



Child Protection Reporting Obligations

This policy defines the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people and to enable staff 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.

Ballarat Steiner School and Kindergarten will ensure that:

- Children's rights to be safe are maintained and each child is protected against physical and sexual abuse, emotional abuse, neglect, medical neglect and family violence.
- All children are treated with dignity and respect and are provided with a safe environment.
- Aboriginal, Torres Strait Islanders and Koori children will be culturally safe.
- Children from culturally and / or linguistically diverse backgrounds will be culturally safe.
- Children with a disability will be safe.

Ballarat Steiner School and Kindergarten Responsibilities are to:

- Protect children.
- Provide a secure, safe environment where children can be safe and feel safe.
- Intervene on behalf of children.
- Actively work towards empowering children.
- Ensure the principles of care, protection and safety are implemented.

Roles and Responsibilities of School Staff and Duty of Care

Protecting children is everyone's responsibility. As professionals who work with children, school staff play a vital role in protecting children from harm. They can observe signs or behaviours that may indicate child abuse, neglect or exploitation. Most children are protected and cared for within their own homes, however there are times when parents, carers or guardians may have difficulty providing care for, or are unwilling or unable to protect their children from harm. In these circumstances, it becomes the responsibility of the wider community to ensure the safety and wellbeing of the child.

School staff have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care they should take immediate action. Some staff are mandatory reporters, but all staff can and should make a report about any type of child abuse to the relevant authorities as part of their legal duty of care obligations. Duty of care obligations are such that we:

- Act on concerns quickly and in the child's best interests.

- Protect the safety, health and wellbeing of children at the kindergarten and school.
- Seek appropriate advice or consult when unsure.
- Report concerns to the relevant authorities.
- Support a child at an interview.
- Provide ongoing support to a child and their family.
- Attend DHHS Child Protection Case Planning and Student Support Group meetings.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, school staff can discharge this duty of care by taking action which includes the following:

- Reporting their concerns to the DHHS Child Protection or Child FIRST.
- Notifying Svantje Mertens as the school's Child Safety Officer of their concerns and the reasons for those concerns.

Legal Responsibilities:

- Under sections 28 and 31 of the Children, Youth and Families Act 2005 (CYFA) (Vic), any person can make a report to the Department of Human Services (DHHS) or to family services such as Child FIRST. However, section 182 of the Act lists registered teachers, (as well as students in training to become teachers), registered nurses and principals as professionals who are legally obliged to notify protective services if they form a belief, based on reasonable grounds, that a child has suffered sexual abuse, 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.
- Teachers, teachers with provisional registration, school registered nurses and/or principals, as mandated notifiers, can face criminal prosecution for failing to notify a belief, based on reasonable grounds, of suspected abuse as an offence under the Children, Youth and Families Act 2005 (Vic.) and lead to criminal prosecution.
- As a mandated notifier you are both legally and professionally protected. You cannot be successfully sued or subjected to any legal liability, nor can you be disciplined for unprofessional conduct by your professional body.
- Under the Act 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.

For the courts to order disclosure of a notifiers identity requires exceptional circumstances and is not normal practice.

Failure to protect offence - Protecting children from the risk of sexual abuse.

The Victorian *Crimes Act 1958* has been amended to include the criminal offence of '*failing to disclose a sexual offence committed against a child under the age of 16 years*'.

The new offence imposes a legal obligation upon **all adults** to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16.

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. An individual who falls short of the standard of care that a reasonable person would exercise in the circumstances will be found guilty of the offence. For example, a person in authority who knows someone associated with their organisation poses a risk to children and moves them from one location in an organisation to another where they still have contact with children would be committing an offence. This adult should be removed 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. A person in authority is one who exercises care, supervision or authority over children. However, all staff should be familiar with these new reporting obligations.

Roles of Relevant Authorities

1. DHHS - Child Protection

Under the Children Youth and Families Act, (CYFA) 2005, the Department of Health and Human Services (DHHS) has a responsibility to provide child protection services for all children and young people under the age of 17 years, or where a protection order is in play, for children under the age of 18.

The main functions of DHHS Child Protection are to:

- Receive reports from people who believe that a child is in need of protection or those who have significant concerns about the wellbeing of a child.
- Provide consultation and advice to people making reports.
- Investigate matters where it is believed that a child is at risk of significant harm.
- Refer children and families to services that assist in providing for the ongoing safety and wellbeing of children.

2. Child FIRST

Child and Family Information, Referral and Support Teams (Child FIRST) were introduced to give families an opportunity to obtain family services earlier at their own request or following a referral from others, including school staff.

Child FIRST ensures that vulnerable children, young people and their families are linked effectively to relevant services. Child FIRST is staffed by family services practitioners who are experienced in assessing the needs of vulnerable children and their families. Child FIRST teams work closely with community-based DHHS Child Protection workers.

The role of Child FIRST includes:

- Providing a point of entry to a local network of family services.
- Receiving reports about vulnerable children where there are significant concerns about their wellbeing.
- Undertaking an initial identification and assessment of the risks to the child and the child's needs in consultation with DHHS Child Protection and other services.
- Identifying appropriate service responses for families.

Any person who has significant concerns for the wellbeing of the child but has assessed that the child is not at immediate risk of harm, can make a referral to Child FIRST.

A significant concern for the wellbeing of a child may arise, for instance, where any of the following factors may have a negative impact on a child's care or development:

- Significant parenting problems.
- Family conflict or family breakdown.
- Pressure due to a family member's physical / mental illness, substance abuse, or disability.
- Vulnerability due to youth, isolation or lack of support.
- Significant social or economic disadvantage.

You can consider referring your concerns to Child FIRST where:

- They have a low-to-moderate impact on the child.
- The child's immediate safety is not compromised.
- The family is supportive of a referral and open to assistance from community-based family services.

If there are immediate safety or welfare concerns for the child and / or the family is likely to be uncooperative in seeking assistance, then your concerns should be reported to DHHS Child Protection.

In cases where you are unsure about which agency or authority to make a report to, you can refer the matter to either DHHS Child Protection or Child FIRST for further advice.

3. Victoria Police

Both DHHS and Victoria Police have statutory responsibilities under the *CYFA* in relation to the protection of children. DHHS Child Protection is the lead agency responsible for the care and protection of children, while Victoria Police is responsible for criminal investigations into alleged child abuse.

Protocols between DHHS Child Protection and Victoria Police require that all reports received by DHHS Child Protection relating to physical abuse, sexual abuse or serious neglect must be reported to Victoria Police, as these reports may also constitute reports of criminal offences. Under no circumstance should school staff investigate an allegation themselves. School staff should only enquire sufficiently to form a reasonable belief that a child may be in need of protection.

Victoria Police have established Sexual Offences and Child Abuse Investigation Teams (SOCIT) which ensure appropriately trained and qualified police officers are available to respond to and investigate allegations of child abuse and sexual offences.

In the first instance, allegations of sexual offences must be reported to Victoria Police, either by calling 000 or contacting the nearest police station.

The amended Victoria Crimes Act 1958 has a new offence which imposes to all adults the legal obligation to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16.

Mandatory Reporters Definition and Obligations

In Australia, every state and territory has mandatory reporting requirements. Mandatory reporting refers to the legislative requirement to report suspicions of child abuse and neglect to statutory authorities. In Victoria, under sections 28 and 31 of the Children, Youth and Families Act 2005 (Vic.), any person may make a report in regard to child abuse. However, section 182 of the act lists

professionals, called mandatory reporters, who are obliged to notify protective services 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 and/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.

Mandatory Reporters included:

- VIT registered principals and teachers (including pre-service and visiting teachers).
- Staff who have been granted permission to teach by the VIT.
- Registered medical practitioners and psychiatrists.
- Registered nurses including school nurses.
- Members of the police force.

- A key feature of the Act is that mandatory reporters are able to share information with DHHS Child Protection, without legal or professional consequences, provided it is done in good faith. Any information provided should be directly related to concerns about the child and not based on second-hand information.

- Mandatory reporters must make a report as soon as practicable after forming the belief. It is a criminal offence to fail to report in these circumstances.

- You do not have to be able to prove that the child has been abused to make a report, but have formed a reasonable belief

- Mandatory Reporters do not require the permission of parents, carers or guardians to make a report to DHHS Child Protection or Victoria Police, 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 and it would be normal to raise the possibility of making a report 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 superior or the College of Teachers.

- If the College of Teachers does not share your belief that a child or young person is in need of protection, you must still notify the DHHS child protection of your belief. However, it is recommended that you inform Svantje Mertens as the school's Child Safety Officer, that you have made a report.

- If you are one of a group of mandated reporters 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 DHHS 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.
- A mandatory reporting only applies for abused children under the age of 16.
- If a report is made regarding an indigenous student, the Regional Office must be informed to ensure that the support officer can arrange appropriate support for the student.

To clarify, mandatory reporters, under the CYFA, must report a reasonable belief to DHHS Child Protection that a child is in need of protection from physical or sexual abuse, where the parents are unable or unwilling to protect the child.

Under the 'Failure to Disclose' offence, if you know or reasonably believe that a sexual offence has been committed by an adult against a child under 16 years of age you must make a report to Victoria Police.

By law, if you have already made a report to DHHS Child Protection, you are not required to make the same report to Victoria Police. DHHS are legally obliged to make the report to Victoria Police.

If you believe in good faith that a child is in need of protection, then you must make a report to Child Protection and, if you choose, Victoria Police 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.

Mandated Reporters in our school and kindergarten are all registered teachers, including VIT registered early childhood teachers, whether or not they are working as a registered teacher. All provisional teachers and teachers with permission to teach are also mandated reporters.

Other Reporting Obligations

Although it is not mandatory to do so, any person should make a report to DHHS Child Protection or Victoria Police on the basis of their reasonable belief that a child is in need of protection from significant harm as a result of physical injury or sexual abuse and the child's parents have not protected, or are unlikely to protect the child from harm of that type. Also, any person should make a report to DHHS Child Protection on the bases of their reasonable belief that a child is in need of protection of the following, other grounds:

- Abandonment.
- Death or incapacity.
- Emotional or psychological harm.
- Harm to physical development or health.

In cases where staff have concerns about a child or young person, they should also discuss their concerns with Svantje Mertens as the school's Child Safety Officer, and ensure any allegation is reported to Victoria Police, DHHS Child Protection or Child FIRST as deemed appropriate.

Teachers and Staff can share information and make a referral to Child FIRST when they have significant concern for a child's wellbeing, but do not believe that the child needs protection.

Reporting a child displaying sexually abusive behaviours

The *CYFA* makes provision for reporting a child exhibiting sexually abusive behaviours who, as a result, may be in need of therapeutic treatment. Any person who believes on reasonable grounds that a child who is over 10 but under 15 years of age may be in need of therapeutic treatment should report their belief and the reasonable grounds for it to DHHS Child Protection.

A child may exhibit sexually abusive behaviours by using their power, authority or status to engage another party in sexual activity that is:

- Unwanted, or
- Where, due to the nature of the situation, the other party is not capable of giving informed consent (this may include sexual behaviour with a family pet or other animal, or sexual behaviour involving another child who is younger or who has a cognitive impairment).

Physical force or threats may sometimes be involved but this is not a required feature. Sexual activity may include exposure, peeping, fondling, masturbation, oral sex, penetration of a vagina or anus using a penis, finger or object, or exposure to pornography. This list is not exhaustive.

What is a 'reasonable belief'?

Most of the reporting provisions in the *CYFA* and *Crimes Act* prompt persons to report where they have formed a 'reasonable belief' or 'a belief on reasonable grounds'. A 'reasonable belief' is considered to be more than a suspicion and 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. It results in a person being more inclined to accept, rather than reject, the particular idea they are contemplating. It is important to understand that proof is not required to support your claim.

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, is being abused, or is at risk of abuse.
- You observe a child's behaviour, actions or injuries that may place them at risk of harm, or may lead you to suspect that abuse is occurring.
- You are aware of persistent family violence, parental substance misuse, psychiatric illness or disability that is impacting on the child's safety, stability or development.
- You observe signs or indicators of abuse, including non-accidental, unexplained injury, persistent neglect, poor care or lack of appropriate supervision.
- You become aware of possible harm via your involvement in the community, external to your professional role.
- Signs of sexual abuse led to a belief that the child has been sexually abused.

Hearing a disclosure

If a child or young person makes a disclosure to you, it is important you respond in an appropriate and supportive manner. It is also important to inform the child that there are some things you cannot keep a secret or confidential. If a child discloses abuse, you should only ask appropriate questions to obtain further necessary information in order to form a belief on reasonable grounds. It is important not to use leading

questions which may influence the child's answers. You should maintain written records including all observations, disclosures and other details that led you to suspect the abuse.

- Stay calm and control expressions of panic and shock.
- Try and spare the child from the other children discreetly and listen to them carefully.
- Let the child use their own words to explain what has occurred.
- State clearly that the abuse was not the child/young person's fault— no matter what the circumstances.
- Always accept what the child says, no matter how fanciful it may appear to you — let them know you believe them.
- Allow the child/young person to talk at their own pace, and use their own language.
- Listen attentively and only ask open-ended questions. Avoid using leading questions, and remember: you are not investigating the allegation.
- Do not pressure the child/young person into telling you more than they want to.
- Encourage the child/young person to talk about their concerns, as this can be helpful in dealing with difficult experiences.
- Not all the information will be necessarily expressed in one conversation or discussion.
- Tell the child/young person you are pleased they told you and they are doing the right thing.
- At some point in the disclosure ensure that you inform the child or young person that you cannot offer absolute confidentiality or protection. Do not make promises that you may not be able to keep.
- Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
- Provide the child with an incident report form to complete, or complete it together if you think the child is able to do this.
- Take careful notes throughout, if appropriate, or very soon after the child/young person has left. Keep to the facts, and use the words as they were spoken to you. Note date, time and place.
- You may wish to stop the interview if you think it is better handled by another person or staff member, or if it is too stressful for the child/young person.
- Avoid going over the information time and time again; you are only gathering information to help you form a belief on reasonable grounds that you need make a notification to DHHS Child Protection.

Victoria police are responsible for investigating the allegations after a notification to DHHS Child Protection has been made.

Appropriate Questions include:

- When did this happen?
- What did the person do?
- Have you told anyone else?
- Where did this happen?
- How do you feel when this happens?
- Has this happened more than once?
- What do you mean by that?
- Would you like to tell me anything else?

These questions should be asked in a gentle, patient, non-confrontational manner, with the aim of providing an opportunity for the child or young person to disclose information in a safe environment. It is important that the child or young person does not feel they are being interrogated or accused of any wrong doing. If they become upset during the conversation, it may be appropriate to seek additional help or support to ensure the child or young person's wellbeing.

Making a report

Schools must take immediate action in relation to concerns about potential child abuse. Staff should take steps to ensure the immediate safety of the student involved and ensure an appropriate level of care and supervision is provided for the student. If possible, the report should be made on the day that the reasonable belief was formed.

In the case of an emergency, staff should contact Emergency Services on 000.

Depending on what kind of abuse is alleged, staff must report the abuse to DHHS Child Protection.

Staff members should inform Svantje Mertens as the school's Child Safety Officer of any report that has been made.

What information is required to provide a report? (guide only)

Child	<ul style="list-style-type: none"> • Name / gender / age • Any disabilities, mental or physical health issues • Current location and safety status (e.g. is the child safe now or in immediate danger?) • Social and economic background • Previous history or indicators of abuse • Cultural status • Language(s) spoken • Religion • Any other significant factors • Positive relationships with family member or carer
Family	<ul style="list-style-type: none"> • Composition (e.g. parenting or care arrangements) • Parent / carer information • Presence of extended family • Siblings - names / ages • Disability or illness in family • Language(s) spoken at home • Other people living with the child • History of school involvement with family • Other agencies involved • Likely reaction to DHHS Child Protection • Family awareness of report
Alleged Abuse	<ul style="list-style-type: none"> • Times / dates • Nature of incident • Any patterns of behaviour or prior concerns leading up to the alleged abuse • History of violence • Previous incidents • Previous agency involvement
Notifier	<ul style="list-style-type: none"> • Name • Occupation • Location • Contact details • Relationship to child • Grounds for belief • Present / prior concerns

What if another person has already made a report?

Once a school staff member forms a belief on reasonable grounds that they should make a report to protect a child, their obligation to report is separate from the reporting obligations or actions of other people.

This means that you should make a report to protect a child even if:

- DHHS Child Protection, Child FIRST, or Victoria Police were previously involved or are already involved with the child and / or their family.
- You are aware that another party, such as a family member, has already raised concerns with the relevant authorities.
- Regardless of whether the report is mandated by the *CYFA* or *Crimes Act*, all school staff owe a duty of care to their students. Making a report is consistent with this duty.
- You should also bear in mind that other people may not have access to the specific information held by school staff. The information you provide through your report may assist the relevant authority to take further action to protect the child.

What if I have already made a report?

- School staff should make a new report after each occasion on which they become aware of any further reasonable grounds for the belief.
- This means that although a report has already been made to the relevant authorities, if new information comes to light that constitutes new grounds for reporting a reasonable belief that warrants a report being made to protect a child, then a new report should be made.

Obtaining Advice or Support.

If you have a concern but are unsure if you should make a report to DHHS Child Protection or Victoria Police or a referral to Child FIRST, you should discuss this with Svantje Mertens as the school's Child Safety Officer, a member of College of Teachers or a member of the school management team.

However, if you form and continue to hold a belief on reasonable grounds, even if other staff members do not agree with you, you should still make a report to the relevant authorities.

In the event that you are not sure whether to make a report, it is better to err on the side of caution and make a report.

Confidentiality of Reporters Identity

Under the *CYFA*, the identity of a person who makes a report to DHHS Child Protection or Child FIRST should remain confidential.

The *Crimes Act* also provides that the identity of persons who report their reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16 years to Victoria Police should remain confidential.

This will usually mean that if there are court proceedings in relation to the child, your identity as a reporter will not be disclosed, unless: Under the Act 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.

For the courts to order disclosure of a notifiers identity requires exceptional circumstances and is not normal practice.

In practice, it is best to maintain this confidentiality by not disclosing to any other person (including a child's parents), that you have made a report. If the family knows the school that has made the report, it may have a negative effect on the school's relationship with the family.

Legal Protection for Reporters

The *CYFA* provides protection against legal liability to persons who make a report to DHHS Child Protection or Child FIRST. In the same way, the *Crimes Act* provides protection against legal liability to persons who make a report to Victoria Police about sexual offences committed by an adult against a child under the age of 16.

In all cases, a report made in good faith to DHHS Child Protection, Child FIRST or Victoria Police:

- Does not for any purpose constitute unprofessional conduct or a breach of professional ethics on the part of the person making the report; and
- Does not make the person making the report subject to any liability.

Privacy Laws

Making any of the reports detailed in this policy does NOT constitute a breach of Victorian privacy laws. Staff are allowed to disclose personal or health information in cases where this disclosure is permitted by laws, such as the *CYFA* or the *Crimes Act*.

Failure to disclose offence – Reporting criminal child sexual abuse

The Victorian Crimes Act 1958 has been amended to include the criminal offence of “*failing to disclose a sexual offence committed against a child under the age of 16 years*”. This new reporting obligation is in addition to mandatory reporting obligation and other legal child reporting provisions.

The new offence imposes a legal obligation upon all adults to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16. Failure to disclose the information to police is a criminal offence, with some limited exceptions such as:

- Where a person does not disclose the information because he or she has a reasonable fear for their own safety or the safety of another person (such as a child or another family member).
- Where a person believes on reasonable grounds that the information has already been disclosed to police (e.g. a mandatory report has already been made to DHHS Child Protection) and they have no further information to add.

A person will not be guilty of the offence if he or she has a **reasonable excuse** for not disclosing the information. A reasonable excuse includes:

1. Fear for Safety

A reasonable excuse exists in cases where a person has a reasonable fear for their own safety or the safety of another person (such as a child or another family member) and they do not report to police due to those circumstances.

This defence may apply, for example, if a mother decides not to disclose information about her partner sexually abusing her child due to fear of violence to her or her child.

The person's fear must be subjectively reasonable, that is, it must be reasonable from the perspective of that person in those circumstances. This recognises that the person in question is best placed to judge whether their safety is in danger.

The court or jury will consider whether it was reasonable for the person not to report in the circumstances.

2. **Where the information has already been disclosed**

It is a reasonable excuse to not disclose where a person believes on reasonable grounds that the information has already been disclosed to police and they have no further information to add.

An important example of this exception is where the person has already made a report under the mandatory reporting obligation specified in the *Children, Youth and Families Act 2005*.

Under the existing mandatory reporting system, DHHS already passes on all allegations of child sexual abuse to police, so it will be a reasonable excuse for not reporting to police if a person has made a report to DHHS or reasonably believes a report has been made to DHHS. This ensures that people are not required to make multiple reports to different agencies.

What is **not** a reasonable excuse to Fail to Disclose?

A person does not have a reasonable excuse for failing to disclose sexual abuse if they are only concerned for the perceived interests of the perpetrator or any organisation, such as the school or kindergarten. 'Perceived interests' includes reputation, legal liability or financial status.

For example, the College of Teachers concern for the reputation of a school and kindergarten, or a clergyman's concern for the reputation of a church where the abuse happened will not be regarded as a reasonable excuse.

Exemptions to the Failure to Disclose Offence

There are a number of other exemptions, which include:

1. The victim requests confidentiality. A child under 16 is not deemed mature enough to request confidentiality.
2. The person is a child when they formed a reasonable belief. If a person was under the age of 18 when they formed a reasonable belief, they will not be obliged to make a disclosure when they turn 18. This protects children from the burden of knowing that they will have to disclose to police when they turn 18.
3. The information would be privileged – such as religious confessions, client legal privilege or journalistic privilege.
4. The information is confidential communication, such as with a medical practitioner or a counsellor.
5. The information is in the public domain, such as the media.
6. Where police officers are acting in the course of their duty.

Types of child abuse and indicators of harm

Child abuse is an act by parents or caregivers that endangers a child or young person's physical or emotional health or development. Child abuse can be a single incident, but usually takes place over time. Child abuse

includes physical abuse, sexual abuse, emotional abuse or neglect. In Victoria, under the Children, Youth and Families Act 2005 (Vic.) a child or young person is a person under seventeen years of age.

Types of child abuse include:

- Physical abuse.
- Sexual abuse.
- Emotional abuse.
- Neglect.
- Medical neglect.
- Family violence.

A report should be made to DHHS Child Protection in circumstances where, for example:

- The child is engaging in risk-taking behaviour.
- Female genital mutilation has occurred, or there is a risk of it occurring.
- There is a risk to an unborn child.
- A child or young person is exhibiting sexually-abusive behaviours.
- There are indications that a child is being groomed. This offence targets predatory conduct designed to facilitate later sexual activity with a child.

Identifying Abuse:

Physical Abuse

Physical abuse or injury may consist of any non-accidental form of injury or serious physical harm inflicted on a child by any person. Physical injury and significant harm to a child may also result from the failure of a parent, carer or guardian to adequately ensure the safety of a child by exposing the child to extremely dangerous or life-threatening situations. Examples of physical abuse may include:

- Beating, shaking or burning.
- Assault with implements.
- Fabricated illness syndrome.
- Female genital mutilation (FGM).
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Physical Indicators of physical abuse may include:

- Bruises or welts on facial areas and other areas of the body.
- Bruises or welts in unusual configurations, or those that look like the object used to make the injury, i.e. fingerprints, handprints, buckles, iron or teeth.
- Burns that show the shape of the object used to make them, i.e. iron, grill, cigarette.
- Burns from boiling water, oil or flames.
- Fractures of the skull, jaw, nose and limbs, especially those not consistent with the explanation offered, or the type of injury possible at the child's age of development.
- Cuts and grazes to the mouth, lips, gums, eyes, ears.
- Human bite marks.
- Bald patches where hair has been pulled out.
- Multiple injuries, old and new.
- Effects of poisoning.
- Internal injuries.

Behavioural indicators of abuse may include:

- Disclosure of an injury inflicted by someone else or an inconsistent or unlikely explanation or inability to remember the cause of injury.
- Unusual fear of physical contact with adults.
- Wearing clothes unsuitable for weather conditions to hide injuries.
- Wariness or fear of a parent, carer or guardian.
- Reluctance to go home.
- No reaction or little emotion displayed when being hurt or threatened.
- Habitual absences from school without explanation.
- Overly compliant, shy, withdrawn, passive and uncommunicative.
- Unusually nervous, hyperactive, aggressive, disruptive and destructive to self and/or others.
- Regressive behaviour.

Sexual Abuse

A child is sexually abused when another person uses their authority or power over the child to engage in sexual activity.

Sexual activity may include fondling genitals, masturbation, oral sex, vaginal or anal penetration by a finger, penis or any other object, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.

Emotional Abuse

Emotional abuse occurs when a child is repeatedly rejected, isolated or frightened by threats or by witnessing family violence. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person, to the extent that the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Emotional abuse may occur with or without other forms of abuse.

The **cumulative harm** caused by repeated emotional abuse can have a profoundly damaging impact on a child's sense of self-worth, safety, stability and wellbeing. For example, if a child is told on a daily basis that he / she is stupid, ugly, unlovable, unwanted, and has ruined someone's life, the child may develop personality or behavioural disorders, and have difficulty in forming sustained and intimate relationships.

Emotional abuse should be reported to DHHS Child Protection on the grounds that:

- The child has suffered, or is likely to suffer, emotional or psychological harm that has, or is likely to significantly damage the child's emotional or intellectual development, and
- The child's parents have not protected, or are unlikely to protect, the child from that harm.

Neglect

Neglect includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health or physical development of the child is significantly impaired or placed at serious risk.

A child is neglected if he / she is left uncared for over long periods of time or is abandoned. The two types of neglect include:

- **Serious neglect:** situations where a parent consistently fails to meet the child's basic needs for food, shelter, hygiene or adequate supervision to the extent that the consequences for the child are severe.
- **Medical neglect:** when a parent's refusal or failure to seek treatment or agree to a certain medical procedure, leads to an unacceptable deprivation of the child's basic rights to life or health.

Neglect of a child may be reported to DHHS Child Protection on the grounds that:

- The child's physical development or health has been, or is likely to be, significantly harmed, and
- The child's parents have not provided or are unable or unlikely to provide or arrange for basic care, effective medical, surgical or remedial care for the child.

Family Violence.

Family violence is behaviour by a person towards a family member that may include:

- Physical violence or threats of violence.
- Verbal abuse, including threats.
- Emotional or psychological abuse.
- Sexual abuse.
- Financial and social abuse.

Acts of family violence may give rise to concerns that:

- A child is in need of protection.
- Criminal offences are being committed.

All staff members have a duty of care to the students. Staff should make a report to DHHS Child Protection if they form a reasonable belief that a child is in need of protection from any of the above forms of abuse. All school staff should also inform Svantje Mertens as the school's Child Safety Officer of their concerns.

Information Sharing

- Between staff for the purpose of, and to the extent necessary, to provide education, care and support for a child in their care does not constitute a breach of privacy laws and parental consent is not required.
- If a DHHS Child Protection officer or a police officer makes a request for information to aid in their protection of the child, the staff member can legally provide this information and does not breach Privacy laws.

Grooming Offence

The *Crimes Amendment (Grooming) Act 2014*, which commenced in Victoria on 9 April 2014, introduces the offence of Grooming for sexual conduct with a child under the age of 16 years. This offence targets predatory conduct designed to facilitate later sexual activity with a child.

The Betrayal of Trust report recommended the grooming offence, given the way in which many sex offenders target their victims. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

Many perpetrators of sexual offences against children purposely create relationships with victims, their families or carers in order to create a situation where abuse could occur. For this reason, parents, carers or other family members who have been targeted by perpetrators in order to gain access to a child are also victims.

The *Victim's Charter Act 2006* was amended to expressly provide that a child and a family member of that child are victims of a grooming offence and are entitled to provide a victim impact statement to a court.

What is Grooming?

- The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.
- The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.
- Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.
- The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as up-skirting and indecent behaviour in public.

Who can commit the Offence?

The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.

What age are the children who are protected by the offence?

The offence applies to communication with children under 16 years, but not communication with 16 and 17-year-old children. This distinction between children aged below 16 and those aged 16 or 17 reflects the general age of consent (16 years) recognised by the criminal law in relation to sexual offences.

What is the penalty for grooming?

The maximum penalty is 10 years imprisonment.

Potential consequences of making a report to Victoria Police or DHHS

This table describes the *potential* consequences of making a report.

Potential consequence	Description
Confidentiality	<p>The identity of a notifier must remain confidential unless:</p> <ul style="list-style-type: none"> • the notifier chooses to inform the child, young person or parent of the report. • the notifier consents in writing to their identity being disclosed.

	<ul style="list-style-type: none"> • a Court or Tribunal decides that it necessary for the identity of the notifier to be disclosed to ensure the safety and wellbeing of the child. • a Court or Tribunal decides that, in the interests of justice, the notifier is required to provide evidence.
Professional Protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> • it does not constitute unprofessional conduct or a breach of professional ethics on the part of the notifier. • the notifier cannot be held legally liable in respect of the report.
Interviews	<p>DHHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent’s knowledge or consent.</p> <p>Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.</p> <p>DHHS Child Protection and/or Victoria Police will notify the college or a member of the management team of their intention to interview the child or young person on the school premises.</p> <p>When officers from DHHS Child Protection or Victoria Police come to the school premises, a member of college or a member of the management team should request to see identification before permitting them to have access to the child or young person.</p> <p>When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.</p>
Support for the child or young person	<p>The roles and responsibilities of staff members in supporting children who are involved with DHHS Child Protection may include the following:</p> <ul style="list-style-type: none"> • acting as a support person for the child or young person • attending DHHS Child Protection case planning meetings • observing and monitoring the child’s behaviour • liaising with professionals.
Requests for Information	<p>DHHS Child Protection and/or ChildFIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.</p> <p>In certain circumstances, DHHS Child Protection can also direct school staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection.</p>
Witness Summons	<p>If DHHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings.</p>

Further Duty of Care;

In line with our duty of care, school staff must continue to take steps to ensure that the student feels safe and supported at school or kindergarten. This may include the following actions:

- Coordinating allied health and wellbeing supports and services for the affected student. This could include, but should not be limited to, meeting with members of the community church, the schools educational support person, curative eurythmy and or extra lesson support.
- Developing and implementing an individual management plan for the student, knowing that the trauma may affect the child's ability to learn and their behaviour.
- Where appropriate, establishing regular communication between staff and the student's parent / guardian / carer that builds respect, trust and flexibility.
- Ensure all decisions are made with the best interests of the child at the centre of the decision.
- Ensuring ongoing monitoring and follow-up of the student's health and wellbeing.

Glossary of Terms:

DHS The *Department of Human Services* is a Victorian Government department that is part of the new Department of Health & Human Services (*DHHS*).

Child FIRST (Family Information Referral and Support Team)

A family services community-based intake and referral service. Child FIRST ensures that vulnerable children, young people and their families are effectively linked to relevant services, including Child Protection. <http://www.cyf.vic.gov.au/family-services/child-first>

Child Protection

- The statutory child protection service provided by the Department of Human Services, which is able to intervene to protect children and young people at risk of significant harm. <http://www.cyf.vic.gov.au/child-protection-family-services/home>

Department of Education and Early Childhood Development

DEECD is responsible for the learning, development, health and wellbeing of all young Victorians, from birth to adulthood. <http://www.education.vic.gov.au/default.htm>

Licensed children's service

A service providing care or education for four or more children under the age of 13 years in the absence of their parents, carers or guardians that is licensed under the Children's Services Act 1996.

Staff members

Staff employed in licensed children's services, government schools and regional offices, Catholic schools and independent schools.

Legislative frameworks

Charter of Human Rights and Responsibilities Act 2006 - The law that protects the human rights of all people in Victoria. The charter contains 20 rights reflecting four basic principles: freedom, respect, equality and dignity.

Children's Services Act 1996 - The law that provides for the licensing and regulation of all Victorian children's services to a set of required minimum standards.

Children's Services Regulations 2009 (Regulations) - A regulatory framework to ensure that all licensed children's services meet minimum service standards and requirements.

Children, Youth and Families Act 2005 (CYFA) - The legislative basis of the Victorian Government's 'Every Child Every Chance' reforms.

Education and Training Reform Act 2006 (ETRA) The legislative foundation and framework for Victoria's education system.

Education and Training Reform Regulations 2007 (ETRR) The regulations under the above Act.

Crimes Act 1958

Victorian Institute of Teaching Act 2001

Resources:

[Protecting Children - Mandatory Reporting and Other Obligations - eLearning module log-in](#)

[\(http://www.elearn.com.au/det/protectingchildren/external/](http://www.elearn.com.au/det/protectingchildren/external/)

Important Phone Numbers

Victorian Police – 000

Victoria Police Sexual Offences and Child Abuse Investigation Team – 5336 6055

Department of Education and Early Childhood Development (DEECD) – 131478

Department of Health and Human Services - 1300 737 639

Department of Health and Human Services (Ballarat Office) – 5333 6530

Child Protection Crisis Line (24 Hours) – 13 12 78

Svantje Mertens – School Safety Officer – 0432 287 068

Email: svantje@ballaratsteinerschool.com.au

Eric Hopf – Head of School – 5341 8188

Email: eric@ballaratsteinerschool.com.au

P.O. Box 630 Buninyong. 3357

Phone | **5341 - 8188**

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