

MANDATORY REPORTING POLICY

OUR VISION

Wild Cherry School strives to educate and support the development and potential of each individual child, whilst fostering a creative and ethical community.

OUR VALUES

- Fostering a desire in our students to aim for academic and artistic excellence by providing them with a rich, diverse, and integrated Steiner curriculum.
- Inspiring the children with a lifelong love of learning, a morality that strives for goodness, an appreciation of beauty, and a pursuit of truth.
- Developing respect, trust, and caring for themselves, each other, the broader community, and the earth.

PURPOSE

Wild Cherry School is committed to preventing harm to children through the reporting of child abuse and neglect under the *Children, Youth and Families Act 2005* (Vic) (CYFA).

Wild Cherry School will comply with the requirements set out in clause 11 of Ministerial Order 870 'Procedures for responding to and reporting allegations of suspected child abuse'.

The Mandatory Reporting Policy sets out the principles and framework governing the school's behaviours and activities that enact the mandatory reporting requirements and which aims to keep all children safe from harm. The policy, together with the policy implementation documents listed in this document, must be read and understood by all those connected to the school.

PRINCIPLES

- The values and ethos as set out in the school's philosophy form the foundation for the school's Child Safe Standards Policies.
- The school, those that work in it and its wider community together have a duty of care to protect children from harm through abuse or neglect.
- The school is committed to implementing clear procedures for reporting and recording reports of suspected child abuse and grooming by recording all internal and external reports of child safety incidents and concerns, as well as any other responses by the School using PROTECT Recording your actions: Responding to suspected child abuse – A Template for Victorian Schools.

When keeping records of child safety incidents or concerns, the School maintain confidentiality and privacy for students and families in accordance with federal and state privacy legislation and all records are stored in a locked filing cabinet in the School Leaders office.

- The school will create a supportive culture in which children, staff, volunteers and families feel confident and comfortable in discussing any allegations of abuse, grooming or child safety concerns.
- Fulfilling the roles and responsibilities contained in the procedures does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

AIMS OF THIS POLICY

- To protect students in our care from abuse.
- To comply with the school's reporting obligations under child protection law and criminal law and to fulfil its duty of care.
- To enable school staff to protect the safety and wellbeing of students by being able to:
 - Identify indicators that a child or young person may be in need of protection.
 - Make a report about a child or young person who may be in need of protection.
 - Make a report about an allegation of child abuse against any adult including adults who are employees or who are in some way connected with the school.

LEGAL AND REGULATORY BASIS FOR COMPLIANCE

VICTORIAN GOVERNMENT ACTS - DUTY OF CARE

- *Child Wellbeing and Safety Act 2005 (Vic)* (the Act) establishes the principles for the wellbeing of children; sets the standards framework, provides for the oversight functions of the Commission for Children and Young People (CCYP) and the Reportable Conduct Scheme.
- *Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic)*
- *Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)*
- *Children, Youth and Families Act 2005 (Vic)* provides for the protection of children including mandatory reporting.
- *Crimes Act 1958 (Vic)*
- *Crimes Amendment (Grooming) Act 2014 (Vic)*
- *Crimes Amendment (Protection of Children) Act 2014* provides for the offences of failure to protect and failure to disclose.

OTHER REGULATORY INSTRUMENTS AND REPORTS

- Victorian Registration and Qualifications Authority (VRQA) Minimum Standards 2021.
- Ministerial Order 870 January 2016 (Vic) – Managing the Risk of Child Abuse in Schools.
- Betrayal of Trust Report 2014 (Vic)
- National Principles for Child Safe Organisations, Australian Human Rights Commission 2018 and adopted by the Council of Australian Governments in February 2019.
- Review of the Victorian Child Safe Standards, December 2019.

KEY DEFINITIONS

- **Child abuse** includes
 - any act committed against a child involving

- i. a sexual offence; or
 - ii. an offence under section 498(2) of the Crimes Act 1958 (grooming); and the infliction, on a child, of
 - iii. physical violence; or
 - iv. serious emotional or psychological harm; and
 - v. serious neglect of a child.
- **Child Protection** is the statutory child protection service provided by the Department of Families, Fairness and Housing (DFFS), which is able to intervene to protect children and young people at risk of significant harm.
 - **Grooming** is an offence 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.
 - **Mandatory Reporting:** *The Children, Youth and Families Act 2005* places a legal obligation on principals, teachers and others working in schools to make a report to Child Protection (DFFS) if they believe, on reasonable grounds, that a child has been physically or sexually abused or a child is in need of protection from significant harm because of physical or sexual abuse
 - Within the Mandatory Reporting requirement, **mandated notifiers** are legally required to report child physical and sexual abuse. Mandated notifiers include
 - Registered principals and teachers (including pre-service and visiting teachers).
 - Registered medical practitioners and psychiatrists.
 - Registered nurses including school nurses.
 - Members of the police force
 - registered psychologists
 - people in religious ministry
 - staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare officers, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff
 - Any **non-mandated** person may also make a report to Child Protection if they are concerned for a child's welfare even if they are not required to do so as a mandatory reporter. Any person making a voluntary (non-mandated) report is also protected regarding confidentiality and immunity from legal liability. Wild Cherry School's reporting procedures for mandated notifiers also includes reporting procedures for non-mandated employees.
 - Sitting alongside the Mandatory Reporting requirement are the following mandated requirements:
 - **Failure to disclose:** Any adult (not just those who work with children) who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child must report that

information to Victoria Police by ringing 000 or Bairnsdale Police Station on 03 5150 2600. This offence is legislated in the *Crimes Amendment (Protection of Children) Act 2014*.

- **Failure to protect:** *The Crimes Act 1958 (Vic)* provides that people in positions of authority must take action to protect children and young people where they know that a person associated with their organisation poses a substantial risk of sexually abusing children.

At Wild Cherry School, the positions of authority to whom the Failure to protect offence applies are:

- Members of the governing Board
 - School Leaders
- **Reportable Conduct Scheme:** *The Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)* requires principals to have systems in place to prevent child abuse and to investigate and respond to such allegations. Principals are required to report allegations of child abuse against any adult including adults who are employees or who are in some way connected with the school to CCYP.
 - **The Reportable Conduct Scheme** does not replace Mandatory Reporting requirements nor the need to report allegations of child abuse, criminal conduct and family violence to Victoria Police.
 - **Reporting Obligations of School Leaders** to the Victorian Institute of Teaching (VIT): As from 1st September 2019, schools must notify the VIT if a registered teacher is charged with, been convicted or found guilty of a category A or category B sexual offence.
 - **Reasonable belief:** If a reasonable person, in the same circumstances as you, would believe that an adult had sexually abused a child, for the same reason you believed it. A reasonable belief that a child has been sexually abused may be formed if:
 - the child tells you they have been sexually abused
 - the child tells you they know someone who has been sexually abused (which may be a way of talking about themselves)
 - someone who knows the child tells you the child has been sexually abused
 - you observe signs of sexual abuse in the child
 - you are a qualified professional who observes the child's behaviour or development, which leads you to believe the child has been sexually abused

You do not have to report rumours or unfounded suspicions.

- **Reasonable excuse – Fear for safety:** This helps to protect children, their families and others from harm where reporting information might risk people's safety. An excuse for not reporting to police include:
 - reasonably fearing for your safety or the safety of another person, except the person you believe committed, or was involved in, the sexual offence, and
 - your failure to report is a reasonable response in the circumstances

The fear must be reasonable from the perspective of that person in those circumstances. This recognises that this person is best placed to judge whether their safety, or the safety of another person is endangered.

- **Reasonable excuse – Belief that the information has already been disclosed:** You have an excuse for not reporting to police if:

- you believe on reasonable grounds that another person has already disclosed the information to police, and
- you have no further information to add

For example, you may have this belief if you have disclosed the information in a 'mandatory report' to Child Protection and they will provide the information you have reported to them to police.

- **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 of factors that the 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 the child, including any past or alleged misconduct
- any vulnerabilities particular to a child which may increase the likelihood that they may have become a victim of a sexual offence
- any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child

Members of the governing Board and the School Leaders 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. 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.

SCOPE

- The policy applies to members of the governing Board, the School Leaders, all school staff, volunteers, contracted service providers and ministers of religion working in the school environment.
- The policy 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 a school environment.

ROLES AND RESPONSIBILITIES

- Mandatory reporters are required to report to Child Protection (DFFS) if they believe on reasonable grounds that a child has been physically or sexually abused or a child is in need of protection from significant harm because of physical or sexual abuse. All instances of suspected sexual abuse (including grooming) must be reported to Victoria Police. A mandated reporter must make a report on each

occasion that they form a belief and as soon as it is practicable. A mandated reporter must make a report even if the School Leaders do not share their belief.

- Any adult (i.e. including but not limited to all members of the school community) who form a reasonable belief that an adult (over the age of 18) has committed a sexual offence (including grooming) against a child under 16 must report that information to Victoria Police
- This responsibility does not change mandatory reporting obligations.
- Any person in a position of authority within or associated with the school (will include the Chair of the governing Board, Board members, School Leaders, senior staff and may also include business managers, religious leaders) has a specific duty to protect children against the risk of a sexual assault. If they know of a substantial risk of a sex offence another adult associated with the school may commit against a child under 16 within the school's care, they must take reasonable steps to remove or reduce the risk of child sexual assault and must report the matter to Victoria Police as soon as it is practicable to do so, unless the person has a reasonable excuse for not doing so. (Failure to disclose offence)
- Under the Reportable Conduct Scheme, School Leaders to have in place systems to prevent child abuse and to investigate and respond to such allegations. School Leaders are required to report allegations of child abuse to CCYP.
- The Reportable Conduct Scheme does not replace Mandatory Reporting requirements nor the need to report allegations of child abuse, criminal conduct and family violence to Victoria Police.
- The School Leaders must ensure the school's internal reporting procedures are clear so that employees and other members of the school community are able to make correct decisions in a timely manner.
- The School Leaders are responsible for providing comprehensive training so that employees and other members of the school community are alert to child abuse and understand their legal responsibilities.
- The School Leaders are responsible for responding to a child who has made or is affected by an allegation of child abuse.
- The School Leaders are responsible for promptly managing the schools response to an allegation of child abuse and for ensuring that the allegation is taken seriously.
- In the absence of the School Leaders the School Counsellor or Class Teacher will be responsible for responding to a child who has made or is affected by an allegation of child abuse.
- In addition to an employee's legal responsibility to report concerns as set out above, all employees must also comply with the school's internal reporting procedures.

COMMUNICATION OF THE POLICY

- From time to time, the school will make public statements to raise an awareness of the school community's collective responsibility in reporting allegations of child abuse.
- This Policy and relevant policy implementation documents will be made publicly available on the school's website and from the school office.
- The school will put in place arrangements to ensure the school community (including applicants for jobs) is informed about the school's child safe standards policies, procedures and allocated roles and responsibilities.

- The school will require all staff to confirm in writing when appointed and thereafter on an annual basis that they know their legal obligations and that they have read and understood the school's child safe standards policies and procedures.

POLICY IMPLEMENTATION DOCUMENTS

The documents setting out the strategies and actions required to implement this policy are:

- Reporting flow chart including mandatory reporting.
- Internal reporting procedures and flow chart.
- Child Safe Standards reporting procedures.
- Child Safe Standards checklist.
- Communication plan to inform the school community about the mandatory reporting policy and procedures, allocated roles and responsibilities.
- Detailed roles and responsibilities for ensuring reporting procedures are implemented, monitored and reviewed.
- Templates for responding to and documenting suspected child abuse.
- Training policy to include training in the school's reporting procedures.
- Training and guidance in recognising signs and indications of child abuse and grooming.
- The Victorian Department of Education and Training provides helpful procedural guidance, templates, training materials, links, etc on its website.

LINKS TO OTHER POLICIES

- Duty of Care
- Child Safe Standards Policy
- Student Wellbeing Policy
- Risk Management Policy
- Code of Conduct (staff)
- Privacy Policy
- Record Management Policy (including Archiving Policy)
- Complaints Policy
- Whistleblower Policy
- Reportable Conduct Policy

POLICY REVIEW

The governing Board will review the Mandatory Reporting Policy biennially.



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The governing Board will require the School Leaders to report on the implementation of the Mandatory Reporting Policy at each Board Meeting.

Date Approved:

Date for Review:

APPENDIX A: SUPPORT FOLLOWING CHILD SAFETY INCIDENT OR DISCLOSURE PROCEDURE

Child safety incidents or concerns can cause trauma and significantly impact on the mental health and wellbeing of children. In addition to reporting and referral to the relevant authorities, the School plays a central role in addressing this trauma and has a duty of care to ensure that the students feel safe and supported at School.

The School also has a duty of care to staff members who may witness a child safety incident or who receive a disclosure of child abuse and other harm.

TRAUMA INFORMED CARE

Trauma informed care is an approach to providing support to victims that aims to do no harm, i.e. the process of providing support does not re-traumatise or blame victims for their efforts to manage their traumatic reactions and it embraces a message of hope and optimism that recovery is possible.

The core trauma-informed care principles, as described by the Blue Knot Foundation, are:

- Safety – emotional as well as physical
- Trust – being sensitive to people's needs
- Choice – providing the opportunity for choice
- Collaboration – 'doing with' rather than 'doing to'
- Empowerment – empowering people is a key focus
- Respect for Diversity – in all its forms

SUPPORT FOR THE STUDENT IMMEDIATELY FOLLOWING THE INCIDENT OR DISCLOSURE

Staff members should take the following steps to support and assist a student after a child safety incident or a disclosure of child abuse or other harm is made.

The range of measures employed will depend on:

- the degree of severity of the situation
- the risk of harm to the student
- the capability and willingness of the parent/carer to protect the student from harm

After a disclosure is made:

- do not promise the student that you will not tell anyone about the allegation
- do not confront the person believed to be the perpetrator
- reassure the student that telling an adult was the right thing to do
- tell the student what you plan to do next
- discuss the matter with one of the School's Child Safety Officers who will assist you in developing additional support strategies for the student
- whenever there are concerns that a student is in immediate danger the Police should be called on 000.

ONGOING SUPPORT FOR THE STUDENT AND FAMILY: STUDENT SUPPORT PLAN

If a student is impacted by a child safety incident or concern, Child Safety Officers will work with the student and their family to develop a Student Support Plan and engage external support services, using trauma-informed care principles.

Students and parents/carers are also able to contact one of the School's Child Safety Officers to access support.

GUIDELINES FOR DEVELOPING THE STUDENT SUPPORT PLAN

Support strategies that could be considered for students and/or their families following disclosure might include offering or organising referrals to internal or external support, such as the School Counsellor, bi-cultural workers and/or translators, or an external support agency and/or child advocacy organisation which specialises in supporting children and young people impacted by abuse or other harm.

When supporting a student with disability who has been impacted by a child safety incident or concern, the School considers:

- the chronological age, developmental age and cognitive function of the student in order to tailor developmentally appropriate support strategies
- the student's vulnerability to ongoing abuse and other harm when considering the need to make a further report and/or implement further risk mitigation strategies.

When supporting students from culturally diverse backgrounds, including Aboriginal or Torres Strait Islander students, the School provides culturally appropriate support. Where possible the School will work with relevant cultural support groups, ensure that the family's privacy is maintained, and engage an interpreter when communicating with the student's family.

Students from refugee backgrounds who have been impacted by abuse may also be experiencing trauma, dislocation and loss. Sensitive consideration should be given when determining how to support the student and their family.

SUPPORT FOR FORMER STUDENTS

Staff members should take the following steps to support and assist a former student after a disclosure of past abuse or other harm during their time at School. The range of measures employed will depend on:

- the degree of severity of the situation
- the risk of harm to current students
- if the former student is still a child or young person, the capability and willingness of their parent/carer to support the former student

After a disclosure is made:

- do not promise the former student that you will not tell anyone about the allegation
- do not confront the person believed to be the perpetrator
- reassure the former student that it was the right thing to do to tell the School about the allegation
- tell the former student what you plan to do next

- discuss the matter with one of the School's Child Safety Officers who can assist you in developing additional support strategies for the former student

Whenever there are concerns that there may be immediate danger the Police should be called on 000.

Additional support strategies that should be considered, in consultation with a Child Safety Officer, for former students following disclosure might include offering or organising referrals to internal or external support, such as the School Counsellor, bi-cultural workers and/or translators, or an external support or advocacy organisation.

SUPPORT FOR STAFF, VOLUNTEERS AND CONTRACTORS

Witnessing a child safety incident or receiving a disclosure of abuse or other harm can be a distressing experience for Staff, Volunteers and Contractors involved. The School assists impacted Staff, Volunteers and Contractors to access necessary support.

Refer to our School Counsellor.

The School has also appointed a number of Child Safety Officers, including a Senior Child Safety Officer, who can support staff members, Volunteers and Contractors when responding to child safety issues and disclosures of abuse or other harm.