

135-2 Child Safe Responding & Reporting Obligations Policy & Procedures

Purpose

1. This procedure provides the guidance for all staff and volunteers of Community College Gippsland (CCG) and ECG Secondary College (referred to as CCG for the purpose of this Policy and Procedure) on how to report or respond to concerns or allegations of suspected child abuse and how CCG will deal with any complaints raised.
2. For the purpose of this procedure the term “Staff” refers to all employees of CCG including the Board of Management, volunteers and teaching/training contractors.

Scope

3. This policy applies to complaints and concerns relating to child abuse made by or in relation to a child or student, CCG staff, volunteers, contractors, service providers, visitors or any other person while connected to CCG (physical and online).

Definitions

4. **Child abuse** includes:
 - physical violence inflicted on a child
 - sexual offences committed against a child
 - grooming of a child by an adult
 - family violence committed against or in the presence of a child
 - serious emotional or psychological harm to a child
 - serious neglect of a child.

The definition of child abuse is broad and can include student-to-student incidents and concerns, as well as behaviour committed by an adult.

5. **Grooming:** is a criminal offence under the Crimes Act 1958 (Vic) and is a form of child abuse and sexual misconduct. This offence targets predatory conduct undertaken by an adult to prepare a child under the age of 16 to engage in sexual activity at a later time, either with the groomer or with another adult. Grooming can include communicating (including electronic communications and communicating by conduct) and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer.
6. **College staff member:** For the purpose of this policy a college staff member includes a contractor engaged by the school or College Board to perform child-related work.

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Delegated Responsibility

7. The Chief Executive Officer (CEO) and the Senior Leadership Team are responsible for ensuring all employees are aware of the requirements for reporting allegations of suspected child abuse.
8. The Child Safe Champions provide support and guidance to the CCG community and champion Child Safety within the organisation.
9. The CEO will contact the Commission for Children and Young People (CCYP) under the Reportable Conduct Scheme with any allegation where a CCG employee may have committed misconduct either while at CCG or outside CCG employment arrangements.
10. The CEO or Principal may implement the Child Information Sharing Scheme (CISS) where appropriate.
11. All staff both mandated and non-mandated are responsible for reporting allegations of suspected of child abuse as per the following three criminal offences:
 - **Failure to disclose offence** — Applies to all adults who fail to disclose child sexual abuse to police. Any adult who holds a reasonable belief that a sexual offence has been committed by an adult against a child in Victoria must report that belief to police, unless they have a reasonable excuse for not reporting.
 - **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 negligently failed to do so.
 - **Grooming offence** — applies to individuals who communicate with a child or their parents with the intent of committing child sexual abuse.
 - See **Appendix A** for further details.

Policy

12. CCG understands the important role our college plays in protecting children from abuse and have a range of policies and measures in place to prevent child abuse from occurring at CCG or during CCG activities.

Procedures

13. CCG prioritises the safety of children and will respond to any allegations/concerns or complaints of child abuse (or any misconduct) in order to protect the safety of children in the organisations care.
14. CCG actively encourages children and students to raise concerns with a trusted adult if anything makes them feel uncomfortable or unsafe. Any adult or child who raises a concern or allegation will be supported by CCG throughout the process. The support provided will be aligned to the individual case.
15. CCG will respond to any complaints or reports in a manner that is appropriate to the complainant and in a culturally safe way.
16. The CEO must be notified of every report, allegation or concern raised.
17. CCG's Senior Management team, Child Safe Champions and Wellbeing team are always available to discuss in confidence any concerns or issues regarding child abuse and provide support to staff and students who may have made a report or raised a concern/complaint.

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18. CCG's supporting Reporting and Complaint handling guide provides guidance and information for staff on how to support and respond to young people who may wish to raise a concern, make a report or complaint. Please also refer to **Appendix B** below.

Identifying Child Abuse

19. To ensure we can respond in the best interests of students and children when complaints or concerns relating to child abuse are raised, all staff and relevant volunteers must:
- understand how to identify signs of child abuse and behavioural indicators of perpetrators - for detailed information on identifying child abuse and behavioural indicators of perpetrators refer to [Identify child abuse](#).
 - understand their various legal obligations in relation to reporting child abuse to relevant authorities - for detailed information on the various legal obligations refer to Appendix A
 - follow the below procedures for responding to complaints or concerns relating to child abuse, which ensure CCG acts in the best interests of students and children and complies with both our legal and Department policy obligations.
20. At CCG we recognise the diversity of the children, young people, and families at our school and take account of their individual needs and backgrounds when considering and responding to child safety incidents or concerns.

Reporting Child Abuse

21. Procedures for responding to an incident, disclosure, allegation, or suspicion of child abuse. In responding to a child safety incident, disclosure, allegation or suspicion, CCG will follow:
- the [Four Critical Actions for Schools](#) for complaints and concerns relating to all forms of child abuse
 - the [Four Critical Actions: Student Sexual Offending](#) for complaints and concerns relating to student sexual offending
 - our Student Safety and Wellbeing Policy and Bullying, Harassment & Discrimination Policy for complaints and concerns relating to student physical violence or other harmful student behaviours.

Who can report Child Abuse:

22. Anyone who forms a reasonable belief that a child is in need of protection from significant harm due to abuse or neglect can make a report. This includes:

- Parents/carers/guardians
- Child/student
- Staff member or volunteer
- Others in the community

23. Everyone must call 000 if a child is in immediate danger of harm.

24. Mandated Reporters — are legally required to report a reasonable belief of child physical or sexual abuse to child protection authorities.

What to report:

25. A report can be made if there are any concerns or complaints including (but not limited to):
- An internal allegation regarding suspected abuse perpetrated by a CCG staff member

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- A parent/carer/guardian/child/student disclosing an incident of abuse of a student attending CCG.
- An external allegation regarding suspected child abuse outside of CCG
- An allegation of suspected student to student abuse
- Any concern for the wellbeing of a child, but do not believe they are at risk of significant harm

26. When a concern or report is initiated or received by CCG, the response and action will be dependent on the circumstance of the child/person making the report, and the level of risk or danger that is suspected.

How to make a report:

27. An initial report/complaint can be made by:

- face to face verbal report
- written report by email, report/complaint form, letter
- telephone call

28. The reporter should keep notes of the initial account/discussion or incident to ensure consistency of the information. A detailed account of the report/concern/allegation is required as the report progresses.

Who to report to:

29. A report/concern/allegation or complaint can be made to:

- CEO, a member of the Senior Leadership Team, Principal, Wellbeing staff or Lead Teacher
- Child Safe Champion
- a senior/alternative person in the organisation if the complaint is to be made about a manager, supervisor, or Leader within CCG.
- students may make a complaint/report to any trusted adult

30. Once a concern/complaint/report is received, CCG's response will be dependent on the circumstance of the child/person making the report, the nature of the report and the level of risk or danger that is suspected. Refer to the Child Safe Reporting and Complaints Procedures Flowchart.

Recording a report/concern/complaint:

31. A detailed account of the report/concern/allegation/complaint must be captured and recorded using the Child Safe Incident Reporting Form for all staff or entered directly into the SMS Compass by ECG College Staff for school students. All records will be strictly confidential and stored in a secure area in line with privacy and employment laws. Refer to Appendix C for the Child Safe Incident Reporting Form. The Child Safe Incident Reporting form/Compass entry provides guidance on what information must be recorded and assistance will be provided by CCG when required.

32. CCG will keep accurate records of any allegation / incident, how the incident is investigated, responded to and managed, inclusive of final outcomes or continuing under investigation until closure.

33. When the Child Safe Incident Report Form is utilised for documenting the incident, the completed report form is given to the CEO/Senior Management Team and uploaded into the

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secure site. The CEO is automatically informed when a child safe concern/report is entered into Compass.

Reporting to external authorities:

34. As soon as immediate health and safety concerns are addressed, and relevant school staff have been informed, the nominated mandatory reporters must report all incidents, suspicions, and disclosures of child abuse as soon as possible.
35. The following steps will ensure CCG complies with the four critical actions as well as additional actions required under the Child Safe Standards.
36. The list below provides a summary of reportable offences/scenarios and the appropriate external authority to contact dependent on the individual situation:
 - **Alleged or suspected criminal conduct:** Physical or sexual abuse, including grooming and family violence of children is a crime and reported to the police.
 - **Failure to disclose offence:** Applies to all adults who fail to disclose child sexual abuse to police. Any adult who holds a reasonable belief that a sexual offence has been committed by an adult against a child in Victoria. This is a crime and must report that belief to police unless they have a reasonable excuse for not reporting.
 - **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 negligently failed to do so. This is a crime and reported to the police.
 - **Grooming offence:** Applies to individuals who communicate with a child or their parents with the intent of committing child sexual abuse. This is a crime and reported to the police.
 - **DFFH:** You should make a report if you have formed a reasonable belief that a child has suffered or is likely to suffer significant harm as a result of abuse or neglect, and that their parent has not protected or is unlikely to protect the child from harm of that type.
 - **Child in need of therapeutic treatment:** Any person who believes on reasonable grounds that a child aged over ten but under 18 has been exhibiting sexually abusive behaviours and may need therapeutic treatment may make a report to Child Protection.
 - **Child FIRST or The Orange Door:** Where they may be significant concern for the wellbeing of a child, but do not believe they are at risk of significant harm, and where the immediate safety of the child will not be compromised, a referral to Child FIRST or The Orange Door may be appropriate.
 - **Reportable Conduct Scheme:** The Reportable Conduct Scheme requires the CEO (or delegated person) to notify the Commission for Children and Young People (CCYP) about any reportable allegations that any member of CCG staff have committed child abuse or child-related misconduct within three days of becoming aware of the allegation. CCG will investigate these allegations (after receiving clearance by Victoria Police) and report its findings together with any actions taken to the Commission.

Contacting parents or carers:

37. The nominated staff member must ensure parents and carers are notified unless advised otherwise by DFFH Child Protection or Victoria Police, or there are other safety and wellbeing concerns in relation to informing parents/carers.

For further guidance, refer to [PROTECT Contacting parents and carers](#)

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Ongoing protection and support

38. CCG must ensure appropriate steps are taken by CCG to protect the child and other children from any continued risk of abuse. These steps must be taken in consultation with any relevant external agency or Department staff such as DFFH Child Protection, Victoria Police, Legal Division or Employee Conduct Branch. Ongoing protection will also include further reports to authorities if new information comes to light or further incidents occur.
39. Appropriate, culturally sensitive, and ongoing support must be offered and provided to all affected students. Ongoing support will be based on any available advice from the Department, parents and carers, health practitioners, and other authorities (such as DFFH or Victoria Police) and may include referral to wellbeing professionals, development of a safety plan, student support group meetings, and, for student-to-student incidents, behaviour management and support measures.

Complaints

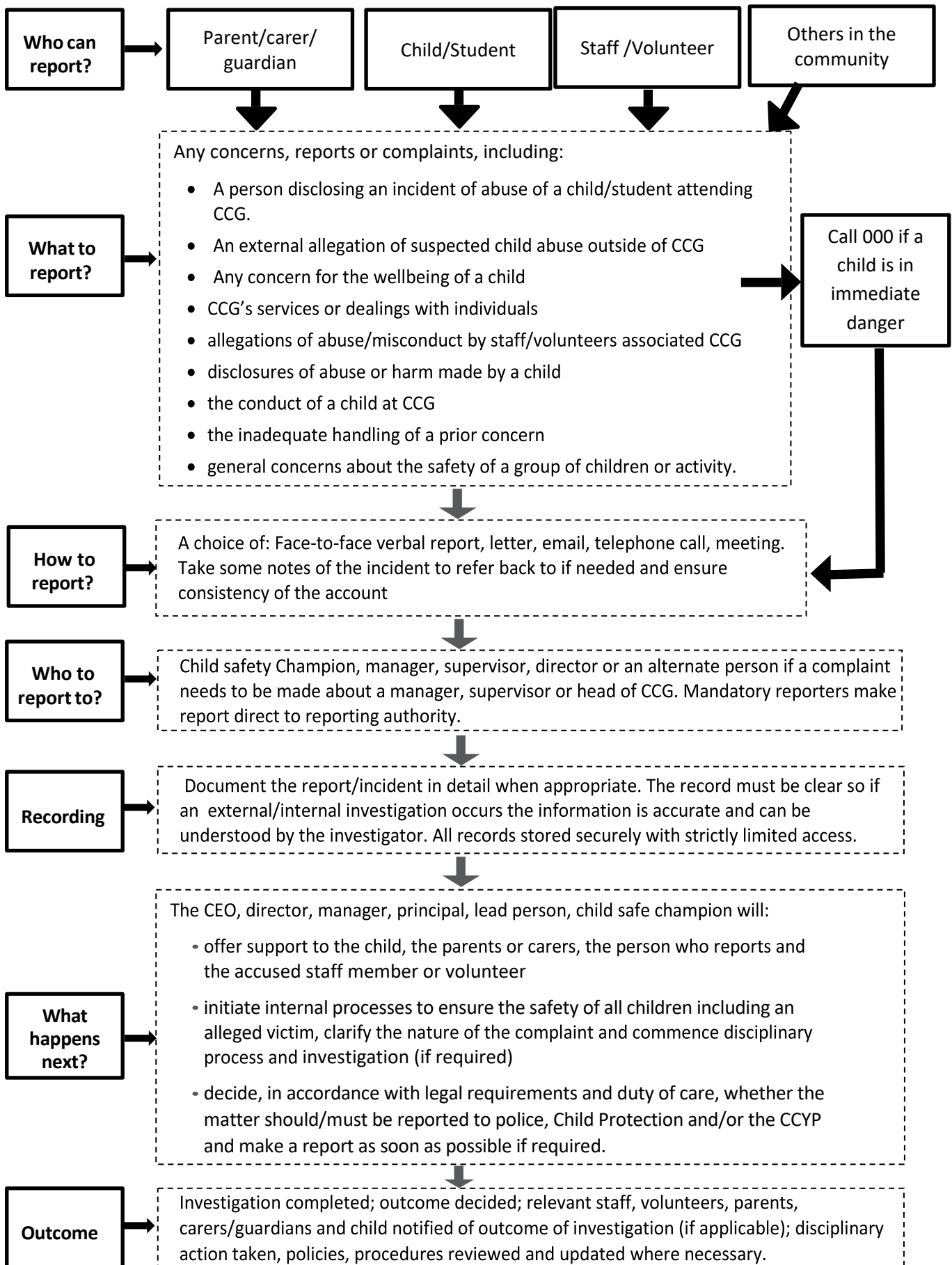
40. A complaint is an expression of dissatisfaction with CCG and related to one or more of the following:
- CCG's services or dealings with individuals
 - allegations of abuse or misconduct by a staff member, a volunteer or another individual associated with CCG
 - disclosures of abuse or harm made by a child
 - the conduct of a child at CCG
 - the inadequate handling of a prior concern
 - general concerns about the safety of a group of children or activity
41. CCG's takes all complaints seriously and encourages all staff to talk to peers or support staff to assist with the process.
42. CCG supports any child who wishes to raise a complaint or disclose abuse through a sensitive and culturally safe approach.
43. CCG will implement the Child Safe Reporting and Complaints Procedures Flowchart when notified or on receipt of any report, concern, allegation, or complaint.

Records Management

44. CCG will keep all records strictly confidentially and manage all records for Child Safe incidents as per the Public Record Office Victoria Recordkeeping Standards and Retention & Disposal Authority directions for Organisational Response to Child Sexual Abuse Incidents and Allegations and CCG's Records Management Policy and Procedures.
45. All records are stored confidentially so that privacy is protected, and only authorised people are aware of them and can access and use them for legitimate purposes.
46. The Senior Leadership Team will review the records created, ensuring that any future allegations can be properly investigated or re-investigated if an allegation is made or re-occurs in the future.

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Child Safe Reporting and Complaints Procedures Flowchart



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APPENDIX A: LEGAL OBLIGATIONS RELATING TO REPORTING CHILD ABUSE

The following information outlines the various legal obligations relating to the reporting of child abuse to relevant authorities.

It is important to note that the procedures outlined in the above policy ensure compliance with the below reporting obligations, and also include additional steps to ensure compliance with Department policy and our school's duty of care obligations.

Mandatory reporting to Department of Families, Fairness and Housing (DFFH) Child Protection

The following individuals are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic):

- registered teachers and early childhood teachers (including principals and school staff who have been granted permission to teach by the VIT)
- school counsellors including 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 coordinators, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff
- nurses
- registered psychologists
- police officers
- registered medical practitioners
- out of home care workers (excluding voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- people in religious ministry
- midwives

All mandatory reporters must make a report to the Department of Families, Fairness and Housing (DFFH) Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/ or sexual abuse; and
- the child's parents or carers have not protected, or are unlikely to protect, the child from harm of that type.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at CCG to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the principal or any other mandatory reporter does not share their belief that a report is necessary.

If charged with not making a mandatory report, it may be a defence for the person charged to prove that they honestly and reasonably believed that all of the reasonable grounds for their belief had been the subject of a report to child protection made by another person.

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The identity of a person who reports any protective concerns to DFFH Child Protection is protected by law. It is an offence for a person, other than the person who made the report, to disclose the name of the person who made a report or any information that is likely to lead to their identification.

At our CCG, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually. We also require/encourage all other staff to undertake this module, even where they are not mandatory reporters.

The policy of the Department of Education (DE) requires all staff who form a reasonable belief that a child is in need of protection to discuss their concerns with the school leadership team and to report their concerns to DFFH and in some circumstances to Victoria Police, or to ensure that all the information relevant to the report has been made by another school staff member.

Any person can make a report to DFFH Child Protection (131 278 — 24 hour service) if they believe on reasonable grounds that a child is in need of protection even if they are not a mandatory reporter listed above.

Reporting student wellbeing concerns to Child FIRST/Orange Door

At CCG we also encourage staff to make a referral to Child FIRST/Orange Door when they have significant concern for a child's wellbeing. For more information about making a referral to Child FIRST/Orange Door see the Policy and Advisory Library: [Protecting Children — Reporting and Other Legal Obligations](#).

Reportable Conduct

The Reportable Conduct Scheme is focussed on worker and volunteer conduct and how organisations investigate and respond to suspected child abuse. The scheme aims to improve organisational responses to suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children.

There are five types of 'reportable conduct' listed in the *Child Wellbeing and Safety Act 2005*:

- sexual offences against, with or in the presence of, a child
- sexual misconduct (which includes grooming) against, with or in the presence of, a child
- physical violence against, with or in the presence of, a child
- behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child. A reportable conduct allegation is made where a person makes an allegation, based on a reasonable belief, that a worker or volunteer has committed reportable conduct or misconduct that may involve reportable conduct.

If CCG staff or volunteers become aware of reportable conduct by any current or former employee, contractor or volunteer, they must notify the CEO immediately.

Failure to disclose offence

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 in Victoria.

Failure to disclose information to Victoria Police (by calling 000, local police station or the Police Assistance Line 131 444) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

'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.

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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 mandated 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.

'Reasonable excuse' is defined by law and includes:

- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
- where the information has already been disclosed to Victoria Police and you have no further information to add (for example, through a mandatory report to DFFH Child Protection or a report to Victoria Police from another member of school staff).

Failure to protect offence

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (i.e., persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

Further information

For more information about the offences and reporting obligations outlined in this fact sheet refer to: [Protecting Children — Reporting and Other Legal Obligations](#).

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APPENDIX B: MANAGING DISCLOSURES OF CHILD ABUSE

Important information for staff

When managing a disclosure relating to child abuse you should:

- listen to the student and allow them to speak
- stay calm and use a neutral tone with no urgency and where possible use the child's language and vocabulary (you do not want to frighten the child or interrupt the child)
- be gentle, patient and non-judgmental throughout
- highlight to the student it was important for them to tell you about what has happened
- assure them that they are not to blame for what has occurred
- do not ask leading questions, for example gently ask, "What happened next?" rather than "Why?"
- be patient and allow the child to talk at their own pace and in their own words
- do not pressure the child into telling you more than they want to, they will be asked a lot of questions by other professionals, and it is important not to force them to retell what has occurred multiple times
- reassure the child that you believe them and that disclosing the matter was important for them to do
- use verbal facilitators such as, "I see", restate the child's previous statement, and use non-suggestive words of encouragement, designed to keep the child talking in an open-ended way ("what happened next?")
- tell the child in age appropriate language you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate (for a young child this may be as simple as saying "I will need to talk to people to work out what to do next to help you")
- Take prompt action in relation to following the procedures outlined below.

When managing a disclosure you should AVOID:

- displaying expressions of panic or shock
- asking questions that are investigative and potentially invasive (this may make the child feel uncomfortable and may cause the child to withdraw)
- going over the information repeatedly (you are only gathering information to help you form a belief on reasonable grounds that you need to make a report to the relevant authority)
- making any comments that would lead the student to believe that what has happened is their fault
- making any promises you will keep the information the student provided confidential
- making promises to the child about what will occur next or that things will be different given the process can be unpredictable and different for each child depending on their circumstances (instead reassure them that you and others will do your best to help).

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APPENDIX C

When to use this template?

All staff use this template to document any incident, disclosure, or suspicion that a child has been, or is at risk of being abused. This template should be used in conjunction with the following: Four Critical Actions For Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse.

Completing this template should not impact on reporting times. If a child is in immediate danger, staff should report immediately to Victoria Police.

Whilst you may need to gather the information to make a report, remember it is not the role of school staff to investigate abuse, leave this to Victoria Police and/or DHHS.

Why record this information?

When completing this template your aim should be to provide as much information as possible. This information will be critical to any reports and may be sought at a later date if the matter is the subject of Court proceedings. These notes may also later assist you if you are required to provide evidence to support any decisions.

It is a requirement under Ministerial Order 1359 - Child Safe Standards to keep clear and comprehensive notes on all observations, disclosures and other details that led them to suspect the abuse.

Responding to an Incident, Disclosure or Suspicion of Child Abuse

Please note: if you are making a report to DHHS or Victoria Police you must seek advice before contacting parents/carers so as not to compromise any investigation or place a child at further risk

Staff Member Leading the Response
Name:
Occupation:

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Location (Campus address):

Relationship to child:

Critical Action 1: immediate response to an incident

If anyone is in immediate danger staff should report immediately to Victoria Police on 000.

Responding to an Emergency

Did the child require first aid? Provide details if 'yes'.

Who administered this? (name and title)

Did the child require further immediate medical assistance?

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Current location and safety status:

E.g. are all impacted students safe and not in any immediate danger?

If a child is in immediate danger staff should report immediately to Victoria Police on 000

Child's Information

Personal Details

Name:

Gender:

Year Level/Class:

Date of Birth:

Residential Address:

Parent/Carer Name/s:

Parent/Carer Contact:

Language(s) spoken by child:

Disabilities, Mental or Physical Health Issues:

Child's Background

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Cultural Status and Religious Background

Any known previous history of suspected abuse
 (prior to this incident, disclosure or suspicion or involvement with agencies):

Family Background

Family composition (if known):
 List parenting or care arrangements and sibling names and ages

Any other people living with the child (if known):

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Disability, mental or physical health issues in family (if known):

Likely reaction to a report being made (if known):

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Details of the Incident, Disclosure or Suspicion

Grounds for your belief that a child has been, or is at risk of abuse

Indicators or instances which led you to believe that a child/children are subject to child abuse, or at risk of abuse:

Detail any disclosures or incidents or suspicions (including names, times and dates documenting a child's exact words as far as possible). include specific detail here on what led you to form a reasonable belief that a child has been or is at risk of being abused.

Any physical indicators of abuse:

Any behavioural indicators of abuse:

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Any patterns of behaviour or prior concerns leading up to an incident, disclosure or suspicion:

Details of persons alleged to have committed the abuse (if known)

Name:

Gender

Date of Birth:

Relationship to Child:

Nothing if they are within the school or within the family and community (this will impact on who you report to)

Address:

Contact details:

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Critical Action 2: Reporting

Reporting to Authorities

Tick the authorities you have reported to:

- ☐ VICTORIA POLICE
☐ DHHS
☐ CHILD FIRST
☐ COMMISSION FOR CHILDREN AND YOUNG PEOPLE
☐ DECISION NOT TO REPORT
☐ Other - Please specify:

If you've decided not to report, list your reasons here. Also include any follow-up actions undertaken by you below:

Date:

Time:

Authority:

Outcomes from the report:

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Reporting Internally

Provide details of your discussion with your CEO/Senior Leader/Principal/Other

Time:

Date:

Names and person titles:

Discussion outcomes:

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Critical Action 3: Contacting Parents/Carers

Actions Taken

Provide details of your discussion with parents/carers (if appropriate):

Staff must consult with victoria police and/or DHHS

to determine if it is appropriate to contact parents, if it is, parents must be contacted as soon as possible (preferably on the same day of the incident, disclosure or suspicion).

Have you sought advice from DHHS or Victoria Police?

☐ NO

☐ YES

Is it appropriate to contact Parent/Carer

☐ NO

☐ YES

List reasons if it is not appropriate to contact Parent/Carer:

If contacting Parent/Carer, provide the following details:

Name of staff member making the call:

Name of Parent/Carer receiving the call:

Discussion outcomes:

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Critical Action 4: Providing Ongoing Support

Planned Actions

Include detail on what follow-up actions have occurred to support the student (for example, referral to wellbeing professionals and other specialised services, the convening of a student support group and development of support plans):

Follow up actions:

Support:

Referral(s):

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