

## PROTECT: Reporting and Responding Obligations

### Rationale

The Damascus College Limited Board (the Board) is committed to:

- zero tolerance of child abuse;
- listening to and empowering children and young people; and
- keeping children and young people safe.

The Board maintains governance oversight of the school Damascus College which operates primarily from 1412 Geelong Rd, Mt Clear. The Board executes its management responsibility through the Principal and the Leadership Team of the College to ensure Damascus College is safe for children and young people and is a place where children and young people can flourish.

The Board has particular responsibilities for the safeguarding of children and young people as required by Ministerial Order No. 870: Child Safe Standards – Managing the Risk of Child Abuse in Schools (MO 870). This places accountability for managing the risk of child abuse in schools with the Board. Consistent with MO 870, the Board requires Damascus College to have appropriate arrangements to regulate the conduct and decisions of school staff to develop and embed a culture of child safety for all students.

These arrangements include implementing and complying with the Damascus College Child Safe Policies and having clear and comprehensive procedures and reporting mechanisms. The objective is for the Board and the wider school community to be confident in the school's capacity to make and implement appropriate decisions, with child safety as a guiding principle.

Damascus College Limited is committed to supporting schools to take a proactive role in the care, wellbeing and protection of children and young people.

The Board maintains governance oversight of the College. Damascus College Limited management is under the direction of the College Principal who, with the support of the leadership team, has a responsibility to implement, test, review and refresh these policies and procedures to ensure the safety of children and young people and make Damascus College an environment where children and young people can flourish.

This document must be read in conjunction with other all other policies and procedures in the Damascus College Limited Child Safe Policy Suite.

These procedures take into account the diverse characteristics of school communities and assists DOBCEL staff to:

- Understand the different requirements under legislation and the responsibilities attached to these
- recognise the indicators of a child or young person who may need protection

- understand how a suspicion or reasonable belief is formed
- respond appropriately when an incident or allegation involves student sexual offending
- refer to the principles of the Victorian Charter of Human Rights and Responsibilities in respecting and protecting the fundamental rights, freedoms, and responsibilities of members of the school community
- make a report about a child or young person who may need protection
- comply with obligations under the Victorian Reportable Conduct Scheme
- comply with mandatory reporting obligations under child protection law
- comply with legal obligations relating to criminal child abuse and grooming under criminal law.

### **Child Protection Reporting Obligations**

Key functions of the [Education and Training Reform Act 2006 \(Vic.\)](#) that pertain to child safety are to:

- require schools to notify the Victorian Institute of Teaching (VIT) when a school has taken action against a teacher
- ensure compliance with the Victorian Child Safe Standards as a requirement of registration for all Victorian schools.

A registered school must guarantee that the care, safety and welfare of all students attending the school are in accord with all applicable Victorian and Commonwealth laws and that all staff employed at the school are advised of their obligations in regard to child safety.

### **Mandatory reporting**

Mandatory reporting is a legal requirement under the [Children, Youth and Families Act 2005 \(Vic.\)](#) to protect children from harm relating to physical injury and sexual abuse. A child, for the purpose of the relevant parts of this Act, is any person 17 years of age or younger. Principal, teachers, medical practitioners, nurses, school counsellors, people in religious ministry, registered psychologists, early childhood workers, youth justice workers and out of home care workers (excluding voluntary foster and kinship carers) are mandatory reporters under this Act.

If a mandatory reporter forms a reasonable belief that a child needs protection, and that the child's parents/carers are unwilling or unable to protect the child, they must report that belief to Department of Health and Human Services (DHHS) Child Protection, to or Victoria Police. This report must include the information in [Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#), as soon as possible after forming the belief.

On each occasion that the mandatory reporter becomes aware of additional reasonable grounds for the belief, a subsequent report must be made even when a previous report has been made

concerning the same child and suspected abuse.

The threshold for reporting child protection incidents, disclosures, concerns or suspicions has deliberately been set low by the protocol [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#). This protocol focuses on [Four Critical Actions](#) that all Damascus College staff must take if they form a suspicion or reasonable belief that child abuse has occurred, or that a child is at risk of suffering abuse.

### **Reasonable belief**

To determine if a report must be made to the relevant agency, Damascus College staff concerned about the safety or wellbeing of a child or young person must assess the situation. If a staff member has witnessed potentially abusive behaviour, has a suspicion or has received a disclosure of child abuse, they must determine whether these observations or receipt of such information have caused the staff member to form a 'reasonable belief'.

A reasonable belief might be formed where:

- a child or young person states that they have been physically or sexually abused
- any person states that they believe someone has been abused, this may include a child or young person talking about their own experience
- physical or behavioural indicators of abuse, is witnessed as described in [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#)
- a child or young person exhibits sexually abusive or age-inappropriate behaviour
- professional observations of the child's behaviour or development lead to a belief that the child has been physically or sexually abused or is likely to be abused

A single indicator may be a concern of possible child abuse or neglect. Equally, the presence of a number of indicators may suggest either physical or sexual abuse of a child or young person. Either scenario may be sufficient to form a reasonable belief that must be reported to the relevant agency.

A report is mandatory as soon as is practicable once the belief has been formed. The report must be made even if the Principal or the Child Safety Officer does not share the belief of the mandated reporter. Furthermore, if a different mandated reporter undertakes to make the report, the initial mandated reporter must make sure that it has been done.

### **Reportable conduct scheme**

The Reportable Conduct Scheme, created under the [Child Wellbeing and Safety Act 2005 \(Vic.\)](#), requires schools to notify the Commission for Children and Young People (CCYP) if an allegation of reportable conduct (a reportable allegation) is made against an employee.

The Reportable Conduct Scheme imposes obligations on the head of entity (governing authority). For Damascus College, the College Principal is the head of entity and is required to:

- have in place systems to prevent reportable conduct and, if reportable conduct is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
- ensure that the CCYP is notified and given updates on the organisation's response to a reportable allegation through the Manager Safeguarding and Standards
- report to Victoria Police as soon as they become aware that a reportable allegation may involve suspected child abuse or criminal conduct.

Reportable conduct may also include historical allegations. More guidance can be found at [Reportable Conduct Scheme – Historical allegations](#).

### **Failure to disclose**

Any school staff member at Damascus College 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 Victoria Police.

Failure to disclose the information to Victoria Police is a criminal offence under section 327 of the [Crimes Act 1958 \(Vic.\)](#) applying to all adults (18 years and over) in Victoria, not just professionals who work with children.

The school staff member is obliged to disclose that information to Victoria Police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

This obligation applies to **all non-mandated employees and adult community members** and is separate to the mandatory reporting framework. It is subject to some exclusions, such as:

- the person reasonably believes that the information has already been disclosed to the police
- the victim is over the age of 16 at the time that the information is received, does not have an intellectual disability and requests that the information not be disclosed
- the information is privileged (e.g. communications between a client and their lawyer)
- the information is in the public domain
- the person fears on reasonable grounds for the safety of any person (except the offender) if the information is disclosed and the failure to disclose is a reasonable response in the circumstances

For further information about the failure to disclose offence, see the Department of Justice and Community Safety's [Failure to disclose offence](#) webpage and [Betrayal of Trust: Factsheet](#).

### **Failure to protect**

The [Crimes Act 1958 \(Vic.\)](#) and the Crimes Amendment (Protection of Children) Bill 2014 (Vic.) include an offence for failure by a person with power, authority and responsibility within an organisation, to protect a child under the age of 16 years, who is under the care or supervision of the organisation.

The offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

Any school staff member in a position of authority and becomes aware that an adult associated with their organisation (e.g. employee, contractor, volunteer, sport coach or visitor) poses a risk of sexual abuse to a child under 16 who is in the care or supervision of the school, must take all reasonable steps to reduce or remove that substantial risk. Reasonable steps may include the employee being removed immediately from contact with children.

In a school context, a staff member in a position of authority will include the principal, deputy principal and business manager and may also extend to school counsellors, heads of departments and heads of schools.

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 490 (1) of the Crimes Act 1958 (Vic.).

For further information about the failure to protect offence, see the Department of Justice and Community Safety's [Failure to protect offence](#) webpage and [Betrayal of Trust: Factsheet](#).

### **Grooming**

The offence of grooming targets predatory conduct designed to prepare or 'groom' a child for future sexual activity as prescribed in section 49M (1) of the [Crimes Act 1958 \(Vic.\)](#). The offence applies to communication with children under 16 years.

Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.

For further information about the grooming offence, see the Department of Justice and Community Safety's [Grooming offence](#) webpage and [Betrayal of Trust: Factsheet](#).

For more information about managing and responding to the risk of abuse, see Department of Education and Training's [Responding to Student Sexual Offending](#) and [Risk Management](#) webpages.

### **Organisational duty of care**

The [Wrongs Act 1958 \(Vic.\)](#) creates an organisational liability for child abuse for organisations that exercise care, supervision or authority over children. This is commonly referred to as an organisational duty of care.

Schools owe a duty to take reasonable precautions to prevent the abuse (sexual or physical) of a child (under 18) by an individual associated with the school while the child is under the care, supervision or authority of the school.

Individuals associated with the school can include employees, volunteers, officeholders, contractors, ministers of religion and religious leaders.

Reasonable precautions that a school could take are not defined in the Wrongs Act 1958 (Vic.) but, as examples, the following measures are what courts have previously considered to be reasonable precautions in the context of organisational child abuse:

- conducting employment screening and reference checking
- providing supervision and training
- implementing systems to provide early warning of possible offences
- performing random and unannounced inspections to deter misconduct
- encouraging children and adults to notify authorities or parents/carers about any signs of aberrant or unusual behaviour.

### **Duty of Care**

Damascus College staff have a duty to take reasonable steps to protect from harm that is reasonably foreseeable children and young people under their care and supervision. This duty applies to all school staff. The question of what constitutes reasonable steps will depend on the circumstances of each case.

A staff member may breach their duty of care towards a child or young person if they fail to act in the way a reasonable or diligent professional would have acted in the same situation.

For more information on the scope of staff duty of care obligations and examples of reasonable steps to be taken in relation to suspected child abuse, refer to the protocol [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

### **Responding to and Reporting Child Protection Concerns**

The joint protocol, [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#) identifies the approach to responding to and reporting child protection concerns in DOBCEL Schools through the [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

A Damascus College staff member must act, and follow the Four Critical Actions for Schools: Responding to Incidents Disclosures and Suspicions of Child Abuse, as soon as they become aware of a child protection incident, that is, when **a child is experiencing, or is at risk of experiencing, abuse**.

The joint protocol, [PROTECT: Identifying and Responding to Student Sexual Offending](#) identifies the approach to responding to and reporting child protection concerns through the [Four Critical Actions for Schools: Responding to Student Sexual Offending](#).

Victorian Law holds that students under 10 years of age cannot commit a sexual offence. Guidance on responding to problem sexual behaviour in students under 10 and other forms of

student sexualised behaviour which does not constitute student sexual offending can be found in Appendix 1 of [PROTECT: Identifying and Responding to Student Sexual Offending](#).

A Damascus College staff member must act and follow the Four Critical Actions for Schools: Responding to Student Sexual Offending, as soon as they witness an incident, receive a disclosure or form a suspicion that a student is a victim of a student sexual offending and/or a student has engaged in sexual offending.

Where a Damascus College staff member believes that a child is subject to any other form of child abuse (sexual abuse by an adult), they must follow the procedures outlined in [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

## Identifying and Responding to all forms of abuse at Damascus College

### Becoming aware of a child protection incident

There are four main ways in which a [insert school's name] staff member may become aware that a child is experiencing, or is at risk of experiencing, abuse:

- **Witnessing an incident**  
If a Damascus College staff member witnesses an incident where they believe a child has been subjected to, or may be at risk of, abuse, including exposure to family violence, they must first take immediate action to protect the safety of the child or children involved and then refer to Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse.
- **Forming a suspicion or reasonable belief**  
All suspicions that a child has been, is being, or is at risk of being, abused must be taken seriously, including suspicions that the abuse is taking or may take place outside school grounds or areas. If a suspicion develops into a reasonable belief, the Damascus College staff member must act and refer to [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).
- **Receiving a disclosure about or from a current student**  
All disclosures must be treated seriously. Relevant information is available at [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).
- **Receiving a disclosure about or from a former student**  
If a school staff member receives a disclosure from a former student about historical abuse, they must act. If the former student is currently of school age and attending a Victorian school, the school staff member must immediately refer to [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#). If the former student is no longer of school age or attending a Victorian school, the disclosure must still be reported to DHHS Child Protection.

### Notes and records

Damascus College staff members are to keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse using [Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#).

Even if a school staff member decides not to make a report, they must still accurately document their notes relating to the incident, disclosure or allegation of child abuse using [Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#).

Notes and records must be kept securely on school grounds and must not be destroyed as they may be needed at a later time.

### Disclosures

Damascus College staff members must reassure and support a child or young person who makes a disclosure of abuse. However, school staff members should never promise to keep any disclosures confidential as all disclosures of abuse must be reported.

The role of school staff remains the same if disclosures are made from a parent/carer or a sibling, or if disclosures involve family violence.

Strategies on how to manage a disclosure, can be found in [Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

## Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse

1. Responding to an Emergency
2. Reporting to Authorities
3. Contacting Parents/Carers
4. Providing Ongoing Support.

### Critical Action 1: Responding to an Emergency

This first step is only applicable if a child has **just been abused** or is **at risk of immediate harm**. If this is not the case, **Critical Action 2: Reporting to Authorities is to be followed**

If the child has **just been abused** or is **at risk of immediate harm**, reasonable steps must be taken to protect the child, including:

- separating the alleged victim and others involved, ensuring that if the parties involved are all present at the school, they are supervised separately by a school staff member
- arranging and providing urgent medical assistance where necessary, including administering first aid or calling 000 for an ambulance
- calling 000 for urgent police assistance if the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person.

If the child protection incident has occurred at the school, school staff should also ensure that reasonable steps are taken to preserve the environment, the clothing and other items and to prevent any potential witnesses (including school staff members, volunteers and contractors) from discussing the incident until Victoria Police or relevant authorities arrive on the premises.

## **Critical Action 2: Reporting to Authorities**

**All forms and instances of suspected or alleged child abuse must be reported to the appropriate authority.**

Once immediate health and safety concerns have been addressed, the school staff member must take steps to report the incident, suspicion or disclosure of child abuse as soon as practicable. Failure to report physical and sexual child abuse may amount to a criminal offence (refer to [Failure to disclose](#))

There are different reporting procedures depending on:

- whether the source of the suspected or alleged abuse comes from within the school or within the family or community of the child
- the type of abuse.

In all cases, school staff members must report internally to the principal or, if the principal is involved in the allegation, the leadership team.

Additionally:

- where the source of the abuse comes from within the school, that is, the suspected or alleged abuse involves a school staff member, volunteer, allied health professional, officer/officeholder, contractor or visitor at the school, it must be reported to Victoria Police
- where the suspicion, belief or disclosure relates to sexual abuse or grooming, it must be reported to Victoria Police
- where the source of the abuse comes from within the family or community and is not sexual abuse or grooming, it must be reported to DHHS Child Protection.

The PROTECT protocol has deliberately set a low threshold for the formation of a 'reasonable belief'. For more information, refer to the [Reasonable belief](#) section of this procedure. [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) requires all Damascus College to report all incidents, suspicions and disclosures of abuse as soon as possible to the relevant authorities.

## **How to make a mandatory report**

The table below describes the information to include when making a **mandatory report** about child abuse or child protection concerns. If a child is at immediate risk of harm, Victoria Police must be contacted immediately.

<b>Making a Mandatory Report</b>	
<b>Action</b>	<b>Description</b>
1. Notes	<p>Comprehensive notes must be kept, dated, and include the following information:</p> <ul style="list-style-type: none"> <li>• a description of the concerns (e.g. physical injuries, student behaviour)</li> <li>• the source of those concerns (e.g. observation, report from child or another person)</li> <li>• the actions taken as a result of the concerns (e.g. consultation with the principal, report to DHHS Child Protection, etc.).</li> </ul> <p>Schools are to use the template provided in <a href="#">Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a> to record their notes.</p>
2. Discussion of Concerns	<p>Due to the complexity of child abuse incidents, disclosures, and suspicions, it is recommended that concerns and observations regarding suspected physical or sexual abuse of a child are discussed with the Principal, DOBCEL Education Consultant or the Manager Safeguarding and Standards.</p> <p>This is not a legal requirement; however, it will help to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.</p> <p>The reporter should make their own assessment about whether they are required to make a report about the child or young person and to whom the report should be made.</p> <p><b>It is important to remember that the duty to report abuse or suspicions of abuse exists even if the Principal, DOBCEL Education Consultant or Manager Safeguarding and Standards advises against proceeding with reporting suspected abuse.</b></p>
3. Information - gathering and Documentation	<p>Gather the relevant information necessary to make the report. This should include the following:</p> <ul style="list-style-type: none"> <li>• full name, date of birth and residential address of the child or young person</li> <li>• details of the concerns and the reasons for those concerns</li> <li>• the reporter's involvement with the child or young person</li> <li>• details of any other agencies which may be involved with the child or young person.</li> </ul> <p>This information should be collected and documented using <a href="#">Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a>. The template is to be used to record as much information as possible to provide when a report is made to either Victoria Police or DHHS Child Protection.</p>

	<p>It is critical that completing the template does not impact on reporting times – <b>if a child is in immediate danger, school staff need to report the matter to Victoria Police immediately.</b></p>
4. Reporting	<p>Concerns about a life-threatening situation, must be addressed by phone 000 or the local police station.</p> <p>Where the source of the abuse comes from within the school, that is, the suspected or alleged abuse involves a school staff member, volunteer, allied health practitioner, officer/officeholder, contractor or visitor at the school:</p> <ul style="list-style-type: none"> <li>• Victoria Police must be contacted. They will contact DHHS Child Protection when appropriate</li> <li>• An internal report must be made to one of; <ul style="list-style-type: none"> <li>○ College Principal: Mr Matthew Byrne</li> <li>○ Child Safe Officer &amp; Deputy Principal: Mr Christopher Grant</li> <li>○ A member of the Leadership Team</li> </ul> </li> </ul> <p>Where the source of the suspected or alleged abuse comes from within the child's family or community, it is obligatory that:</p> <ul style="list-style-type: none"> <li>• sexual abuse and grooming is reported to Victoria Police</li> <li>• the matter is reported to DHHS Child Protection if it is considered that the child is in need of protection due to child abuse, or that they have been, are being or are at risk of being harmed due to any form of abuse, including family violence. If the matter occurs after hours, <b>Child Protection Emergency Service can be contacted on 13 12 78</b></li> <li>• An internal report must be made to one of; <ul style="list-style-type: none"> <li>○ College Principal: Mr Matthew Byrne</li> <li>○ Child Safe Officer &amp; Deputy Principal: Mr Christopher Grant</li> <li>○ A member of the Leadership Team</li> </ul> </li> </ul>
5. Records	<p>A written record of the report must be kept and must include the following information:</p> <ul style="list-style-type: none"> <li>• the date and time of the report and a summary of what was reported</li> <li>• the name and position of the person who made the report and the person who received the report.</li> </ul> <p>The information initially recorded in <a href="#">Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a> and any additional information provided to either Victoria Police or DHHS Child Protection are to be stored securely and maintained <b>indefinitely</b> by the school to ensure that records are accessible upon request by external authorities investigating the matter.</p>

6. Overseas Students	Where a child protection incident, disclosure or suspicion involves an international student at the school and the school has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter for that student (thereby assuming responsibility for the child's accommodation, support and general welfare), the school will also need to contact the Victorian Registration and Qualifications Authority (VRQA).
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### Reporting what is non-mandatory

All staff members, volunteers, contractors, other service providers who are not mandatory reporters have professional and moral (and sometimes legal) obligations to report a child protection incident, disclosure or suspicion.

Any adult who becomes aware of a child safety incident, disclosure or suspicion is required to report this to the Principal or Child Safety Officer of Damascus College.

Where the principal is suspected of breaching any obligation, duty or responsibility within this policy, the concerned party is advised to contact the Manager Safeguarding and Standards for assistance at the Catholic Education Office Ballarat.

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