

Monbulk College

Policy:	Child Safety & Mandatory Reporting
Date Ratified:	March 2018
Date of last Review:	February 2018

BASIC BELIEFS:

Monbulk College:

- believes that all students have a right to feel safe and to be safe.
- believes that all staff have a duty of care, legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom we have contact, and to report instances that we believe involve 'child abuse'
- believes that child safety encompasses all matters relating to protecting all children attending the College from harm
- is committed to all aspects of 'child safety' including a zero tolerance of child abuse (in any form)
- is committed to the safety of all children including those with a disability, Aboriginal and Torres Strait Islander children and children from culturally and linguistically diverse backgrounds

AIMS:

Monbulk College aims 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
- comply with reporting obligations under child protection law and criminal law and fulfil their duty of care.
- ensure that appropriate processes, supports and strategies are employed to support staff and students meet child safety requirements in accordance with the Child Safety Code of Conduct.
- Support, encourage and enable school staff, parents, and children to understand, identify, discuss and report child safety matters
- support or assist any student who discloses incidents of child abuse, or are otherwise linked to suspected child abuse

IMPLEMENTATION PROCEDURES:

The following definitions are taken from the Ministerial Order 870: Child Safe Standards – Managing the Risk of Child Abuse in schools:

Child abuse includes:

- a) any act committed against a child involving:
 - i. a sexual offence; or
 - ii. an offence under section 49B(2) of the Crimes Act 1958 (grooming); and
- b) the infliction, on a child, of:
 - i. physical violence; or
 - ii. serious emotional or psychological harm; and
- c) serious neglect of a child.

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

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

- a campus of the school
- online school environments (including email and intranet systems)
- 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)

Further definitions can be found in Appendix 4.

Throughout this policy, usage of the term 'staff' is inclusive of both employees and volunteers.

Mandatory Reporting

Mandatory reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.

Responsible for making a Mandatory Report:

- Teachers registered to teach or who have permission to teach pursuant to the *Education and Training Reform Act 2006 (Vic)*
- Principals of government and non-government schools
- Registered medical practitioners
- Nurses
- All members of the police force

Mandatory reporters, 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.

All other 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.

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 cases where staff have concerns about a child or young person, they should also discuss their concerns with the principal or a member of the school leadership team.

Reporting criminal child sexual abuse - failure to disclose offence

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

information to 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.

When to report: child in need of protection:

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:

- The child has been abandoned and there is no other suitable person who is willing and able to care for the child.
- 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.
- The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child.
- The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child.
- The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child.
- 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 .

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.

Note: DET policies already require school staff to uphold a high standard of care in relation to child safety and wellbeing.

When to report: Child displaying sexually abusive behaviours and in need of therapeutic treatment:

Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours.

When to report: Significant concerns about wellbeing of a child

Any person may make a report if they have significant concerns for the wellbeing of a child.

When to report: Reasonable belief that a sexual offence has been committed by

an adult against a child under 16.

Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to police. It is a criminal offence not to make a report, except in the following circumstances:

- The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police
- The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor.
- The victim turned 16 years of age before 27 October 2014.

Reasonable excuses for failing to comply with the requirement include:

- a reasonable belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information
- a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm

At Monbulk College:

- Staff employed by the College are required to have, either:
 - VIT registration (including a criminal records check)
 - Employee Working with Children's Check (including a criminal records check)
 - Volunteer Working with Children's Check (including a criminal records check)
- All staff are mandated by law to report signs of child abuse.
- All staff are responsible for protection of children when in the school environment
- New staff will be informed of 'Child Safety' responsibilities and procedures, including mandatory reporting, through the College's induction process
- All staff will be reminded of mandatory responsibilities regularly.
- All employed staff are required to undertake the DET Mandatory Reporting online learning module annually and provide satisfactory completion certification to the Professional Learning Leader
- Child Safety is supported through the organisational structures within the college, including, but not limited to:
 - Significant and Home Group teachers
 - Year Level Teams and Leaders;
 - Student Wellbeing Team, including a Coordinator, Adolescent Health Nurse, Social Worker, Guidance Officer, and allied health team.
- All concerns about child safety must be reported immediately to the Student Well-being Coordinator (SWC) and/or Principal class.
- The College will keep a record of all discussions about a student with whom there is a concern.
- "Forming a Belief"
 - If a belief has been formed by a staff member that a child has been or may be subjected to child abuse; a conversation and notes about student interviews must be retained by the staff member and/or SWC/Principal class.

- If a staff member has formed a belief or concern that is not supported by SWC/Principal class, the staff member is still legally obliged to make a report
 - When forming this belief, it is not the responsibility of the staff member to make a judgement on the ‘truthfulness’ of the information received.
- A ‘Child Safety Code of Conduct’ for staff and students is acknowledged in the Student Engagement Policy, complies with VIT registration and includes standards of how interactions between staff and students should occur within the college and promotes student safety.
 - Monbulk College promotes strategies for child empowerment and participation through the Student Engagement Policy which outlines expected behaviour for students the College and all camps/excursions.
 - The College is inclusive of respectful relationships, resilience building, child abuse awareness and prevention; and teaches this through its curriculum programs including how to identify and discuss aspects of child safety, children’s rights, details about how to raise and report concerns matters of child safety; and support available
 - The staff member, SWC and/or Principal class may contact Child First to discuss the nature of the concern and obtain guidance prior to reporting to Child Protection
 - The staff member, SWC and/or Principal class will contact Child Protection (Department of Health & Human Services - DHHS) by telephone as soon as possible to make an official notification on: **1300 369 536 or after school hours crisis line 131278**
 - DHHS, or associated support or intervention services that visit the school following a notification, will interview staff and children only in the presence of Principal class or his/her nominee.
 - All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.
 - All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported.
 - As outlined in Ministerial Order 870, all staff members are mandated by law to report incidents of child abuse.
 - Students who disclose to staff a desire to harm themselves or others, must be reported by staff to SWC and/or Principal class. Where a mandatory report has been made, support through the College (e.g. SWC, Employee Assistance Program) for students and staff will be accessed as required.
 - Concerns for student safety raised by the wider community should be directed to SWC or Principal class.
 - Child safety will be built into existing processes in the recruitment, selection, screening and management of staff at the College (including contractors and volunteers).

- This policy will be made available to the College community through the College website; and details/updates through the College Newsletter annually.

Appendices

1. Monbulk College: Child Safe Leadership Statement
2. Child Safety Code of Conduct (Staff)
3. Child Safety Code of Conduct (Student)
4. Risk Management
5. Definitions for MOU 870

References

- <http://www.education.vic.gov.au/about/programs/health/protect/Pages/default.aspx?Redirect=1>
- <http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>
- <http://www.education.vic.gov.au/school/principals/spag/safety/pages/protection.aspx>
- <http://www.vrqa.vic.gov.au/childsafes/Pages/default.html>
- Ministerial Order 870: Child Safe Standards – Managing the Risk of Child Abuse in schools:
- Monbulk College: Student Engagement Policy
- Monbulk College: Behaviour Management Policy
- [Failure to disclose offence](#)
- [Failure to disclose offence: Fact Sheet](#)
- [Failure to protect offence](#)
- [Failure to protect office: Fact Sheet](#)

Approved By	School Council
Approval Authority (Signature & Date)	<i>M J Uren</i> 21/3/18
Responsible for Review	Assistant Principal – Policy and Planning Sub-Committee
Next Review Date	November 2018 (annually)



Monbulk College Leadership in a Child Safe Environment Statement

Working with children can be very rewarding, and it brings additional responsibilities.

Leaders must act to protect children from abuse in our organisation, and build an environment where children feel respected, valued and encouraged to reach their full potential.

This requires a culture of child safety to be embedded throughout Monbulk College, so that child safety is part of everyone's everyday thinking and practice.

Such a culture is achieved through proactive leadership in demonstrating the appropriate values, attitudes and behaviours of an organisation.

A child safe environment is the product of a range of strategies and initiatives. Monbulk College will foster a culture of

Openness Inclusiveness Awareness

Children and adults should know what to do if they observe, or are subject to abuse or inappropriate behaviour.

All staff and volunteers must consider the safety of all children at Monbulk College; and recognise the importance and cultural safety for:

- Aboriginal children
- children from culturally and linguistically diverse backgrounds
- children with a disability

Code of Conduct (Staff)



CHILD SAFE STANDARD 3: CODE OF CONDUCT

Child Safety: Code of Conduct (June 2016)

Monbulk College is committed to the safety and wellbeing of children and young people. Our school community recognises the importance of, and a responsibility for, ensuring our school is a safe, supportive and enriching environment which respects and fosters the dignity and self-esteem of children and young people, and enables them to thrive in their learning and development.

This Code of Conduct aims to protect children and reduce any opportunities for child abuse or harm to occur. It also assists in understanding how to avoid or better manage risky behaviours and situations. It is intended to complement child protection legislation, Department policy, school policies and procedures and professional standards, codes or ethics as these apply to staff and other personnel.

The Principal and school leaders of Monbulk College will support implementation and monitoring of the Code of Conduct, and will plan, implement and monitor arrangements to provide inclusive, safe and orderly schools and other learning environments. The Principal and school leaders of Monbulk College will also provide information and support to enable the Code of Conduct to operate effectively.

All staff, volunteers and board members of Monbulk College are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children, as noted below.

All personnel of Monbulk College are responsible for supporting the safety, participation, wellbeing and empowerment of children by:

- adhering to **Monbulk College** child safe policy at all times / upholding **Monbulk College** statement of commitment to child safety at all time
- taking all reasonable steps to protect children from abuse
- treating everyone with respect
- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another
- promoting the cultural safety, participation and empowerment of Aboriginal children (for example, by never questioning an Aboriginal child's self-identification)
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination)
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities)
- ensuring as far as practicable that adults are not left alone with a child
- reporting any allegations of child abuse to **Monbulk College** Child Safety Officer SWC/ leadership, and ensure any allegation to reported to the police or child protection
- reporting any child safety concerns **Monbulk College** Child Safety Officer SWC / leadership
- if an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe
- encouraging children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them.

Staff and volunteers must not:

- develop any 'special' relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children)
- exhibit behaviours with children which may be construed as unnecessarily physical (for example inappropriate sitting on laps. Sitting on laps could be appropriate sometime, for example while reading a storybook to a small child in an open plan area)
- put children at risk of abuse (for example, by locking doors)
- do things of a personal nature that a child can do for themselves, such as toileting or changing clothes
- engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities)
- use inappropriate language in the presence of children
- express personal views on cultures, race or sexuality in the presence of children
- discriminate against any child, including because of culture, race, ethnicity or disability
- have contact with a child or their family outside of our organisation without our child safety officer's knowledge and/or consent (for example, no babysitting). Accidental contact, such as seeing people in the street, is appropriate)
- have any online contact with a child or their family (unless necessary, for example providing families with e-newsletters)
- ignore or disregard any suspected or disclosed child abuse.

By observing these standards you acknowledge your responsibility to immediately report any breach of this code to **Monbulk College** Child Safety Officer SWC / leadership.

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

I agree to adhere to this Code of Conduct:

Name: Signature: Date:

Code of Conduct (Student)

Monbulk College is committed to the safety and wellbeing of children and young people. Our school community recognises the importance of, and a responsibility for, ensuring our school is a safe, supportive and enriching environment which respects and fosters the dignity and self-esteem of children and young people, and enables them to thrive in their learning and development.

This Code of Conduct aims to protect children and reduce any opportunities for child abuse or harm to occur. It also assists in understanding how to avoid or better manage risky behaviours and situations. It is intended to complement child protection legislation, Department policy, school policies and procedures and professional standards, codes or ethics as these apply to staff and other personnel.

Taken from Monbulk College Student Engagement Policy. Appendix 5.3 'Student Expectations'

VALUE	BEHAVIOUR
<p>Respect treating self, others and the environment with integrity and honesty</p>	<ul style="list-style-type: none"> • Be respectful, considerate and courteous. • Encourage, respect, value and celebrate diversity. • Value others for their individuality. • Listen carefully • Understand and follow school rules. • Express opinions and feelings assertively respecting the feelings and opinions of others. • Speak politely and treat others as you would like to be treated. • Practise behaviours that will keep everyone safe. In particular, bullying behaviours, including cyberbullying, will not be tolerated. • Care for the school and general environment. • Follow instructions from staff. • Respect the right of others to learn, co-operate with staff, be actively involved in classroom and co-curricular activities and complete all required work on time. • Allow others to learn in a positive environment. • Treat others equally and justly. • Be supportive of others. • Maintain healthy lifestyle practices and a positive outlook. • Be a good loser and a gracious winner.
<p>Responsibility taking ownership of one's personal and educational development</p>	<ul style="list-style-type: none"> • Participate positively and actively to the best of your ability. • Attend school everyday. • Be punctual and properly prepared for class. • Participate in class and school activities to the best of one's ability. • Understand one's role as a representative of Monbulk College in the wider community. • Be understanding and tolerant • Be responsible for one's actions and behaviour.

	<ul style="list-style-type: none"> • Behave according to school rules. • Acknowledge and accept consequences of behaviour • Be prepared to mend harm through restorative approaches • Complete work on time • Wear correct school uniform and sporting attire. • Co-operate with staff, authorised visitors and fellow students. • Work and play co-operatively, safely and responsibly • Take responsibility for one's own learning; ask questions and for help when needed. • Be truthful and honest.
<p>Excellence achieving personal best in every aspect of college life</p>	<ul style="list-style-type: none"> • Strive for one's personal best at all times. • Recognize and celebrate personal achievements. • Always aim for higher standards and better results. • Work to the best of one's ability and encourage others to do the same. • Accept responsibility for maximising one's opportunities. • Acknowledge and celebrate the success of others and the achievement of their goals. • Value the acquisition of knowledge and the process of learning. • Approach all tasks and challenges with a commitment to achieving the best possible result. • Plan, monitor and keep up to date with learning requirements when absent to ensure that ensuing work is completed.

Risk Management

Process for identifying and reducing or removing risks of child abuse

While risk management assessments and strategies will vary for each school, managing risk typically involves the following steps and considerations.

1. Identify the school's child safety risks across the range of school environments (including excursions, camps, online). A sample risk assessment can be found [here](#).
2. Identify any existing risk mitigation measures or existing controls.
3. Assess and rate the school's child safety risks given the existing controls in place, taking into account the likelihood of risk, and the likely consequence of the risk.
4. If the risk rating is more than the 'acceptable level', identify further risk management strategies through additional treatments or other prevention, detection or mitigation strategies and then re-assess the risk (once in place these treatments will then become controls).

The risk management process should be documented, recorded and reviewed periodically. Effective risk management strategies are dynamic and change over time as new risks arise and others may no longer be relevant.

Effective risk management strategies need to be transparent, well understood and diverse, to take account of the increased level of risk associated with the specific nature of some activities and the vulnerability of particular groups.

CHILD SAFE STANDARD 6: RISK ASSESSMENT TEMPLATE

A key part of a risk management strategy is a risk assessment. Risk assessments can take many forms. An example is provided below. Risk assessment resources form part of the [School Policy & Advisory Guide: Risk Management Policy](#). An example is provided below to assist schools in their risk assessment.

Each school will be different and must undertake their school specific assessment.

Risk Event or Environment	Existing risk management strategies or existing controls	Likelihood	Consequence	Current risk rating	New risk management strategies or treatments	Who is responsible?	Target risk rating
No organisational culture of child safety – lack of leadership, public commitment and frequent messaging	Child safety code of conduct Strategies developed to embed culture of child safety	Possible	Severe	Extreme	<ul style="list-style-type: none"> Strategies to embed organisational culture of child safety are reviewed Statement of commitment to child safety is publicly available 	Principal, School Council Chair	Low
Inappropriate behaviour is not reported and addressed	Child safety code of conduct Clear child safety reporting procedures Performance management procedures	Unlikely	Severe	High	<ul style="list-style-type: none"> Strategies to embed organisational culture of child safety are reviewed Refresher training for staff – see eLearning mandatory reporting module 	Principal, School Council Chair	Low
Unquestioning trust of long term employees and contractors or norms	Strategies developed to embed culture of child safety Clear child safety reporting procedures	Possible	Major	High	<ul style="list-style-type: none"> Refresher training for staff – see eLearning mandatory reporting module 	Principal, School Council Chair	Low
Recruitment of an inappropriate person	WWCC or Victorian Institute of Teaching registration	Unlikely	Major	Medium	Processes updated to require: <ul style="list-style-type: none"> Criminal history search Pre-employment reference check includes asking about child safety 	Principal, School Council Chair	Low
Engagement with children online	Child safety code of conduct Strategies developed to embed culture of child safety	Possible	Moderate	Medium	<ul style="list-style-type: none"> Train students and staff to detect inappropriate behaviour Ensure appropriate settings on all student technologies 	Principal, School Council Chair	Low
Unknown people and environments at excursions and camps	Child safety code of conduct Strategies developed to embed culture of child safety Clear child safety reporting procedures	Unlikely	Moderate	Medium	<ul style="list-style-type: none"> Assessment of new or changed environments for child safety risks Ensure Code and strategies apply in all school contexts 	Principal, School Council Chair	Low
Ad-hoc contractors on the premises (eg maintenance)	Child safe environments Information and awareness for visitors, staff, volunteers and contractors Adequate monitoring	Unlikely	Moderate	Medium	<ul style="list-style-type: none"> Refresher training for frequent contractors 	Principal, School Council Chair	Low

Definitions

Child abuse includes:

- a) any act committed against a child involving:
 - i. a sexual offence; or
 - ii. an offence under section 49B(2) of the Crimes Act 1958 (grooming); and
- b) the infliction, on a child, of:
 - i. physical violence; or
 - ii. serious emotional or psychological harm; and
- c) serious neglect of a child.

Child-connected work means work authorised by the school and performance by an adult in a school environment while children are present or reasonably expected to be present.

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

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

- a campus of the school
- online school environments (including email and intranet systems)
- 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 Staff means:

In a Government school, an individual working in a school environment who is:

- employed under Part 2.4 of the ETR Act in the government teaching service; or
- employed under a contract of service by the council of the school under Part 2.3 of the ETR Act; or
- a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary).

In a non-Government school, 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.

School governing authority means:

- The proprietor of a school, including a person authorised to act for or on behalf of the proprietor; or
- the governing body for a school (however described), as authorised by the proprietor of a school or the ETR Act; or
- the principal, as authorised by the proprietor of a school, the school governing body, or the ETR Act.

Explanatory note: There is a wide variety of school governance arrangements. Depending on the way a school is constituted and operated, the governing body for a school may be the school board, the school council, or some other person or entity. The school governing authorities may share or assign responsibility for discharging the requirements imposed by this Order, in accordance with the school's internal governance arrangements.