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Child Safety Responding and Reporting Obligations Policy and Procedures

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 Fernbrook School.

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 events, activities and services.

POLICY

All children and young people have the right to protection in their best interests. Fernbrook 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 Fernbrook School are required by law to comply with various child safety reporting obligations. For detailed information about each obligation, please refer to [Protecting Children — Reporting and Other Legal Obligations](#).

At Fernbrook 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

Principals, registered teachers, registered medical practitioners, nurses and all members of the police force are mandatory reporters under the Children, Youth and Families Act 2005 (Vic).

All mandatory reporters must make a report to the Department of Health and Human Services (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 Fernbrook 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 eLearning Module annually. For more information about Mandatory Reporting see the Department's School Policy and Advisory Guide: [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 DHHS or Victoria Police, and discuss their concerns with the school leadership team.

For more information about making a report to DHHS Child Protection, see the Department's School Policy and Advisory Guide: [DFFH - Making a Report to Child Protection](#) and [Four Critical Actions for Schools](#).

At Fernbrook 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 Advisory Guide: [Protecting Children — Reporting and Other Legal Obligations](#).

Reportable Conduct

Our school must notify Victoria Police if we become aware of an allegation of 'reportable conduct' within the school. We will also contact the Commission for Children and Young People if an incident involves current or former teachers, contractors, volunteers (including parents) and school board members. If the reportable conduct has occurred outside of the school, Fernbrook School will contact DHHS Child Protection and Victoria Police. All incidents will also be reported internally to the Principal or Board of Directors.

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.

If the allegation relates to the principal, they should notify the Board of Directors.

For more information about Reportable Conduct see the Department's School Policy and Advisory Guide: [Protecting Children — Reporting and Other Legal Obligations](#).

Failure to disclose offence

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.

For more information about this reporting obligation, see the Department's School Policy and Advisory Guide: [Failure to Disclose Offence](#).

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.

For more information about this reporting obligation, see the Department's School Policy and Advisory Guide: [Failure to Protect 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.

For more information about this offence and reporting obligations see: [Grooming Child Offence](#).

Related Policies and other information

Child Safe Policy
Child Safety Code of Conduct
Incident Reporting Policy
Incident Report Form
Incident Report Form Child Safety
Digital Technology Code of Conduct
Parent Code of Conduct
Staff Code of Conduct

Name of Document: Child Safety Responding and Reporting Obligations Policy	Number: FSPOL-CSREP-0000823
Approved by: School Board	Implemented by: The Principal
Last reviewed: August 2022	Next Review Date: August 2023