

Child Safety and Wellbeing Reporting Obligations Policy

Whenever there are concerns that a child is in immediate danger the Police should be called on 000
or the local 24-hour Police Station:
Bayside Police Station Sandringham – 03 8530 5100
Moorabbin Police Station – 03 9556 6565
St Kilda Police station – 03 9536 2666

Purpose

Firbank Grammar School and Boarding Premises is strongly committed to child safety and wellbeing and to creating and maintaining a child safe and child-friendly environment. This policy outlines the school's commitment and approach to creating and maintaining a child safe environment where all children and young people are safe and feel safe.

Firbank Grammar is committed to ensure all relevant Child Protection and Safety laws, Ministerial Order 1359, regulations and standards in Victoria are upheld.

This Policy informs our school community of everyone's obligations to act safely and appropriately towards children and details our reporting processes and practices for the safety and wellbeing of students across all areas of our School.

NOTE: all reference to the 'School' in this policy includes the School Boarding Premises

Scope & Definitions

This policy is applicable to:

- All Students (ELC – 12)
- All Staff
- All members of the school community.

This Policy applies in all physical, virtual, and online School and Boarding House environments used by students at any time, including all locations provided for a student's use (for example, on-site and off-site School and Boarding House grounds, sporting events, camps, excursions, and environments provided by External Education Providers and other Contractors).

Overview

School staff have a range of reporting and legal obligations to protect children and young people from abuse.

- School staff must be aware of and comply with their legal obligations to report suspected child abuse and provide ongoing appropriate support.
- School staff must follow the Four Critical Actions where there is an incident, disclosure or suspicion of child abuse. The Four Critical Actions outline who an incident, disclosure or suspicion should be reported to.
- When dealing with an incident, disclosure or suspicion of child abuse, staff should ensure that the principal and/or Head of Boarding, and school leadership team is made aware of the concern and are involved in providing ongoing appropriate support.
- Where a school staff member has reported a concern to Child Protection but they continue to have concerns for the child after Child Protection has closed the case, they may escalate the matter through Child Protection complaints management processes

Duty of Care

All school staff have a duty of care to take reasonable steps to protect children in their care from harm that is reasonably foreseeable. In relation to suspected child abuse, reasonable steps may include (but are not limited to):

- acting on concerns and suspicions of abuse as soon as practicable
- seeking appropriate advice or consulting with other professionals or agencies
- reporting the suspected child abuse to appropriate authorities such as Victoria Police and Child Protection (refer to [Four Critical Actions](#))
- arranging counselling and/or other appropriate welfare support for the child
- providing ongoing support to the child and young person
- sharing information with other school staff who will also be responsible for providing ongoing support to the child.

Reporting Child Abuse Concerns

Grooming

Under the *Crimes Act 1958* (Vic), grooming describes predatory conduct designed to facilitate later sexual activity with a child and applies to persons who are 18 years of age or over.

Grooming is when an adult over 18 years communicates with a child Under 16 or with a person who has care, supervision or authority of the child (e.g., the parent) to build a relationship with a child, young person or an adult with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.

Reportable Conduct

An allegation of reportable conduct is where a person has a reasonable belief that there has been any of the conduct below by an employee, contractor or volunteer of the school against a child (under 18 years old):

- A sexual offence
- Sexual misconduct
- Physical violence
- Significant emotional or physiological harm

The Reportable Conduct scheme will maintain the primacy of an investigation by Victoria Police of any allegations of criminal misconduct and will require allegations of suspected criminal conduct to be reported to Victoria Police as a priority. The Scheme does not change Mandatory reporting or other reporting responsibilities.

If the Principal becomes aware of a reportable allegation against an individual of the School, the Principal must notify the Commission in writing of the following:

- within 3 business days after becoming aware of the reportable allegation (that a reportable allegation has been made, the name of the individual and whether Victoria Police have been contacted)
- as soon as practicable and within 30 days after becoming aware of the reportable allegation, detailed information about the reportable allegation, proposed disciplinary action, any response provided by the individual.

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. A 'reasonable belief' might be formed if:

- a child state that they have been sexually abused.
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused.
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been sexually abused or is likely to be abused.
- signs of abuse lead to a belief that the child has been sexually abused.

Reasonable Excuse

You may have a 'reasonable excuse' for not reporting information about child sexual abuse to police if, for example:

- you fear for your safety, or the safety of another person, or
- you believe the information has already been reported to the police.

Reasonable excuse – Fear for safety

You have an excuse for not reporting to police if:

- you reasonably fear for your safety or the safety of another person, except the person you believe committed, or was involved in, the sexual offence, and
- your failure to report is a reasonable response in the circumstances.

This excuse helps to protect children, their families and others from harm where reporting information might risk people's safety. For example, a mother may decide not to report her partner sexually abusing her child because she fears violence against her or her child.

The fear must be reasonable from the perspective of that person in those circumstances. This recognises that this person is best placed to judge whether their safety, or the safety of another person, is endangered.

Reasonable excuse – Belief that the information has already been disclosed.

You have an excuse for not reporting to police if:

- you believe on reasonable grounds that another person has already disclosed the information to police, and
- you have no further information to add.

For example, you may have this belief if you have disclosed the information in a 'mandatory report' to Department of Health and Human Services Child Protection under the Children, Youth and Families Act 2005, as Child Protection will provide the information you have reported to them to police.

This excuse means that people do not need to report the same information to different agencies.

Excuses that are not reasonable

You do not have a reasonable excuse for failing to disclose information if you are only concerned about the 'perceived interests' of:

- the person you believe committed, or was involved in, the sexual offence, or
- any organisation.

'Perceived interests' includes reputation, legal liability, and financial status. For example, a religious minister's concern for the reputation of a church where an adult sexually abused a child is not a reasonable excuse for not reporting to police.

This ensures that a child's best interests are placed first.

Failure to Disclose

Effective from 2014 in Victoria, it is an offence under section 327 the *Crimes Act 1958 (Vic)* for any person over the age of 18 years (whether in Victoria or elsewhere) to fail to disclose to police any reasonable belief that a child under 16 in Victoria has been sexually offended against by another adult over the age of 18 years. This offence helps to ensure that protecting children from sexual abuse is the responsibility of the whole community.

This offence applies to **all adults** in Victoria, not just professionals who work with children. Information must be disclosed as soon as practicable. Failure to disclose the information may be a criminal offence unless there is a reasonable excuse, or an individual has an exemption from doing so.

For further information on the Failure to Disclose offence, please refer to: [failure-to-disclose-offence](#)

Failure to Protect

Under section 49c of the *Crimes Act 1958 (Vic)*, those in positions of power or authority (a responsible person) within the school must take all reasonable steps to remove or reduce a substantial risk posed by an adult over 18 years associated with the school and knows there is a substantial risk that the person will commit a sexual offence against the relevant child.

Factors that may assist in determining whether a risk is a substantial risk include:

- the likelihood or probability that the child will become the victim of a sexual offence.
- the nature of the relationship between a child and the adult who may pose a risk to the child.
- the background of the adult who may pose a risk to the child, including any past or alleged misconduct.
- any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence.
- any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.

The failure to protect offence applies to people in authority within an organisation that exercises care, supervision or authority over children. It does not apply to parents or other individuals not connected to these organisations. However, a parent who volunteers in an organisation (for example as a sporting coach) may be in a position of authority and subject to the offence.

A person of authority must not negligently fail to reduce or remove the risk. The maximum penalty for failing to protect a child is 5-year imprisonment.

Mandatory reporting

Mandatory reporting is the requirement, under section 184 the *Children, Youth and Families Act 2005 (Vic)*, for certain professional groups to report a reasonable belief of child physical or sexual abuse to child protection authorities as soon as practicable.

For our school community, mandatory reporters are:

- Registered teachers and early childhood teachers
- School Principals
- School Psychologists and counsellors
- School Counsellors
- Registered medical practitioners.
- Nurses and midwives
- Out of home care workers (excluding voluntary foster and kinship carers)
- Police Officers
- People in Religious Ministry

A mandatory reporter must report to Child Protection as soon as practicable if while practising their profession or carrying out their duties, they form a belief on reasonable grounds that:

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

A Mandatory Reporter must make a report on each occasion they form a belief even if the Child Safety Officer, Principal or Head of Boarding does not share their belief that a report must be made.

It may be a criminal offence not to report in these circumstances.

For guidance on what you are required to do, when you must report and how to report, utilise the following:

- Once you have formed a reasonable belief that child abuse is occurring, then guidance on what to do has been published by:
 - Department of Education: *FourCriticalActions_ChildAbuse.pdf* (education.vic.gov.au)
 - Department of Families, Fairness and Housing: [Reporting child abuse - DFFH Services](#)
- For more detailed information, refer to the following document to assist in Identifying and responding to all forms of abuse: *ChildSafeStandard5_SchoolsGuide.pdf* (education.vic.gov.au)
- Recording your actions: *PROTECT_Schoolstemplate.pdf* (education.vic.gov.au),

Reporting to VIT

Principals must notify the Victorian Institute of Teaching if a registered teacher is charged with, been convicted or found guilty of a category A or category B sexual offence.

Notifying the CCYP and Victoria Police

Under the reportable conduct scheme, any suspected criminal behaviour must be reported to police and the CCYP. This includes criminal conduct of staff, contractors, and volunteers. Victoria Police must be always consulted regarding any proposed investigations of the allegation.

The report must be made by Head of the Organisation being the Principal or Head of Boarding.

Not a reporting obligation, but you still have concerns.

Should failure to disclose or failure to report obligations not apply, or if you are unsure in any way of what to do to ensure Child Safety, please contact any of the School's Child Safety Officers for further assistance and support.

All communication relating to Child Safety will be treated with the utmost discretion and may be required to be shared in line with the Child Information Sharing reforms which came into effect in Victoria on 19th April 2021.

Further information and support can be found through Child First / The Orange Door: [Child and family services information, referral and support teams \(Child FIRST\) - DFFH Services](#)

Record keeping practices.

Firbank will record and retain all concerns, complaints and incident in the School's mandatory reporting register in accordance with the Public Record Office Victoria Recordkeeping Standards.

The school will securely dispose of all records in line with Public Record Office Victoria Recordkeeping Standards minimum retention periods.

Related Policies and Procedures

- a. Child Safety and Wellbeing Policy
- b. Child Safety and Wellbeing Code of Conduct
- c. Child Safety and Wellbeing Complaints and Concern Procedures
- d. Staff and Student Professional Boundaries Policy & Guidelines
- e. Definition of Child Abuse and Risk factors 2022
- f. DET training: Protecting Children - Mandatory Reporting and other obligations
<https://elearn.childlink.com.au/login/index.php>
- g. **Identifying, Responding to, and recording of all forms of abuse:** Department of Education and Training and Department of Families, Fairness and Housing,
 - i. Identifying and responding: [Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools, 2016](#)
 - ii. Actioning: [FourCriticalActions_ChildAbuse.pdf \(education.vic.gov.au\)](#)
 - iii. Recording: [PROTECT_Schoolstemplate.pdf \(education.vic.gov.au\)](#)
- h. Working With Children Check: <https://www.workingwithchildren.vic.gov.au/>
- i. Appendix 1 - Child Safety Officer contact list - 2023.
- j. [Failure to disclose offence | Department of Justice and Community Safety Victoria](#)

- k. [Failure to protect: a new criminal offence to protect children from sexual abuse | Department of Justice and Community Safety Victoria](#)
- l. Information Sharing Schemes: [Information sharing and MARAM reforms | Victorian Government \(www.vic.gov.au\)](#)
- m. Student Duty of Care Policy
- n. Visitor, Volunteer and Contractor Management Policy
- o. Privacy Policy
- p. Information Communications and Technology Policy
- q. Human Resources Policy
- r. Excursion and Incursion Management Policy

Child Safety Officer Contact List

Name	Position	Contact No.	Email Address
Leandra Turner	Deputy Principal, Head of Senior School	9591 5188	lturner@firbank.vic.edu.au
Ayles Llewellyn	Deputy Head, Senior School	9591 5188	allewellyn@firbank.vic.edu.au
Sara Groves	Educational Psychologist (Senior School)	9591 5188	sgroves@firbank.vic.edu.au
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Kristy Hamshare	Deputy Head, Turner House	9591 5141	khamshare@firbank.vic.edu.au
Belinda Roberts Scholes	Educational Psychologist (Junior School – Brighton)	9591 5141	brobertsscholes@firbank.vic.edu.au
Brad Nelsen	Head, Sandringham House	9533 5711	bnelsen@firbank.vic.edu.au
Joseph Kenny	Deputy Head, Sandringham House	9533 5711	jkenny@firbank.vic.edu.au
Talia Oliver	Educational Psychologist (Junior School – Sandringham)	9533 5711	toliver@firbank.vic.edu.au

Approval and Review	Details
Policy issue date August 2023	Document updated by M Hall – Risk and Compliance Manager
Next review date August 2024	Document reviewed by Jenny Williams – Principal, Head of Senior Campus
	Document endorsed by School Board
	Date endorsed September 2023

Date issued: August 2023

The school community may provide feedback on this document by emailing:
jwilliams@firbank.vic.edu.au



Help for non-English speakers.

If you need help to understand this policy, please contact us at
enquiries@firbank.vic.edu.au