



Child Protection – Reporting Obligations Policy

1. Purpose

Protecting Children is everyone's responsibility – parents, communities, governments and businesses all have a role to play.

SIS is committed to providing a caring, supportive and safe environment where every child has a place, a voice and are affirmed in their dignity and worth as a person. This policy is designed to assist those within the SIS communities to understand their reporting obligations and the associated processes.

2. Scope

All Member School staff, volunteers and contractors, together with visitors and parents or carers, who attend an SIS event are expected to actively contribute to a child safe culture.

Where concerns are identified they should be reported and actioned in accordance with this policy.

This Policy is made available to all staff, volunteers, families and students via our public website.

3. Definitions

“Child Abuse” can take many forms and is complex. Child abuse includes:

(a) any act committed against a child involving:

1. a Sexual Offence
2. grooming offences under section 49M(1) of the Crimes Act 1958

(b) the infliction, on a child, of:

1. physical violence
2. serious emotional or psychological harm

(c) the serious neglect of a child including exposure to family violence and its effects.

Child abuse can be perpetrated by anyone, even another child.

Source: *Child Wellbeing and Safety Act 2005 (Vic)*.

The Department of Education and Training provides the following definition for “emotional child abuse”:

Emotional child abuse occurs when a child is repeatedly rejected, isolated, or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical and developmental health.

“Duty of Care” refers to the obligation of all staff working with students to take reasonable steps to protect them from reasonably foreseeable harm.

Source: *Child Safe Standards Definition*.

“Family Violence” is defined as:

(a) behaviour by a person towards a family member of that person if that behaviour:

1. is physically or sexually abusive; or
2. is emotionally or psychologically abusive; or

3. is economically abusive; or
 4. is threatening; or
 5. is coercive; or
 6. in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or
- (b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to above.

Source: *Family Violence Protection Act 2008* (Vic)

Further information as to behaviours that constitute a child hearing, witnessing or otherwise be exposed to the effects of the behaviours listed above are detailed in the *Family Violence Protection Act 2008* (Vic).

Behaviour may be considered family violence even if it is not a criminal offence.

“Grooming” is when a person engages in predatory conduct to prepare a child or young person for sexual activity at a later time.

Grooming can include communicating or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer.

Source: *Child Safe Standards Definition*.

“Sexual misconduct” includes:

- Behaviour, physical contact or speech or other communication of a sexual nature, for example, ‘sexting’;
- Inappropriate touching or physical contact;
- Grooming behaviour; and
- Voyeurism.

“Sexual Offence” means a serious sexual offence as set out in Clause 1 of Schedule 1 of the *Sentencing Act 1991* (Vic) which includes rape, attempted rape, sexual assault, incest, indecent act with a child, persistent sexual abuse of a child, grooming and the production or possession of child pornography.

4. Reporting Obligations and Procedures

Reporting Obligations, reporting bodies, and procedures differ based on the nature of the incident, the role of the person who is seeking to report and the nature of the behaviour in question.

Behaviours may fall within one or more categories below. In this instance, reports should be made to each reporting body.

Reporting to any other person or body other than that indicated and documented does not meet the reporting obligations as detailed below.

Where a child is in immediate danger contact 000.

4.1. Mandatory Reporting Legislation

Under the *Child, Youth and Families Act 2005* (Vic), mandatory reporters must make a report to the Department of Families, Fairness and Housing if, while carrying out their duties, form a reasonable belief that a child is in need of protection from physical harm or sexual abuse. A report must be made as soon as possible after forming the belief.

Reasonable Belief is more than mere rumor or speculation but may be less than having proof. The mandatory reporter must assess whether, if provided with the same information,

a reasonable person would form a belief the child is at risk. For example, a 'reasonable belief' might be formed if:

- A child states that they have been physically or sexually abused.
- A child states that they know someone who has been physically or sexually abused.
- A child or young person exhibits sexually abusive or age-inappropriate behaviours.

Mandatory reports are defined as:

- Teachers registered to teach or who have permission to teach pursuant to the *Education and Training Reform Act 2006* (Vic).
- Early Childhood Workers.
- Principals of Government and Non-Government Schools.
- Registered Medical Practitioners.
- Nurses.
- School Counsellors.
- All members of the Policy Force.
- People of Religious Ministry.

Where the staff, volunteer or contractor of a Member School falls within the definition of a mandatory reporter they must adhere to their mandatory reporting obligations.

Reports must be made regardless of the Member School in which the student is enrolled.

In addition to the above legal requirements, all mandatory reporters are expected to alert the relevant Member School and, where considered appropriate, the SIS Committee.

In the event that subsequent to an initial report a mandatory reporter becomes aware of further information that is relevant to their belief the child is at risk, they must make an additional report on each and every occasion.

Reporting Body: Department of Families Fairness and Housing.

4.2. Criminal Offences

4.2.1. Failure to Disclose

Any adult who forms a reasonable belief that:

- A sexual offence has been committed by an adult against a child;
- An adult associated with the association poses a risk of sexual abuse to a student; and/or
- A child is subject to predatory or "grooming" behaviour;

must disclose that information to the Police. Failure to disclose the information to the Police constitutes a Criminal Offence and applied to all adults in Victoria.

Reporting Body: Victoria Police

4.2.2. Failure to Protect

Any person in a position of authority who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer, sports coach or visitor) poses a risk of sexual abuse to a child under 16 who is in the care or supervision of the organisation must take all reasonable steps to reduce or remove that risk.

Failure to take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation is a criminal offence under section 49C (2) of the *Crimes Act 1958* (Vic).

Reporting Body: Victoria Police

4.2.3. Grooming

Under section 49B (2) of the *Crimes Act 1958* (Vic) it is an offence to 'groom' (see Definitions) a child for future sexual activity.

Reporting Body: Victoria Police

4.3. Reportable Conduct

SIS is required to investigate and report to the Commission for Children and Young People (CCYP) any and all allegations of staff reportable conduct or misconduct that may involve reportable conduct.

Reportable conduct is defined in the Act to include:

- A sexual offence committed against, with or in the presence of, a child;
- Sexual misconduct committed against, with or in the presence of, a child;
- Physical violence committed against, with or in the presence of, a child;
- Any behaviour that causes significant emotional or psychological harm to a child; or
- Significant neglect of a child.

Where there is an allegation of criminal conduct, including physical violence, significant emotional

Currently, SIS does not employ any staff directly, however, where information comes to light that would be considered reportable conduct for a Member School SIS will work with the Member School and, where SIS deems appropriate, may still make a report to CCYP for their investigation.

Reporting Body: Commission for Children and Young People

4.4. Specific Requirements of Southern Independent Schools

In addition to the above, SIS requires that Member School's staff, volunteers and contractors:

- Make written records of any and all information relevant to a report.
- Must not make a promise to a student to withhold information from relevant persons, including Victoria Police, if a student makes a disclosure to them.

5. Post-Incident Review

Following the full investigation and action of a report under this policy a post-incident review will be conducted by the SIS Committee with a view to review and refine any processes as necessary.

6. Family Violence Information & Child Information Sharing Scheme

The Victorian Governments Family Violence Information Sharing Scheme ('FVISS') and Child Protection Information Sharing Scheme ('CISS') enable the sharing of confidential information with respect to children when they meet a relevant threshold.

Southern Independent Schools is not currently listed as an Information Sharing Entity for the purpose of FVISS or CISS, however, all Member Schools are.

Member Schools must only share confidential information in accordance with the requirements and procedures set out by both the FVISS and CISS Ministerial Guidelines issued by the Victorian Government.

7. Consultation

SIS consults with all Member Schools in the development of Policies and Procedures and welcomes feedback from students, parents or carers or the wider SIS community.

8. Review

This policy is to be reviewed, approved and endorsed annually, as a minimum, by the SIS Committee.

Last Review: July 2023.

Next Review: July 2024.