the investigation with the appropriate investigators and / or law enforcement officials. Internal or external legal representatives will be involved in the process, as deemed appropriate.

8.4 Discipline and Dismissal

If it is alleged that a member of staff, contractor or a volunteer may have committed an offence or have breached the College’s policies or its Code of Conduct / Practice the person concerned may be stood down (with pay, where applicable) while an investigation is conducted.

If the investigation concludes that on the balance of probabilities an offence (or a breach of the organisation’s policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation will also be reported to any external body as required.

8.5 Responding to Students at Risk

As a school, we must make sure that students at risk are cared for, reassured and comforted. Actions include:
- Locating the child in question and ensuring that he or she is observable and safe.
- Acting immediately in relation to any reports of child abuse, as outlined below.
• Informing preferably the Head of Section or the School Counsellor / Chaplain. In the event that these people are not available, contact the most senior staff member available.

It is the expectation of this College that any staff member who identifies a student at risk will fulfil these requirements.

The Principal, School Counsellor / Chaplain, or senior staff member, once informed of the situation, will be responsible for the following steps, as appropriate:

• Ensure the child is cared for, reassured and comforted.
• Provide a risk assessment, to assess suicidal tendencies.
• Ensure that the student receives professional referral (e.g. General Practitioner, Counsellor or mental health service).
• Ensure that parents are informed of the situation.
• Ensure that the student’s friendship group is cared for.

If a person has concerns about the child’s health, wellbeing, safety, stability, or development, they may contact Child First for further advice.

Examples of this may include:

• Significant parenting problems that may be affecting the child’s development.
• 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.
• Significant social or economic disadvantage that may adversely impact on a child’s care or development.

Many cases will not neatly fit into these categories, and it may be harder to determine whether the level and the nature of any risk is such that the child is in need of protection.21

For further advice on responding to students at risk, please contact your local Headspace office.

8.6 Responding to a Suicide

In the tragic event of a suicide within the College community, please seek direction from College Leadership.

9. REVIEW

Every two years, and following every reportable incident, this policy will be reviewed to assess whether the College’s child protection policies or procedures require modification to better protect the children under its care. St Andrews Christian College undertakes to seek views, comments and suggestions from children, parents, carers, staff and volunteers.

Refer to Child Safety Strategic Plan and Review regarding the adherence of this policy.

APPENDIX 1 —

Contact Details

Child First - Yarra Ranges 1300 369 146
Child Protection Crisis Line (24 hours) 13 12 78
DHHS Child Protection – Eastern Suburbs 1300 360 391
Department of Health and Human Services (DHHS) 1300 360 391
Headspace – Knox (03) 9801 6088
Kids Helpline 1800 55 1800
Lifeline 13 11 14
Victoria Police - Sexual Offences and Child Abuse Investigation Team (SOCIT) (03) 5820 5878
APPENDIX 2 —
Responding to an Incident

Refer to Procedures above for a detailed outline.

<table>
<thead>
<tr>
<th>PERSON ALERTED TO INCIDENT OR CHILD IN NEED OF PROTECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate care and concern and prayer to envelop entire process</td>
</tr>
<tr>
<td>Ensure child is safe</td>
</tr>
<tr>
<td>Report incident to supervisor, then Principal</td>
</tr>
<tr>
<td>Report to appropriate authorities</td>
</tr>
</tbody>
</table>

Immediate Danger (life threatening)

Police 000

After hours and to report concerns about the immediate safety of a child:
Child Protection Crisis Line (24 hours) 13 12 78

<table>
<thead>
<tr>
<th>Non Immediate Danger</th>
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</thead>
<tbody>
<tr>
<td>Voluntary report (VIC)</td>
</tr>
<tr>
<td><strong>Who?</strong> any person.</td>
</tr>
<tr>
<td><strong>May report if:</strong> they have significant concern for wellbeing of child</td>
</tr>
<tr>
<td>Mandatory Report (VIC)</td>
</tr>
<tr>
<td><strong>Who?</strong> Any person over 18 years of age.</td>
</tr>
<tr>
<td><strong>Must report if:</strong> they have formed a reasonable belief that a sexual offence has been committed in Victoria against a child by another person over or over the age of 18 years. NB. Exceptions may apply</td>
</tr>
<tr>
<td><strong>b.</strong> <strong>Who?</strong> Teachers, Principals, Registered medical practitioners, midwives, registered nurses, and police.</td>
</tr>
<tr>
<td><strong>Must report if:</strong></td>
</tr>
<tr>
<td>• They form a belief on reasonable grounds that a child is in need of protection from physical injury of sexual abuse;</td>
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<tr>
<td>• The parents cannot or will not protect the child; and</td>
</tr>
<tr>
<td>• The belief is formed in the course of practicing his / her position of employment</td>
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<tr>
<td>• NB: exceptions may apply.</td>
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</tbody>
</table>

| Report to: |
| DHHS Child Protection 1300 360 391 |
| Report to: |
| If an offence has been committed: Victoria Police 000 |
| If a child is in need of protection: DHHS Child Protection 1300 360 391 |

Care and concern continues as you follow up with all parties involved.
APPENDIX 3 —
A Step-by-Step Guide to Making a Report to DHHS
Page 1 of 2

A step-by-step guide to making a report to Child Protection or Child FIRST

**Protective concerns**
You are concerned about a child because you have
- received a disclosure from a child about abuse or neglect
- observed indicators of abuse or neglect
- been made aware of possible harm via your involvement in the community external to your professional role.

**At all times remember to:**
- record your observations
- follow appropriate protocols
- consult notes and records
- consult with appropriate colleagues if necessary
- consult with other support agencies if necessary

### Step 1: Responding to Concerns

| 1. If your concerns relate to a child in need of immediate protection, or you have formed a belief that a child is at significant risk of harm* | Go to Step 4 |
| 2. If you have significant concerns that a child and their family need a referral to Child FIRST for family services | Go to Step 3 |
| 3. In all other situations | Go to Step 2 |

* Refer to Appendix 2: Definitions of child abuse and indicators of harm in the context: Protecting the safety and wellbeing of children and young people

### Step 2: Forming a Belief on Reasonable Grounds

1. Consider the level of immediate danger to the child. Ask yourself:
   - a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm? YES / NO
   - b) Am I in doubt about the child’s safety and the parent’s ability to protect the child? YES / NO
2. If you answered yes to a) or b)
   Go to Step 4
3. If you have significant concerns that a child and their family need a referral to Child FIRST for family services
   Go to Step 3

### Step 3: Making a Referral to Child FIRST

1. Contact your local Child FIRST provider.
2. Have notes ready with your observations and child and family details.

### Step 4: Make a Report to Child Protection

1. Contact your local Child Protection Intake provider immediately.
2. For After Hours Child Protection Emergency Services, call 131 278.
3. Have notes ready with your observations and child and family details.

*Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection.

For further information refer to Protecting the safety and wellbeing of children and young people – A joint protocol of the Department of Human Services / Child Protection, Department of Education and Early Childhood Development, Licensed Children’s Services and Victorian Schools.

Child Safety Policy Including Students at Risk and Mandatory Reporting - August 2016
Page 26 of 40
A Step-by-Step Guide to Making a Report to DHHS

Page 2 of 2

Contact Numbers

<table>
<thead>
<tr>
<th>Metropolitan Regions</th>
<th>Department of Human Services Child Protection</th>
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<td>Regional Office</td>
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<tr>
<td>Eastern</td>
<td></td>
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<tr>
<td>Northern</td>
<td>(0) 9641 3400</td>
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<td>Victoria</td>
<td>(0) 9643 9068</td>
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<td>South</td>
<td>(0) 9644 9500</td>
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<tr>
<td>Western</td>
<td>(0) 9747 3575</td>
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<td>Northern West</td>
<td>(0) 5171 1000</td>
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<td>(0) 5177 0400</td>
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<td>Gippsland</td>
<td>(0) 5177 6644</td>
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<tr>
<td>Melbourne</td>
<td>(0) 5181 3100</td>
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<td>Loddon Mallee</td>
<td>(0) 5509 1322</td>
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Office for Children and Young people’s Services (OFCYS)

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<td>Victorian</td>
<td>(0) 1300 740 353</td>
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<td>South West</td>
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After-hours Child Protection Emergency Services (AHCPESE)

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<tr>
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<td>(0) 5117 2400</td>
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Important information for government schools

A step-by-step guide to making a report to DHHS.

Contact Numbers

<table>
<thead>
<tr>
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<tr>
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Office for Children and Young people’s Services (OFCYS)

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<tr>
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After-hours Child Protection Emergency Services (AHCPESE)

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<tr>
<td>Central</td>
<td>(0) 5117 2400</td>
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<tr>
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Important information for government schools

Page 27 of 40
Child Safety Policy Including Students at Risk and Mandatory Reporting - August 2016
APPENDIX 4 —
Incident Report for Allegations of Child Abuse
Page 1 of 2

All incident reports must be stored securely.

INCIDENT DETAILS

<table>
<thead>
<tr>
<th>Date of incident:</th>
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<tbody>
<tr>
<td>Time of incident:</td>
</tr>
<tr>
<td>Location of incident:</td>
</tr>
<tr>
<td>Name(s) of child/children involved:</td>
</tr>
<tr>
<td>Name(s) of staff/volunteer involved:</td>
</tr>
</tbody>
</table>

If you believe a child is at immediate risk of abuse phone 000.

DOES THE CHILD IDENTIFY AS ABORIGINAL OR TORRES STRAIT ISLANDER?

(Mark with an ‘X’ as applicable)

No  Yes, Aboriginal  Yes, Torres Strait Islander

PLEASE CATEGORISE THE INCIDENT

- Physical violence
- Sexual offence
- Serious emotional or psychological abuse
- Serious neglect

PLEASE DESCRIBE THE INCIDENT

<table>
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<tr>
<th>When did it take place?</th>
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<tbody>
<tr>
<td>Who was involved?</td>
</tr>
<tr>
<td>What did you see?</td>
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<tr>
<td>Other information</td>
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</table>
**Parent/Carer/Child Use**

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<tr>
<td>Time of incident:</td>
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<td>Name(s) of child/children involved:</td>
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<tr>
<td>Name(s) of staff/volunteer involved:</td>
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</table>

**Office Use:**

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<td>Staff member managing incident:</td>
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<td>Follow-up date:</td>
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<td>Incident ref. number:</td>
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**Has the Incident Been Reported?**

<table>
<thead>
<tr>
<th>Child protection</th>
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<tr>
<td>Police</td>
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<tr>
<td>Another third party (please specify):</td>
</tr>
</tbody>
</table>

**Incident Reporter Wishes to Remain Anonymous?**

*(Mark with an 'X' as applicable)*

Yes  [ ]  No  [ ]
Appendix 5 — Betrayal of Trust: Factsheet
The New ‘Failure to Disclose’ Offence.

The new ‘failure to disclose’ offence

Reporting child sexual abuse is a community-wide responsibility. Accordingly, a new criminal offence has been created in Victoria that imposes a clear legal duty upon all adults to report information about child sexual abuse to police.

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

1. What is a ‘reasonable belief’?
A ‘reasonable belief’ is not the same as having proof. A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a ‘reasonable belief’ might be formed when:
- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

2. Are there any excuses for not reporting child sexual abuse to police?
A person will not be guilty of the offence if he or she has a reasonable excuse for not disclosing the information. A reasonable excuse includes:
- fear for safety
- where the information has already been disclosed.

Fear for safety

A reasonable excuse exists in cases where a person has a reasonable fear for their own safety or the safety of another person (such as a child or another family member) and they do not report to police due to those circumstances.

This defence may apply, for example, if a mother decides not to disclose information about her partner sexually abusing her child due to fear of violence to her or her child.

The person’s fear must be subjectively reasonable, that is, it must be reasonable from the perspective of that person in those circumstances. This recognises that the person in question is best placed to judge whether their safety is in danger.

The court or jury will consider whether it was reasonable for the person not to report in the circumstances.

Where the information has already been disclosed

It is a reasonable excuse to not disclose where a person believes on reasonable grounds that the information has already been disclosed to police and they have no further information to add.
Betrayal of Trust: Factsheet
The New ‘Failure to Disclose’ Offence. Page 2 of 4

BETRAYAL OF TRUST: FACTSHEET

An important example of this exception is where the person has already made a report under the mandatory reporting obligation specified in the Children, Youth and Families Act 2005. This obligation requires teachers, doctors and other professionals to report concerns about child welfare to child protection authorities within the Department of Human Services (DHS).

Under the existing mandatory reporting system, DHS already passes on all allegations of child sexual abuse to police, so it will be a reasonable excuse for not reporting to police if a person has made a report to DHS or reasonably believes a report has been made to DHS. This ensures that people are not required to make multiple reports to different agencies.

3. **What is not a reasonable excuse?**

A person does not have a reasonable excuse for failing to disclose sexual abuse if they are only concerned for the perceived interests of the perpetrator or any organisation. ‘Perceived interests’ includes reputation, legal liability or financial status.

For example, a principal’s concern for the reputation of a school, or a clergyman’s concern for the reputation of a church where the abuse happened will not be regarded as a reasonable excuse.

4. **Are there any other exemptions to the offence?**

There are a number of other exemptions, which include:

- the victim requests confidentiality
- the person is a child when they formed a reasonable belief
- the information would be privileged
- the information is confidential communication
- the information is in the public domain
- where police officers are acting in the course of their duty.

**The victim requests confidentiality**

The new offence respects the position of a victim who does not want the offending disclosed and who is sufficiently mature to make that judgment. The obligation to report therefore does not apply where the information comes from a person aged 16 or over and this person requests that the offence not be reported. The law recognises that a child under 16 is not able to make this kind of decision and sometimes lacks the capacity to fully understand the effects of sexual abuse.

A person will still be required to disclose information to police if:

- the victim who requested confidentiality has an intellectual disability, and
- the victim does not have the capacity to make an informed decision about a disclosure, and
- the person who received the information is aware or should be reasonably aware of those facts.

**The person is a child when they formed a reasonable belief**

If a person was under the age of 18 when they formed a reasonable belief, they will not be obliged to make a disclosure when they turn 18. This protects children from the burden of knowing that they will have to disclose to police when they turn 18.

**The information would be privileged**

People will not be required to disclose where the information would be privileged. This includes:
Betrayal of Trust: Factsheet
The New ‘Failure to Disclose’ Offence. Page 3 of 4

Betrayal of Trust: Factsheet

- client legal privilege
- journalist privilege
- religious confessions.

For example, if a priest obtains information made in good faith through a rite of confession (as long as the admission is not given for a criminal purpose), the priest is exempt from disclosing.

The information is confidential communication

A registered medical practitioner or counsellor is not required to disclose information to police if the information is obtained from a child whilst providing treatment and assistance to that child in relation to sexual abuse. However, under the mandatory reporting obligations, a registered medical practitioner would still be required to report to DHS if they form a reasonable belief that a child has been sexually abused and is in need of protection. This exemption is not designed to prevent the reporting of child sexual abuse, but rather to protect the registered medical practitioner or counsellor from criminal liability.

If an adult provides information to a medical practitioner or counsellor regarding the sexual abuse of a child, the medical practitioner or counsellor would be required to disclose that information to police unless another exemption applies.

The information is in the public domain

A person does not have to disclose to police if they get the information through the public domain, or form the belief solely from information in the public domain such as television or radio reports.

Where police officers are acting in the course of their duties

A police officer acting in the course of their duty in respect of a victim of child sexual abuse is exempt from the offence.

5. If it is going to be compulsory for everyone to report child sexual abuse, why are there exemptions?

We need to ensure that in creating this legal obligation, we do not put children and their families at even greater risk of harm, especially those who may be experiencing family violence.

6. Won’t child sexual abuse continue to occur if exemptions are allowed?

There is currently no requirement for people to report child sexual abuse to police, so introducing this new legal obligation is a big step towards preventing child sexual abuse in our community and ensuring people understand that it is a community-wide responsibility.

Certain exemptions are required to avoid any unintended consequences of this new obligation. It is not intended, for example, that this offence criminalise victims of family violence who don’t report due to fear for their own or someone else’s safety.

For example, women in family violence situations may have a reasonable fear for the safety of their child or another family member, especially in cases where threats have already been made. They may fear that making a report to police will escalate the situation, putting their child or another family member at even greater risk of harm – or even death.

Preventing the sexual abuse of children is a community responsibility. Other people connected with the child will still be required to make a report, unless they have a reasonable excuse not to do so.
Betrayal of Trust: Factsheet
The New ‘Failure to Disclose’ Offence. Page 4 of 4

7. Won’t this offence discourage people from seeking help where they have experienced child sexual abuse?

The law will not require a medical practitioner or counsellor to disclose information to police when it has been obtained from a victim during treatment for sexual abuse.

Disclosures for the purpose of obtaining legal advice will also be protected by client legal privilege. There are also other exemptions which have been listed above.

8. The offence requires ‘any adult’ to report suspected child sexual abuse. Isn’t this too broad? Won’t it lead to people reporting unfounded suspicions?

The offence requires a person to report to police where they have information that leads them to form a ‘reasonable belief’ that a sexual offence has been committed against a child under 16. Under the offence, people will not be expected to disclose unfounded suspicions as a suspicion does not constitute a ‘reasonable belief’.

The failure to disclose offence is a big step towards preventing child sexual abuse in our community and ensuring people understand that protecting children and preventing sexual abuse is a community-wide responsibility.

9. How will I be protected if I make a disclosure to police?

Your identity will remain confidential unless:

- you disclose it yourself or you consent in writing to your identity being disclosed
- a court or tribunal decides that it is necessary in the interests of justice for your identity to be disclosed.

10. Will any person who knows of child sexual abuse happening in the past be required to report?

A person who knows of child sexual abuse having occurred in the past will not have to report to police unless the victim is still a child when the offence comes into effect.

11. What is the penalty for failing to disclose child sexual abuse?

The maximum penalty is three years imprisonment.

12. When will the failure to disclose offence take effect?

27 October 2014.

13. How do I contact Victoria Police to make a report?

If you want to report a child in immediate risk or danger of sexual abuse please call Triple Zero (000).

Alternatively, you can contact your local police station.

If you or someone you know has experienced child sexual abuse in an institutional context, we encourage you to contact Victoria Police’s Sano Taskforce via email at sannotaskforce@police.vic.gov.au
Failure to Protect: a new criminal offence to protect children from sexual abuse

In response to the Betrayal of Trust report the Victorian Government is strengthening laws to protect our children from sexual abuse and exposure to sexual offenders. This is in recognition of the shared community responsibility to protect children from abuse and to provide a safe environment for children to develop, learn and play.

A new criminal offence for failing to protect a child under the age of 16 from a risk of sexual abuse will commence on 1 July 2015.

The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

This offence will encourage organisations to actively manage the risks of sexual offences being committed against children in their care and further protect them from harm.

1. **What is the offence of failing to protect a child from a sexual offence?**

The new offence provides that a person who:

a) by reason of the position he or she occupies within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the relevant organisation; and

b) knows that there is a substantial risk that the person will commit a sexual offence against a relevant child –

must not negligently fail to reduce or remove that risk.

2. **What is a ‘relevant organisation’?**

The offence applies to people in authority within a relevant organisation. A relevant organisation is one that exercises care, supervision or authority over children, whether as part of its primary function or otherwise.

Relevant organisations include, but are not limited to:

- churches
- religious bodies
- education and care services (such as childcare centres, family day care services, kindergartens and outside school hours care services)
- licensed children’s services such as occasional care services
Betrayal of Trust: Factsheet
Failure to Protect: A New Criminal Offence to Protect Children from Sexual Abuse
Page 2 of 5

- schools and other educational institutions
- organisations that provide accommodation to children and young people, such as boarding schools and student hostels
- out-of-home care services
- community service organisations providing services for children
- hospitals and other health services
- government agencies or departments providing services for children
- municipal councils (for example those that deliver Maternal and Child Health services)
- sporting groups
- youth organisations
- charities and benevolent organisations providing services for children.

3. Who is a person in authority in an organisation?
A person in authority is someone who, by reason of their position within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a child under the age of 16 years, who is under their care, supervision or authority, may become the victim of sexual abuse committed by an adult associated with the organisation.

Whether someone is considered to be a person in authority will depend on the degree of supervision, power or responsibility the person has to remove or reduce the substantial risk posed by an adult associated with the organisation. People in authority will usually have the ability to make management level decisions, such as assigning and directing work, ensuring compliance with the organisation's volunteer policy and other operational arrangements.

Examples of people in authority may include residential house supervisors, CEOs, board, council or committee members, school principals, service managers and religious leaders. It may also apply to people with less formal involvement in an organisation. For example, a volunteer parent coach responsible for the supervision of a junior sports team may be a person in authority, even if their role is informal or limited.

4. Who is a relevant child?
A person in authority will be guilty of an offence if he or she negligently fails to reduce or remove a substantial risk to a relevant child. A ‘relevant’ child is a child under the age of 16 who is, or may come, under the care, supervision or authority of a relevant organisation.

The child does not need to be identified. This means that the risk is not that a particular child will become the victim of sexual abuse. Instead, the substantial risk could be posed to any child who is, or who may be in the future, under the organisation's care, supervision or authority.

5. Who is a ‘person associated with’ an organisation?
The offence requires a person in authority to act if they know that a person associated with their organisation poses a substantial risk to a relevant child. This may include a person who is an officer, office holder, employee, manager, owner, volunteer, contractor or agent of the organisation. This definition does not include a person who solely receives services from the organisation.

For example, a parent living in the community who is involved with child protection services or who has a child in out-of-home care, and who may pose a risk of sexual abuse to a child, would not be considered to be ‘associated with’ the Department of Health & Human Services under the offence. Similarly, parents of children attending a school or service will generally only be ‘associated with the organisation’ if they are also engaged as a volunteer, for example to assist in the classroom or attend an excursion or camp.

The offence relates to risk of sexual abuse by adults. Children under the age of 18 who pose a risk of sexually abusing other children are not covered by this offence.

6. What is a ‘substantial risk’?
The offence requires a person in authority to reduce or remove a known ‘substantial’ risk that an adult associated with the organisation may commit a sexual offence against a relevant child. It does not make it a
criminal offence to fail to address every possible risk that a sexual offence may be committed against a child.

There are a number of factors that may assist in determining whether a risk is a substantial risk. These include:

- the likelihood or probability that a child will become the victim of a sexual offence
- the nature of the relationship between a child and the adult who may pose a risk to the child
- the background of the adult who may pose a risk to a child, including any past or alleged misconduct
- any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence
- any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.

When determining whether a risk is substantial, the courts will consider a variety of factors, which may include those listed above. The courts will consider all the facts and circumstances of the case objectively, and will consider whether a reasonable person would have judged the risk of a sexual offence being committed against the child abuse as substantial. It is not necessary to prove that a sexual offence, such as indecent assault or rape, was committed.

7. When does a person ‘know’ there is a risk of child sexual abuse?

This offence requires a person in authority to act if they know that there is a substantial risk that a child may become the victim of a sexual offence. A person is generally taken to have knowledge of a circumstance if he or she is aware that it exists or will exist in the ordinary course of events. This requires a higher level of awareness than merely holding a tentative belief or suspicion.

However, it is expected that a person in authority will take steps to follow up on a suspicion or belief that children in their organisation were at risk of harm.

8. When does a person negligently fail to reduce or remove a substantial risk?

Under the offence, a person is taken to have negligently failed to reduce or remove a substantial risk if that failure involves a great falling short of the standard of care that a reasonable person would exercise in the same circumstances. The offence does not require a person in authority to eliminate all possible risks of child sexual abuse.

For example, a person in authority who knows that an adult associated with the organisation poses a substantial risk to children, and moves that adult from one location in an organisation to another location where they still have contact with children, is likely to be committing the offence. Another example is where a person in authority employs someone in a role that involves contact with children, when the person in authority knows the employee left their last job because of allegations of sexually inappropriate behaviour involving children.

9. Will this criminalise mistakes made by adults who are caring for or working to protect children?

This law is aimed at protecting children and compelling those in authority to remove or reduce known substantial risks that children may become victims of sexual abuse.

As previously noted, the offence applies to a person in authority whose failure to protect a child from sexual abuse involves a great falling short of the standard of care that a reasonable person would exercise in the same circumstances.

The offence is unlikely to be committed where a person takes reasonable steps to protect a child from the risk of sexual abuse, for example, where an allegation is reported to appropriate authorities and the individual is removed from any role involving unsupervised contact with children pending an investigation.

10. What should a person in authority do to reduce or remove the risk of child sexual abuse posed by an adult associated with their organisation?

A person in authority in an organisation must take reasonable steps to reduce or remove a known substantial risk that an adult associated with their organisation will commit a sexual offence against a child.
Betrayal of Trust: Factsheet
Failure to Protect: A New Criminal Offence to Protect Children from Sexual Abuse
Page 4 of 5

For example:

- A current employee who is known to pose a risk of sexual abuse to children in the organisation should be immediately removed from contact with children and reported to appropriate authorities and investigated.
- A community member who is known to pose a risk of sexual abuse to children should not be allowed to volunteer in a role that involves direct contact with children at the organisation.
- A parent who is known to pose a risk of sexual abuse to children in a school should not be allowed to attend overnight school camps as a parent helper.

If you want to report a child in immediate risk or danger of a sexual offence please call Triple Zero (000).

11. How can you improve child safety in your organisation, and remove or reduce the risk of harm?

There are a range of measures that organisations can adopt to improve child safety and reduce the risk of harm to children. New Victorian child-safe standards are expected to be introduced from January 2016, and will provide a framework to assist in ensuring child safety in the organisation. Under the standards, organisations will be expected to have policies, procedures and systems in place to protect children from abuse, including appropriate pre-employment screening arrangements and systems for reporting and responding to allegations of abuse.

In the meantime, organisations are encouraged to create and implement risk management strategies suitable to their environment to reduce the risk of harm to children. These may include:

- Adopting a child safety policy that outlines a commitment to child safety and provides guidance on how to create a child safe environment.
- Enforcing a code of conduct that sets clear expectations about appropriate behaviour towards children and obligations for reporting a breach of the code.
- Ensuring all new staff and volunteers are appropriately screened, including reference checks, before commencing employment with the organisation (in addition to Working with Children Checks or Victorian Institute of Teaching registration).
- Providing training to staff in prevention, identification and response to child safety risks, including reporting requirements and procedures.

Organisations should review existing policies and practices to identify potential risks and ensure that risk management strategies and action plans are effective. To learn more about creating child-safe organisational environments, the Guide to Creating a Child-safe Environment produced by the Commission for Children and Young People provides practical information for organisations seeking to improve child safety and reduce the risk of harm.

Organisations operated, funded and/or regulated by Government can reduce the risk of child harm to children by continuing to comply with departmental standards, screening requirements, program requirements and policies on preventing, reporting and responding to child sexual abuse, for example:

- Protecting the safety and wellbeing of children and young people: A joint protocol of the Department of Human Services, Child Protection, Department of Education and Early Childhood Development, Licensed Children’s Services and Victorian Schools (Joint Protocol)
- DHHS’s Critical Client Incident Management Instruction; and the Instruction on Responding to Allegations of Physical or Sexual Assault (RAPSA)
- Schools Policy and Advisory Guide (SPAG) for Victorian government schools

Sports and recreation organisations can also refer to the Victorian Code of Conduct for Community Sport and VicSport ‘Safeguarding Children’ websites for resources about creating child-safe organisations.

12. Will the offence criminalise members of the public who fail to protect a child from a risk of sexual abuse?

No — the failure to protect offence applies to people in authority within an organisation that exercises care, supervision or authority over children. It does not apply to parents or other individuals not connected to these organisations. However, as noted above, a parent who volunteers in an organisation (for example as a sporting coach) may be in a position of authority and subject to the offence.
A separate ‘failure to disclose’ offence applies to any adult who fails to report a reasonable belief to Victoria Police that a sexual offence has been committed against a child under the age of 16, unless there is a reasonable excuse for not doing so.

13. How does the failure to protect offence interact with mandatory reporting obligations?

This offence is in addition to existing mandatory reporting obligations for specified staff under the *Children, Youth and Families Act 2005*. It applies to any person in authority within a relevant organisation, not just mandatory reporters.

14. What is the penalty for failing to protect a child?

The maximum penalty is five years’ imprisonment.

15. When will the offence take effect?

The offence will commence on 1 July 2015.

16. How do I contact Victoria Police?

If you want to report a child in immediate risk or danger of a sexual offence please call Triple Zero (000).

If the report is not in relation to an immediate risk, contact your local police station or call Crime Stoppers on 1800 333 000.
APPENDIX 7 —
Betrayal of Trust: Factsheet
The New Grooming Offence.\textsuperscript{24} Page 1 of 2

\begin{center}
\textbf{BETRAYAL OF TRUST: FACT SHEET}
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\section*{The new ‘grooming’ offence}

The \textit{Crimes Amendment (Grooming) Act} 2014, which commenced in Victoria on 9 April 2014, introduces the offence of Grooming for sexual conduct with a child under the age of 16 years. This offence targets predatory conduct designed to facilitate later sexual activity with a child.

The Betrayal of Trust report recommended the grooming offence, given the way in which many sex offenders target their victims. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

Many perpetrators of sexual offences against children purposely create relationships with victims, their families or carers in order to create a situation where abuse could occur. For this reason, parents, carers or other family members who have been targeted by perpetrators in order to gain access to a child are also victims.

The \textit{Victim’s Charter Act} 2006 was amended to expressly provide that a child and a family member of that child are victims of a grooming offence and are entitled to provide a victim impact statement to a court.

\section*{GROOMING IS NOW A CRIMINAL OFFENCE}

1. What is grooming?

- The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.
- The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child’s involvement in sexual conduct, either with the groomer or another adult.
- Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.
- The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as upskirting and indecent behaviour in public.

2. Who can commit the offence?

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.

3. What age are the children who are protected by the offence?

The offence applies to communication with children under 16 years, but not communication with 16 and 17 year old children. This distinction between children aged below 16 and those aged 16 or 17 reflects the general age of consent (16 years) recognised by the criminal law in relation to sexual offences.


\textit{Child Safety Policy Including Students at Risk and Mandatory Reporting — August 2016}

Page 39 of 40
4. **What are the key differences between the Victorian grooming offence and the grooming offences that have been implemented in New South Wales and by the Commonwealth?**

The New South Wales grooming offence is confined to circumstances in which an adult engages in conduct that exposes a child to indecent material or provides the child with an intoxicating substance with the intention of making it easier to procure the child for sexual activity. The Victorian offence is broader than this and prohibits an adult from engaging in any form of communication with the intention of facilitating sexual conduct. This is not limited to exposing the child to indecent material or providing them with an intoxicating substance and may include such acts as inappropriately giving them gifts or favours with the intention of engaging in later sexual activity.

The offence is similar to the Commonwealth grooming offence. The key distinction is that the Commonwealth offence is limited to grooming via a communication transmitted through a carriage service. The Victorian offence applies to any form of communication between the adult and child, including communication that occurs in person.

5. **What is the purpose of amending the Victim’s Charter Act 2006?**

Amending the Victim’s Charter Act 2006 to expressly include a family member of the child as a victim of a grooming offence (e.g., the child’s parents) entitles the parents, or another family member, to provide a victim impact statement to the court.

6. **What is the penalty for grooming?**

The maximum penalty is 10 years imprisonment.