

CHILD PROTECTION – REPORTING OBLIGATIONS

Safeguarding Children and Young People at BAS Events and Activities

INTRODUCTION

Under the [National Framework for protecting Australia's Children 2009 – 2020](#), protecting children is everyone's responsibility – parents, communities, governments and businesses all have a role to play. In Victoria, a joint protocol, [Protecting the safety and wellbeing of children and young people](#), involving the Department of Health and Human Services (DHHS), the Department of Education and Training (DET), the Catholic Education Commission of Victoria and licensed children's services exists to protect the safety of children and young people.

ALL teachers, other staff, volunteers, officials and contractors must understand and abide by the professional, moral and legal obligations to implement child protection and child safety policies, protocols and practices.

*ALL teachers, other staff, volunteers, officials and contractors associated with and / or engaged by BAS for involvement with BAS events and activities shall be referred to as **STAFF**.*

POLICY

Reporting child protection concerns

Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to Department of Health and Human Services (DHHS) Child Protection.

All other school staff members, volunteers, officials and contractors who form a belief on reasonable grounds that a child or young person:

- is in need of protection, should report their concerns to DHHS Child Protection or Victoria Police.
- is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to DHHS Child Protection.

If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to DHHS Child Protection or Child FIRST.

In cases where staff have concerns about a child or young person, they should also discuss their concerns with the relevant principal or a member of the BAS board. Such incidents should also be reported to and noted by the BAS Executive Officer.

Reporting criminal child sexual abuse - failure to disclose offence

Any staff who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

The offence applies to **all adults** in Victoria, not just professionals who work with children. To read more information about the 'failure to disclose' offence, see: [Department of Justice and Regulation – Failure to disclose offence](#)

Duty of care

BAS 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.

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 another appropriate agency (as identified above)
- notifying the relevant principal, a member of the BAS board or the BAS Executive Officer of their concerns and the reasons for those concerns.

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

Any staff 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. This may include, for example, removing the adult 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, including Principals, senior school staff, regional directors and other senior managers.

To read more information about the 'failure to protect offence' see: [Department of Justice and Regulations – Failure to protect offence](#) Note: Department policies already require school staff to uphold a high standard of care in relation to child safety and wellbeing.

For more information about managing and responding to the risk of abuse see: *Duty of care, Responding to Student Sexual Assault* and *Risk Management* under [Department resources](#) below.

Forming a 'reasonable belief'

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation.

A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. 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 (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been physically or sexually abused
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused
- signs of abuse lead to a belief that the child has been physically or sexually abused.

Types of child abuse and indicators of harm

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing.

Types of child abuse include:

- physical abuse
- sexual abuse
- emotional abuse
- neglect
- medical neglect

- family violence
- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution).

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. For information see: [Department of Justice and Regulation – Grooming offence](#).

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert staff to the possibility of child abuse and neglect.

Note: For full definitions for all of the types of child abuse and a comprehensive list of the indicators of harm, see: Appendix 2 in *Protecting the safety and wellbeing of children and young people* under [Department resources](#) below.

When to Report

The following table sets out when to report a concern that a child or a young person has been abused, or is in need of protection.

Type of Reporting	By Whom	To Whom
<p>Mandatory Reporting - DHHS Child Protection</p> <p>Mandatory reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.</p>	<p><i>Mandatory reporters</i></p> <ul style="list-style-type: none"> • Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006 (Vic)</i> • Principals of government and non-government schools 	<ul style="list-style-type: none"> • DHHS Child Protection

- Registered medical practitioners
- Nurses
- All members of the police force

Child in need of protection

Any person may make a report if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:

- The child has been abandoned and there is no other suitable person who is willing and able to care for the child.
 - The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.
 - The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child.
 - The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child.
 - The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child.
 - The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.
- Any person
 - DHHS
Child Protection
 - Victoria
Police

Child displaying sexually abusive behaviours and in need of therapeutic treatment

Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours.

- Any person

- DHHS
Child
Protection

Significant concerns about wellbeing of a child

Any person may make a report if they have significant concerns for the wellbeing of a child.

- Any person

- DHHS
Child
Protection
- Child FIRST

Reasonable belief that a sexual offence has been committed by an adult against a child under 16.

Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to police. It is a criminal offence not to make a report, except in the following circumstances:

- The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police
- The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor.
- The victim turned 16 years of age before 27 October 2014.

- Any person aged 18 or over

- Victoria
Police

Reasonable excuses for failing to comply with the requirement include:

- a reasonable belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information
- a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm

Making a report

This table describes how to make a mandatory report, to report child abuse or child protection concerns.

Step	Description
1	<p>In case of emergency or if a child is in immediate danger contact Triple Zero (000) or the local police station.</p> <p>Alternatively, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hours 7 days, toll free)</p>
2	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> ▪ information that has led to concerns about the child's safety (e.g. physical injuries, student behaviour) ▪ the source of this information (e.g. observation of behaviour, report from child or another person) ▪ the actions taken as a result of the concerns (e.g. consultation with principal, report to DHHS Child Protection etc.).
3	<p>Discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. The individual staff member should then make their own assessment about whether they should make a report about the child or young person and to whom the report should be made.</p>
4	<p>Gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> ▪ full name, date of birth, and residential address of the child or young person ▪ the details of the concerns and the reasons for those concerns

- the individual staff member's involvement with the child and young person
- details of any other agencies who may be involved with the child or young person, if known.

5 Make a report to the relevant agency

To report concerns that are life threatening phone 000 or the local police station. To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station or [click here](#))

To report concerns about the immediate safety of a child within their family unit to DHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hrs 7 days, toll free)

To report concerns to DHHS Child Protection, contact your local child protection office.

6 Make a written record of the report which includes the following information:

- the date and time of the report and a summary of what was reported
- the name and position of the person who made the report and the person who received the report.

7 Notify relevant school staff and/or Department staff of a report to DHHS Child Protection or Child FIRST. For Victorian government schools, the allegations must be reported to the:

- principal or member of the school leadership team / BAS Executive Officer
- Department's Security Services Unit on (03) 9589 6266
- relevant Regional Office
- Student Critical Incident Advisory Unit on (03) 9637 2934 or (03) 9637 2487.

In the case of international students, the principal must notify the International Education Division on (03) 9637 2990 to ensure that appropriate support is arranged for the student.

In the case of Koorie students, the principal must notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student.

Potential consequences of making a report

This table describes the potential consequences of making a report.

Potential consequence	Description
Confidentiality	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> • the reporter chooses to inform the child, young person or parent of the report. • the reporter consents in writing to their identity being disclosed. • a Court or Tribunal decides that it necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child. • a Court or Tribunal decides that, in the interests of justice, the reporter 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 reporter. • the reporter 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 principal or a member of the leadership 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, the principal or a member of the leadership 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> <p>For more information on these requests and school responsibilities, see: Police and DHHS Interviews</p>

Support for the child or young person The roles and responsibilities of staff members in supporting children who are involved with DHHS Child Protection may include the following:

- 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 DHHS Child Protection and/or Child FIRST 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.

In certain circumstances, DHHS Child Protection can also direct school staff and Department 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. for more information see: [Requests for Information About Students](#)

Witness Summons 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, see: [Subpoenas and Witness Summonses](#)

Counselling assistance for former students

In certain circumstances, the Department offers Counselling Assistance Payments to former students who report having been sexually abused while attending, or in connection with, a Victorian government school.

Schools that receive a report of sexual abuse from a former student should contact the Department's Student Critical Incident Advisory Unit on (03) 9637 2934.

Related legislation

- *Children, Youth and Families Act 2005*
- *Crimes Act 1958*
- *Education and Training Reform Act 2006*
- *Victorian Institute of Teaching Act 2001*

Victorian Department of Education resources

- [A step-by-step guide to making a report to Child Protection or Child FIRST \(PDF - 270Kb\)](#)
- [Protecting the safety and wellbeing of children and young people](#)
- [Protecting Children - Mandatory Reporting and Other Obligations](#) - elearning module log-in

Other resources

- Daniel Morcombe Child Safety Curriculum:
 - Government schools, see: FUSE (Edumail password is required before searching [Daniel Morcombe Child Safety Curriculum](#))
 - Non-government schools, see: [Scootle](#)
 - Parents, see: [Daniel Morcombe Child Safety Curriculum Parent Guides - Queensland Department of Education, Training and Employment](#).
- Department of Health and Human Services:
 - [Child Protection](#)
 - [Child FIRST](#)
- [Victoria Police Sexual Offences and Child Abuse Investigation Teams \(SOCIT\)](#)
- Department of Justice and Regulation:
 - [Failure to disclose offence](#)
 - [Failure to protect offence](#)
 - [Grooming offence](#)

Related policies

- [Duty of care](#)
- [Police and DHS Interviews](#)
- [Responding to Student Sexual Offending](#)
- [Requests for Information about Students](#)
- [Risk Management](#)
- [Subpoenas and Witness Summonses](#)

Reference

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>