



Responding To Child Abuse Reports and Allegations Policy

Preshil The Margaret Lyttle Memorial School

**This policy was developed and is adopted by consensus of Preshil Leadership and the Preshil School Council - The Margaret Lyttle Memorial School November 2017*

Please note: fulfilling the roles and responsibilities contained in the procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

1. Purpose

Preshil The Margaret Lyttle Memorial School is committed to protecting the children and young people to whom it delivers a service. Accordingly we have developed this policy on how to respond to child abuse reports and allegations as a guide to all our people in meeting their responsibilities in this area. Our personnel are required to identify, report, and respond to any concerns about, or incidents of, child abuse or neglect towards children or young people to whom we provide services. Our personnel are required to respond to abuse or neglect perpetrated by personnel within our organisation or by other persons.

Preshil The Margaret Lyttle Memorial School will promote equity and respect diversity of the children and young people and their parents who access our services as part of our reporting policy. This includes Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds and children and young people with a disability.

We take seriously our responsibility to deliver a learning environment that is caring, nurturing and safe. Our Preshil School Council is committed to ensuring the safety of all children and young people to whom we provide services or who participate in our programs.

As part of that commitment Preshil School Council approves of and endorses the Safeguarding Children Program including all of the related Preshil policies which demonstrate our commitment to safeguarding children our and young people from abuse and neglect.

2. Related Policies

- Preshil Code of Conduct
- Preshil School Safeguarding Children and Young People Statement
- Responding to Child Abuse Reports and Allegations
- Child Protection Mandatory Reporting Policy
- Critical Incident Response Management Plan
- Arlington Wellbeing Policy
- Blackhall / Kalimna Wellbeing Policy

3. Related Legislation

Our guidelines comply with relevant legislation.

- Duty of Care – Crimes Act 1958 (Vic) Policy
- Child, Youth and Families Act 2005, Sections 182(1)(a)-(e), 184 and 162(c)-(d)

- Ministerial Order No.870 Child Safe Standards – Managing the Risk of Child Abuse in Schools 2015
- Working With Children Policy
- Child Protection Act
- Criminal Code provisions including special care relationships

“Belief on reasonable grounds that a child is in need of protection on a ground referred to in Section 162(1)(c) or 162(1)(d), formed in the course of practising his or her office, position or employment as soon as practicable after forming the belief and after each occasion on which he or she becomes aware of any further reasonable grounds for the belief” (Australian Government Mandatory reporting of child abuse and neglect)

<https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>

4. Scope

All personnel within our organisation are required to meet the requirements of our policy on responding to child abuse reports and allegations.

No one within our organisation is exempt from meeting the standards and requirements set out in this policy.

5. Definitions

Abuse of Position of Trust	When a person uses his/her power, special position or authority over another person to take advantage of their position to the detriment of the other person, regardless of consent.
Allegation	An assertion or information still to be proved.
Alleged Perpetrator	The person against whom a complaint/allegation is made.
Alleged Victim	The person who is reported to have suffered the alleged offence.
Bullying	<p>Bullying involves the inappropriate use of power by one or more persons over another less powerful person or group and is generally an act that is repeated over time. Bullying has been described by researchers as taking many forms which are often interrelated and include:</p> <ul style="list-style-type: none"> • <i>Verbal</i> (name calling, put downs, threats); • <i>Physical</i> (hitting, punching, kicking, scratching, tripping, spitting); • <i>Social</i> (ignoring, excluding, ostracising, alienating); and/or • <i>Psychological</i> (spreading rumours, stalking, dirty looks, hiding or damaging possessions).
Child or young person	For the purposes of this document, a child will be defined as any person aged less than 18 years. This definition is consistent with the definition of ‘child’ in the Children, Youth and Families Act 2005 and includes young people aged from 0 years to 18 years.
Complainant:	The person who makes an allegation or who provides information about an act of harm (this person is not necessarily the ‘victim’).
Confidentiality:	Each employee who has access to information regarding suspected or disclosed harm has an obligation to observe appropriate

	<p>confidentiality. The School is unable to promise absolute confidentiality since this Policy will require disclosing, internally and externally, certain details involved in responding to the complaint. State authorities can compel people to give evidence about actions under the Protocol and to produce documents.</p>
Defamation:	<p>The damaging of another person's reputation. A person providing information in good faith about harm to a person who needs to know that information is generally excused from liability for defamation.</p>
Emotional or psychological abuse	<p>Emotional or psychological abuse occurs when a child does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse may involve repeated rejection or threats to a child. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. These behaviors continue to an extent that results in significant damage to the child's physical, intellectual or emotional wellbeing and development.</p>
Employees:	<p>Office holders and persons who work in a paid or voluntary capacity at Preshil. The expression also includes persons who are employed by independent contractors engaged by the school.</p>
Family Violence	<p>Family violence occurs when children are forced to live with violence between adults in their home. It is harmful to children. It can include witnessing violence or the consequences of violence. Family violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a child or young person's life. Exposure to family violence places children and young people at increased risk of physical injury and harm and has a significant impact on their wellbeing and development.</p>
Grooming	<p>Grooming is a term used to describe what happens when a perpetrator of abuse builds a relationship with a child with a view to abusing them at some stage. There is no set pattern in relation to the grooming of children. For some perpetrators, there will be a lengthy period of time before the abuse begins. The child may be given special attention and, what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a child in and abuse them relatively quickly. Some abusers do not groom children but abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports and religious activities, or in internet chatrooms, in social media or by other technological channels.</p>
Harm	<p>Harm to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:</p> <ul style="list-style-type: none"> • physical, psychological or emotional abuse or neglect; • sexual abuse or exploitation; • a single act, omission or circumstance; and • a series or combination of acts, omissions or circumstances.
Mandatory:	<p>Of or like a mandate, obliging or permitting no choice.</p>

Natural Justice:	<p>The principles of natural justice will apply to decisions to be made under this Manual and associated protective policies. As the consequences of a decision for any individual become more severe, so the importance of demonstrably acting fairly increases.</p> <p>The two fundamental principles of natural justice are:</p> <ul style="list-style-type: none"> • that those making a decision are not biased; and • that persons should not be condemned unless they are given prior notice of the allegations against them and they have a fair opportunity to be heard.
Neglect	<p>Neglect is the persistent failure or deliberate denial to provide the child with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the child's health and development is, or is likely to be, significantly harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of neglect must be considered within the context of resources reasonably available.</p>
Personnel	<p>All staff and volunteers who work for the organisation whether in a paid or unpaid capacity.</p>
Physical abuse	<p>Physical abuse occurs when a person subjects a child to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a child. Physically abusive behavior includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, excessive and physically harmful over training, and kicking. It also includes giving children harmful substances such as drugs, alcohol or poison. Certain types of punishment, whilst not causing injury can also be considered physical abuse if they place a child at risk of being hurt.</p>
Principal	<p>The person responsible for the leadership and management of the School. In this policy, the term may include the Head's nominated person to deal with matters under this policy.</p>
Relevant person	<p>Means a student less than 18 years attending the school; a pre-preparatory age child registered in a pre-preparatory learning program at the school; a person with a disability who is being provided with special education at the school; and is not enrolled in the preparatory year at the school.</p>
Sexual abuse	<p>Sexual abuse occurs when an adult or a person of authority (e.g. older) involves a child in any sexual activity. Perpetrators of sexual abuse take advantage of their power, authority or position over the child or young person for their own benefit. It can include making sexual comments to a child, engaging children to participate in sexual conversations over the internet or on social media, kissing, touching a child's genitals or breasts, oral sex or intercourse with a child. Encouraging a child to view pornographic magazines, websites and videos is also sexual abuse. Engaging children to participate in sexual conversations over the internet is also considered sexual abuse.</p> <p>In accordance with the Crimes (Sexual Offences) Act 2006, sexual abuse includes sexual behaviour involving the relevant person and another person in the following circumstances –</p>

	<ol style="list-style-type: none"> 1. the other person bribes, coerces, exploits, threatens or is violent toward the relevant person; 2. the relevant person has less power than the other person. 3. there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.
Sexual exploitation	Sexual exploitation occurs when children are forced into sexual activities that are then recorded in some way and/or used to produce pornography. Such pornography can be in the form of actual photos or videos or published on the internet. Exploitation can also involve children who are forced into prostitution.
Student	Means for the purposes of this document a person enrolled in a school or enrolled or registered in any other educational institution as stated Education (General Provisions) Act 2006. Student includes persons aged over 17 years, and children attending other programs on the school campus. For simplicity, the word 'student' will be used consistently through the document.
Unacceptable Risk	Circumstances where, if the allegations are true, there is a risk of the alleged perpetrator re-offending.
Wellbeing Coordinator	Persons within a School designated by the Principal as liaison people to whom students may refer if they are not feeling safe; or to whom they make complaints of harm, inappropriate behaviour or sexual abuse. The Principal or Assistant Principal may fulfil this role.

“School staff” means:

- a) in a Government school, an individual working in a school environment who is:
 - i. employed under Part 2.4 of the ETR Act in the government teaching service; or
 - ii. employed under a contract of service by the council of the school under Part 2.3 of the ETR Act; or
 - iii. a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary).

- b) in a non-Government school, an individual working in a school environment who is:
 - i. directly engaged or employed by a school governing authority;
 - ii. a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary); or
 - iii. a minister of religion”. (Merlino, J, 2015, p5)

“Child abuse includes-:

- a) 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
- b) the infliction, on a child, of-
 - i. physical violence; or
 - ii. serious emotional or psychological harm; and

c) serious neglect of a child". (Merlino, J, 2015, p5)

6. Responsibilities

Position	Responsibility
Principal Heads of Campus SWC	<ul style="list-style-type: none">• Implement policies and procedures across the organisation• Ensure personnel have access to and understand this policy and related procedures• Ensure all staff have access to training, support and advice to understand and implement policies and procedures
Leadership SWC	<ul style="list-style-type: none">• Review and update this document and supporting resources consistent with relevant legislation• Staff Handbook is updated with SGCP documentation and all policies and procedures associated with Mandatory Reporting• Support the coordination of the SCYP framework and implementation• Provide training and advice in the application of policies and procedures
Principal Heads of Campus	<ul style="list-style-type: none">• Ensure all policies and procedures are implemented and followed
Employees / Volunteers	<ul style="list-style-type: none">• Compliance with all SGCP and Mandatory Reporting policies and procedures

7. Key Requirements

Our personnel are required to report any instance of serious abuse or neglect (cases in which a child or young person has suffered, or is likely to suffer, significant harm from abuse or neglect) immediately to the Principal, Heads of Campus, or Student Wellbeing Coordinator.

As mandated reporters the staff need to contact Victoria Police 000, Child Protection or Child First.

If it is not possible to contact Principal, Heads of Campus, or SWC, the staff member must contact these people no later than before ending that person's shift or session of work with our school.

If a child or young person is at **imminent risk** of harm or in **immediate danger**, our personnel are required to report the situation directly to **Victoria Police 000**.

In Victoria, these adults are mandated to report: "Registered medical practitioners, nurses, midwives, a person registered as a teacher or an early childhood teacher under the *Education and Training and Reform Act 2006* or teachers granted permission to teach under that Act; principals of government or non-government schools within the meaning of the *Education and Training Reform Act 2006*; and police officers" (Australian Government Mandatory reporting of child abuse and neglect).

In your responses you will need to consider the specific needs of the child or young person. Consider the unique qualities of a child including, for example, whether the child is Aboriginal or Torres Strait Islander, has a disability and/or has a culturally and linguistically diverse background.

Consequences of breaching policy

If our personnel fail to report instances, allegations, disclosures or concerns in relation to abuse or neglect of a child or young person – by personnel within our organisation or by others – we view such failure as a serious matter that, depending on the circumstances, may result in disciplinary action or be grounds for dismissal.

Our policy prohibits all personnel from:

- discussing any concerns or allegations with unauthorised personnel – within or outside our organisation – such prohibition not being designed to limit, in any way, their rights and responsibilities to report their concerns or allegations, but rather as part of our organisation’s commitment to ensuring privacy, confidentiality and natural justice
- making deliberately false, misleading or vexatious allegations.

Our personnel are obliged to raise any concerns they might have in relation to:

- our organisational policies designed to safeguard children and young people – such as outlined in our ‘Practice and Behaviour Guidelines’ and in our ‘Responding to Child Abuse Reports and Allegations’ policy
- actions of other personnel within our organisation that contravene our policies, or that may otherwise have the potential to harm a child or young person.

Reporting of concerns or allegations regarding abuse or neglect by family or other external sources

Preshil The Margaret Lyttle Memorial School requires all of its personnel to report any instance of child abuse or neglect that has resulted in, or is likely to result in, significant harm to a child or young person, to either:

- **Victoria Police 000** and/or **Child First** immediately (i.e. before the end of the person’s shift / session of work) During business hours: **1300 360 391**
- The Principal and HOCs will ensure that the incident is reported to **Victoria Police 000** and/or **Child First** immediately (i.e. before the end of the person’s shift / session of work) During business hours: **1300 360 391**
- If the Principal is unavailable (or they are the subject of the complaint), our personnel are required to report the matter to Heads of Campus, Junior/Senior School. The following legal mandatory reporting requirements also apply to personnel within our organisation:

Victoria

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Mandatory reporting legislation and summary	Relevant personnel who must comply
<p>Sexual Offences against Children</p> <p><i>Section 327 of the Crimes Act 1958</i></p> <p>This legislation requires that any adult who has a reasonable belief that a sexual offence has been committed in Victoria against a child must disclose that information to a police officer as soon as it is practicable to do so.</p> <p>Please familiarize yourself with this legislation at https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect</p>	All personnel

- listen to the allegation or disclosure supportively, without dispute
- clarify the basic details, without seeking detailed information or asking suggestive or leading questions, using our organisation's 'Child Abuse Incident Form'
- record on the Child Abuse Incident Form what was said (where possible, noting the exact words used by the person making the allegation)
- date and sign the record
- explain to the child (if present) that other people may need to be told, in order to stop what is happening
- provide reassurance that our organisation will take immediate action in response to the allegation.
- Report the matter as per organisational policy requirements (as stated earlier), which are to:
 - **Victoria Police 000** and/or **Child First** immediately (i.e. before the end of the person's shift / session of work) During business hours: **1300 360 391**
 - The Principal will ensure that the incident is reported to **Victoria Police 000** and/or **Child First** immediately (i.e. before the end of the person's shift / session of work) During business hours: **1300 360 391**
 - If the Principal is unavailable (or they are the subject of the complaint), our personnel are required to report the matter to Heads of Campus: Natalie Jensen and/or Jason Barton. **Additional requirements where concerns or allegations of abuse or neglect involve our employees or volunteers**

All personnel must report, immediately, to Principal, or Heads of Campus, any breach of the Practice and Behaviour Guidelines / Code of Conduct arising from an action by an employee or volunteer within our organisation.

In response to any instance of 'serious' breaches which relate to abuse or neglect ('serious' being cases in which the abuse or neglect has resulted in, or is likely to result in, significant harm to a child or young person) the Principal will investigate and deal with allegations of inappropriate and unacceptable behavior towards a child in line with our organisation's general procedures for complaint resolution and disciplinary measures and in consultation with Police and other authorities.

If a 'serious' allegation has been made against a staff member of our organisation, our Principal will:

- complete a 'Preshil Child abuse Incident Report Form' form to ensure all relevant details are documented
- complete a 'Preshil Child abuse Incident ACF Report Form' form to ensure all relevant details are documented
- cooperate with the Police and other authorities and assist in their investigation of the allegation
- take any action necessary to safeguard the child or young person (or other children or young people in our care) from additional harm through options such as:
 - redeploying that staff member to a position where they do not work with children, (E.g. working off campus)
 - removing/suspending that staff member from duty until the validity of the allegations is determined, allowing the staff member to work off-campus
 - assist in addressing the support needs of those impacted by the allegation including considerations of cultural safety for :

- the child and their family (this includes any specific support needs for those from an Aboriginal and Torres Strait Islander; Culturally and Linguistically Diverse; or person with a disability background);
- the person against whom the complaint is made by, for example, offering professional counselling
- other personnel impacted by the allegations
- make clear to all other personnel who are aware of the allegation that:
 - the allegation does not mean the person is guilty, and that the allegation will be properly investigated and will include the right to 'procedural fairness'
 - they are not to discuss the matter with any person, except as directed by police, child protection authorities and/or the Principal and only in direct relation to investigation of the allegation.

All instances, allegations, disclosures or reasonable concerns of abuse or neglect of a child or young person arising from an action by an employee or volunteer within our organisation will be investigated and will be the subject of a critical incident review. This will also be reported to the Australian Childhood Foundation within 28 days, in accordance with the requirements of the Safeguarding Children Program. This report will be made by the Principal and/or the Wellbeing and Safeguarding Children Coordinator.

Confidentiality and privacy

Our organisation maintains the confidentiality and privacy of all concerned (including the alleged perpetrator), except if doing so would compromise the welfare of the child or young person and/or investigation of the allegation.

Documentation

As part of our policy for responding to reports or allegations of child abuse, we have developed a 'Child abuse Incident Report Form' which is to be used by any of our staff to document any allegation, disclosure, incident or concern regarding child abuse.

The Principal will complete the 'Child abuse Incident ACF Report Form' for the Australian Childhood Foundation (ACF) Safeguarding Manager.

In situations where our personnel become aware of abuse whether through observation of potential indicators, such as bruises or cuts, or by directly observing potentially abusive behaviour towards a child or young person, they are required to use our 'Child abuse Incident Report Form' to record their observations and concerns as accurately as possible.

The Principal will oversee creation of a file to contain the completed 'Child abuse Incident Report Form', the 'Child abuse Incident ACF Report Form' and any other documentation relating to the allegation and subsequent action.

So as to prevent access by unauthorised persons, our organisation stores any documentation associated with an allegation of abuse or neglect of a child or young person by having:

- hard-copy documentation stored in a locked filing cabinet (or similar)
- electronic documentation stored in a password-protected folder (or similar).

We maintain and regularly monitor records of child abuse reports as part of our Incident Management processes to ensure that they are responded to effectively in accordance with this policy and that requirements for reporting to external authorities are complied with. These records will inform reviews of the policy as detailed in section 9.

Communication

We communicate our Safeguarding Children Policy and Mandatory Reporting Policy requirements to all our personnel involved with children and young people in our organisation. We involve our personnel in reviews of our Safeguarding Children Policy and Mandatory Reporting Policy requirements. We communicate any significant alterations to our Safeguarding Children Policy and Mandatory Reporting Policy requirements and resources to all personnel.

8. Monitoring and Review

This document will be reviewed at least every 3 years, in consultation with stakeholders. Some circumstances may trigger an early review, this includes but is not limited to legislative changes, organisational changes, incident outcomes and other matters deemed appropriate by the School Council and/or Principal. We retain 'evidence' to document each review undertaken. Such evidence may include minutes of meetings and documentation of changes to policies and procedures that result from a review.

External audit and verification based on a sample, conducted by the Australian Childhood Foundation shall occur at 3 yearly intervals.

9. Supporting Resources

Preshil Code of Conduct
Preshil School Safeguarding Children and Young People Statement
Arlington Wellbeing Policy
Blackhall/Kalimna Wellbeing Policy
Child Protection Mandatory Reporting Policy
Incident Management
Child abuse Incident Report Form
Reporting Flowchart
Report to Australian Childhood Foundation: 'Child abuse Incident ACF Report Form'