



136 Child Safe Reporting Policy (Mandatory & Volunteer)



Purpose

1. This policy provides the guidelines for all employees of Community College Gippsland (CCG) and ECG College (to be referred to as CCG for this policy and procedures) to ensure the safety, wellbeing and protection of children and young persons from any form of abuse.
2. In Victoria, under the Children, Youth and Families Act 2005 (Vic.) a child or young person is a person under seventeen years of age.

Policy

3. This policy must be read in conjunction with the Child Safe Policy and Procedures
4. CCG adheres to the Child Safe Standards and reporting requirements inline with the Reportable Conduct Scheme.
5. All members of CCG have a moral and social responsibility to report concerns about child abuse in both a mandated and non-mandated capacity.
6. A mandated employee is a person employed with CCG/ECG College as registered Teacher/School Principal.
7. CCG employees are to call the police by calling 000 when it is suspected that a child's safety is at immediate risk.

Non-Mandated Employees (all CCG employees)

8. All CCG staff members who believe on reasonable grounds, that a child is in need of protection are morally obligated are to report their concerns to the CEO, Directors, School Principal (who are the Child Safe Officers) immediately.
9. CCG employees are informed of their reporting requirements as per the Failure to Disclose and Failure to Protect criminal offences.
10. In the event of a child being in immediate danger the Police are to be called.

Reporting requirements:

Failure to Disclose Offence:

11. Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 17 years of age has an obligation to report that information to police, unless they have a reasonable excuse for not disclosing or exemptions apply. Failure to disclose the information to police is a criminal offence.
12. Failure to disclose obligations applies to adults in Victoria

Failure to Protect Offence:

13. The failure to protect offence applies to people within organisations who knew of a risk of child sexual abuse by someone in the organisation and had the authority to reduce or remove the risk, but did not act to protect the child.
14. Failure to Protect obligations apply to people in authority within CCG.
15. A relevant organisation is one that exercises care, supervision or authority over children, whether as part of its primary function or otherwise.
16. As long as a report is made in good faith, the report is not unprofessional conduct or a breach of professional ethics and the reporter cannot be held legally liable. Confidentiality is provided for reporters in the Children, Youth and Families Act, and prevents the disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with the legislation except in very specific circumstances.

Document ID:	136 Child Safe Reporting Policy (Mandatory & Volunteer)		No. of pages:	1 of 4
TOID:	4181	School No:	2062	Previous Revision: 17/7/2016
Revision No.:	3	Revision date:	December 2018	Next revision: January 2021

Mandated Employees - (CCG/ECG College registered teachers and School Principal)

17. Mandated employees are mandated to report suspect child abuse if they form a belief, based on reasonable grounds, that a child has suffered, or is likely to suffer significant harm as a result of physical injury or sexual abuse, or if the child's parents or guardians have not protected or are unlikely to protect the child from harm of that type.
18. Mandated notifiers are able to share information, without legal or professional consequences, with family services such as Child FIRST and Child Protection to help protect vulnerable children.
19. As a mandated notifier:
 - You believe in good faith that a child is in need of protection, then you must make a report to Child Protection without delay. Seeking assistance or advice should not hold-up the reporting process. Furthermore, you should attempt to file the report on the same day as the belief is formed.
 - You have some general concerns for the wellbeing of the child but have assessed that the child is not at immediate risk of harm, you can make a referral to Child FIRST.
 - You are required to notify Department of Human Services each time you become aware of any further reasonable grounds for your belief.
 - You do not have to be able to prove that the child has been abused to notify The Department of Human Services.
 - Mandated staff do not require the permission of parents, carers or guardians to make a report to Child Protection, nor are they required to tell parents, carers or guardians that they have done so. However, often it is going to be good practice and/or necessary to discuss any concerns prior to making a report a referral, and it would be normal to raise the possibility of making a report or referral during such discussions. Consent should not be sought if you believe that it will put you or the child at risk.
 - It is your responsibility to report your belief – it is not the responsibility of your supervisor, Head of School, senior, or boss.
 - If your Head of School does not share your belief that a child or young person is in need of protection, you must still notify The Department of Human Services of your belief. However, it is recommended that you inform your Head of School that you have made a report.
 - If you are one of a group of mandated professional who share the belief, based on reasonable grounds, that a child or young person is in need of protection from physical or sexual abuse, then only one mandated person needs to make the report. However, you must be satisfied that the report is made promptly and that all of the reasonable grounds are included in the notification.
 - You are not legally required to notify Child First or Child Protection if you form a reasonable belief that a child is in need of protection in your private life or when you are working in a capacity that is not directly related to the professional affiliation under which you are mandated, however such reports can be made voluntarily.
 - Details of a mandatory report should remain confidential.
 - Children can only be reported under the age of 17.
20. Under the Children, Youth and Families Act 2005 (Vic.), your identity as a notifier remains confidential unless:
 - you choose to inform the child and/or the child's parents or guardians of the notification yourself
 - you consent in writing to your identity as the notifier being disclosed by family services
 - the court decides that it needs the information provided in your report in order to ensure the safety and wellbeing of the child
 - the court decides that it is satisfied that the interests of justice require that the evidence be given.

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21. For courts to order disclosure of a notifier’s identity requires exceptional circumstances and in not normal practise.
22. Failure to disclose for mandated reporters who fail to notify their belief, when they have reasonable grounds, is regarded as an offence under the Children, Youth and Families Act 2005 (Vic.) and can lead to criminal prosecution.

Privacy

23. CCG will record any child safety complaints, disclosures or breaches of the Code of Conduct and store the records in accordance with security and privacy requirements. Keep a record of action taken, any internal investigations and any reports made to statutory authorities or professional bodies.
24. To avoid confusion and maintain confidentiality, everyone, including children, will be made aware of the need to report serious matters involving child protection to external authorities. CCG cannot promise confidentiality in these matters; however, CCG will assure privacy in handling the matter and that only those who need to know will be advised.

Scope

25. All employees and students involved with CCG and ECG College.

Definitions

Child - means a person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

Child protection - means any responsibility, measure or activity undertaken to safeguard children from harm.

Child abuse - means all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child.

Child sexual assault - is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child’s inhibitions in preparation for sexual activity with the child.

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:

- (a) The child is in need of protection,
- (b) The child has suffered or is likely to suffer “significant harm as a result of physical injury”,
- (c) 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.

Document ID:	136 Child Safe Reporting Policy (Mandatory & Volunteer)		No. of pages:	3 of 4	
TOID:	4181	School No:	2062	Previous Revision:	17/7/2016
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For example, a 'reasonable belief' might be formed if:

- a) A child states that they have been physically or sexually abused;
- b) A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
- c) Someone who knows a child states that the child has been physically or sexually abused;
- d) 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
- e) Signs of abuse lead to a belief that the child has been physically or sexually abused.

Reportable Conduct Scheme – The CEO is required to notify the Commission for Children and Young People of a reportable allegation made against:

- a) one of their current workers or volunteers, regardless of whether the alleged conduct occurred before,
- b) during, or outside the worker or volunteer's role with the organisation.

Responsibilities

26. The CEO and the Senior Management Team will ensure all people involved in the CCG Community are aware of and adhere to the Child Safe reporting requirements.

27. All CCG community are responsible for following all Child Safe reporting requirements.

Relationships

Internal – Child Safety Policy, Child Safety Code of Conduct, Staff and Students Code of Conduct, Bullying Harassment and Discrimination Policy, Risk Management Policy, Risk Management Policy & Procedures, Employment Practices Policy, Legislation Policy, Student Handbook, Employee Handbook, ECG College Parent and Student Handbook

External - Education and Training Reform Amendment (Child Safe Schools) Act, Children, Youth and Families Act 2005 (VIC), Child Safe Standards 2016, Managing The Risk Of Child Abuse In Schools Ministerial Order No. 870, Child Protection (Working with Children) Act 2012, Privacy Amendment (Enhancing Privacy Protection) Act 2012, Reportable Conduct Scheme

Procedures – 637-1 Child Safe Reporting Procedures

Forms – Child Safe Incident Report Form, Child Safe Risk Assessment Template.

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