# Moe (Elizabeth Street) Primary School

# Child Safety Responding and Reporting Obligations (Including Mandatory Reporting) Policy and Procedures

## HELP FOR NON-ENGLISH SPEAKERS

If you need help to understand the information in this policy, please contact Moe (Elizabeth Street) Primary School on 03 5127 2607 or moe.ps@education.vic.gov.au.

## PURPOSE

The purpose of this policy is to ensure that all staff and members of our school community understand the various legal and other reporting obligations related to child safety that apply to Moe (Elizabeth Street) Primary School. The specific procedures that are applicable at our school are contained at Appendix A.

## SCOPE

This policy applies to all school staff, volunteers and school community members. It also applies to all staff and students engaged in any school and school council-run events, activities and services.

## POLICY

All children and young people have the right to protection in their best interests.
Moe (Elizabeth Street) Primary School understands the important role our school plays in protecting children from abuse including:

- Physical abuse
- Sexual abuse (including sexual exploitation)
- Family violence
- Emotional abuse
- Neglect (including medical neglect)
- Grooming

The staff at Moe (Elizabeth Street) Primary School are required by law to comply with various child safety reporting obligations. For detailed information about each obligation, please refer to Identifying and Responding to All Forms of Abuse in Victorian Schools.

At Moe (Elizabeth Street) Primary School we also recognise the diversity of the children and young people at our school and take account of their individual needs and backgrounds when considering child safety.

### Mandatory Reporting

The following individuals are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic):

- Victorian Institute of Teaching (VIT) registered teachers, including principals
- School staff who have been granted permission to teach by the VIT
- registered medical practitioners and nurses
- registered psychologists
- all members of the police force
- People in religious ministry
- Staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare coordinators, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff

All mandatory reporters must make a report to the Department of Fairness, Families and Housing (DFFH) Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities,

they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse 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 who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Moe (Elizabeth Street) Primary School to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the principal does not share their belief that a report is necessary.

At our school, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually. We also require all other staff to undertake this module, even where they are not mandatory reporters.

For more information about Mandatory Reporting see the Department's *Policy and Advisory Library*: Protecting Children — Reporting and Other Legal Obligations.

## Child in need of protection

Any person can make a report to DFFH Child Protection (131 278 – 24 hour service) if they believe on reasonable grounds that a child is in need of protection.

The policy of the Department of Education and Training (DET) requires **all staff** who form a reasonable belief that a child is in need of protection to report their concerns to DFFH or Victoria Police, and discuss their concerns with the school leadership team.

For more information about making a report to DFFH Child Protection, see the Department's *Policy and Advisory Library*: Protecting Children — Reporting and Other Legal Obligations and Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse.

At Moe (Elizabeth Street) Primary School we also encourage all staff to make a referral to Child FIRST when they have significant concern for a child's wellbeing. For more information about making a referral to Child FIRST see the *Policy and Advisory Library*: Protecting Children – Reporting and Other Legal Obligations.

## Reportable Conduct

Our school must notify the Department's Employee Conduct Branch (7022 0005 or employee.conduct@education.vic.gov.au) if we become aware of an allegation of 'reportable conduct'.

There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been:

- a sexual offence (even prior to criminal proceedings commencing), sexual misconduct or physical violence committed against, with or in the presence of a child;
- behaviour causing significant emotional or physical harm to a child;
- significant neglect of a child; or
- misconduct involving any of the above.

The Department, through the Employee Conduct Branch, has a legal obligation to inform the Commission for Children and Young People when an allegation of reportable conduct is made.

Our principal must notify the Department's Employee Conduct Branch of any reportable conduct allegations involving current or former teachers, contractors, volunteers (including parents), allied health staff and school council employees.

If school staff become aware of reportable conduct by any person in the above positions, they should notify the school principal immediately. If the allegation relates to the principal, they should notify the Regional Director. For more information about Reportable Conduct see the Department's *Policy and Advisory Library*: Reportable Conduct.

### Failure to disclose offense

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 by another person aged 18 years or over.

Failure to disclose information to Victoria Police (by calling 000 or local police station) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"Reasonable belief" 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.

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
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

"Reasonable excuse" is defined by law and includes:

- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
- where the information has already been disclosed, for example, through a mandatory report to DFFH Child Protection.

### Failure to protect offence

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (ie persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

### Grooming

Grooming is a criminal offence under the *Crimes Act 1958* (Vic). This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in sexual activity at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer.

## FURTHER INFORMATION AND RESOURCES

For more information about these offences and reporting obligations see: Protecting Children — Reporting and Other Legal Obligations**.**

## POLICY REVIEW AND APPROVAL

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| Policy last reviewed | June 2025 |
| Consultation | School Council |
| Approved by | Principal |
| Next scheduled review date | Before June 2027 |

# APPENDIX A: CHILD SAFETY RESPONDING AND REPORTING PROCEDURES

## For students

- All students should feel safe to speak to any staff member to raise any concerns about their safety or any other concerns that they have.
- If a student does not know who to approach at Moe Primary School (Elizabeth Street), they should start with a trusted staff member such as their tutorial teacher, the Student Wellbeing Coordinator, Assistant Principal or the Principal.

## Managing disclosures made by students

When managing a disclosure, you should:

- listen to the student and allow them to speak
- stay calm and use a neutral tone with no urgency and where possible use the child's language and vocabulary (you do not want to frighten the child or interrupt the child)
- be gentle, patient and non-judgmental throughout
- highlight to the student it was important for them to tell you about what has happened
- assure them that they are not to blame for what has occurred
- do not ask leading questions, for example gently ask, "What happened next?" rather than "Why?"
- be patient and allow the child to talk at their own pace and in their own words
- do not pressure the child into telling you more than they want to, they will be asked a lot of questions by other professionals and it is important not to force them to retell what has occurred multiple times
- reassure the child that you believe them and that disclosing the matter was important for them to do
- use verbal facilitators such as, "I see", restate the child's previous statement, and use non-suggestive words of encouragement, designed to keep the child talking in an open-ended way ("what happened next?")
- tell the child in age appropriate language you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate (for a young child this may be as simple as saying "I will need to talk to people to work out what to do next to help you").

When managing a disclosure, you should AVOID:

- displaying expressions of panic or shock
- asking questions that are investigative and potentially invasive (this may make the child feel uncomfortable and may cause the child to withdraw)
- going over the information repeatedly (you are only gathering information to help you form a belief on reasonable grounds that you need to make a report to the relevant authority)
- making any comments that would lead the student to believe that what has happened is their fault
- making promises to the child about what will occur next or that things will be different given the process can be unpredictable and different for each child depending on their circumstances (instead reassure them that you and others will do your best to help).

## General procedures

Our school will follow the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* (Four Critical Actions) when responding to incidents, disclosures and suspicions of child abuse.

All staff at our school who believe that a child is in need of protection, even if it doesn't meet the threshold required for mandatory reporting or the staff member is not a mandatory reporter, should in the first instance, speak to the principal or should make the required reports to DFFH Child Protection and/or Victoria Police as necessary.

At our school the principal will be responsible for monitoring overall school compliance with this procedure.

Nothing in this procedure prevents a staff member or any other person from reporting to the relevant authorities if they form a reasonable belief that a child is at risk of abuse.

## Reporting suspicions, disclosures or incidents of child abuse

*Responsibilities of all school staff*

If a school staff member reasonably suspects or witnesses an incident of child abuse or receives a disclosure of child abuse, they must:

- If a child is at immediate risk of harm, separate alleged victims and others involved, administer first aid and call 000.
- Speak to the principal/a member of the leadership team/wellbeing team as soon as possible, who will follow the Four Critical Actions.
- Make detailed notes of the incident or disclosure. It is recommended that the staff member uses the Responding to Suspected Child Abuse Template and ensures that these notes are kept and stored securely in the student's confidential file.
- If the staff member is a mandatory reporter and reasonably believes that a student has suffered physical and/or sexual abuse from which the child's parents have not protected the child, they must ensure that a report to DFFH Child Protection or Victoria Police has been made by a member of staff nominated by the Principal. If the report has not been made by another staff member, the mandatory reporter must make the report.
- If the staff member has formed a 'reasonable belief' that a sexual offence has been committed by an adult against a child, they must ensure that a report to Victoria Police has been made by a member of staff nominated by the Principal. If the report has not been made by another staff member, the staff member must make the report.

In circumstances where a member of the leadership team disagrees that a report needs to be made, but the staff member has formed a 'reasonable belief' that the child is in need of protection and/or has been the victim of sexual abuse, the staff member must still contact DFFH Child Protection and/or Victoria Police to make the report.

*Responsibilities of the Principal, or Principal's nominee (including the Student Wellbeing Coordinator) allocated to manage and/or report incidents, suspicions or disclosures to Child Protection or Victoria Police*
The Principal, or Principal's nominee (including the Leadership Team and the Student Wellbeing Coordinator) is responsible for promptly managing the school's response to an incident, suspicion or disclosure of child abuse, and ensuring that the incident, suspicion or disclosure is taken seriously. The Principal, or Principal's nominee (including the Leadership Team and the Student Wellbeing Coordinator) is also responsible for responding appropriately to a child who makes or is affected by an allegation of child abuse.

If the Principal, or Principal's nominee (including the Leadership Team and the Student Wellbeing Coordinator) receives a report from a school staff member or member of the school community of a suspicion, disclosure or incident of child abuse, they must:

- Follow the Four Critical Actions as soon as possible, including:
    - Responding to an emergency
    - Reporting to authorities/referring to services
    - Contacting parents/carers and
    - Providing ongoing support.
- Make detailed notes of the incident or disclosure, including actions taken using the Responding to Suspected Child Abuse: Template and ensure that those notes are kept and stored securely the student's confidential file. They are also responsible for ensuring that any staff member who reported the incident, disclosure or suspicion to them also makes and keeps notes of the incident.
- At Moe Primary School (Elizabeth Street), the school Principal, or Principal's nominee (including the Leadership Team and the Student Wellbeing Coordinator) will be responsible for ensuring that there is a prompt response to the disclosure and that the child is appropriately supported.

If the principal/other nominated staff member responsible above is unavailable, another member of the school leadership team or the Student Wellbeing Coordinator will take on the role and responsibilities described in this section.

## Duty of care and ongoing support for students

Fulfilling the requirements in this procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of abuse.

All staff have a duty of care to take reasonable steps to prevent reasonably foreseeable harm to students. All staff must ensure that Principal, Leadership Team and Student Wellbeing Coordinators are aware of any incidents,

suspicions or disclosures of child abuse as soon as possible after they occur. This will allow appropriate supports to be put in place for the student affected.

### For school visitors, volunteers and school community members

All community members aged 18 years or over should be aware of their legal obligations – see *Failure to disclose offence* above, in this Policy.

Any person can make a report to DFFH Child Protection if they believe on reasonable grounds that a child is in need of protection. For contact details see the Four Critical Actions - https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf

There is no requirement for community members to inform the school if they are making a disclosure to DFFH Child Protection or the Victoria Police. However, where a community member is concerned about the safety of a child or children at the school, and where disclosure of that concern will not compromise any potential police investigation, the community member should report this concern to the principal so that appropriate steps to support the student can be taken.