

## **Mansfield Autism Statewide Services' Child Protection Program**

Child abuse includes:

- sexual offences;
- grooming;
- physical violence;
- serious emotional or psychological harm;
- serious neglect; and
- a child's exposure to family violence.

**Mansfield Autism Statewide Services has zero tolerance for child abuse and is committed to the protection of all children from all forms of child abuse.**

This Child Protection Program is made up of work systems, practices, policies and procedures designed to maintain a child safe environment and to embed an organisational culture of child safety within the School/MASS community. The Program deals specifically with child protection issues and is designed to ensure compliance with the Victorian Child Safe Standards and related child protection laws.

If you have a belief or suspicion that a child is being, or has been, subjected to any form of abuse you **must** contact the **[Victorian Child Protection Service](#)** or, where you need guidance on making a report or have questions regarding child safety, contact one of the School/MASS' appointed Child Safety Officers. Click [here](#) for full contact details. Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

### **Quick Access Documents:**

Department of Education and Training and Department of Health and Human Services Child Protection, **[Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#)**, 2016

Department of Education and Training and Department of Health and Human Services Child Protection, **[Responding to Suspected Child Abuse: A Template for all Victorian Schools](#)**, 2016

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**Our Child Safety Officers  
- Make a Report**



**Child Protection and  
Safety Policy**



**Child Safety Code of  
Conduct**



**Child Abuse Definitions  
and Key Risk Indicators**



**Who is Responsible for  
Child Protection?**



**Staff and Student  
Professional Boundaries**



**Child Protection Law and  
Regulation in Victoria -  
An Overview**



**Creating and Maintaining  
a Child Safe Environment**



**Participation and  
Empowerment of  
Children**



**Child Protection Risk  
Management**



**Procedures for  
Responding to and  
Reporting Allegations of  
Child Abuse**



**Child Protection  
Program Definitions**



**Disciplinary Procedures**



**Continuous Review &  
Improvement**



**Additional Resources**

## Key Definitions in Our Child Protection Program

**Direct Contact Volunteers** are volunteers who are involved in providing support, guidance and supervision directly to students and could potentially have direct contact with students during the normal course of providing the volunteer service.

The Working with Children Act 2005 (Vic) defines '**direct contact**' as any contact between a person and a child (aged under 18) that involves:

- physical contact; or
- face to face contact; or
- contact by post or other written communication; or
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

### **Direct Contact Volunteers may have:**

- limited supervision by MASS staff in their role;
- significant amounts of 1:1 time with students;
- supervisory responsibility for a group of students with only broad and indirect oversight of a MASS staff member; or
- full supervisory responsibility for one or more students, such as in a sports coaching role or learning support role.

Examples of Direct Contact Volunteer activities may include volunteers involved in School/MASS camps and excursions, coaching sporting teams, assisting in learning activities or administrative roles.

Refer to **Direct Contact Volunteers' Responsibilities** for more information.

**Direct Contact Contractors** are third party contractors who have direct contact with students during the normal course of their work or contractors who may be in a position to establish a relationship of trust. This also includes any contractors whom a school is legally required to screen.

The definition of '**direct contact**' included under Direct Contact Volunteers applies to Direct Contact Contractors.

Examples of Direct Contact Contractor activities may include tutors, sports coaches and casual teachers.

Refer to **Third Party Contractors' Responsibilities** for more information.

**Indirect Contact Contractors** are third party contractors who are not Direct Contact Contractors. Refer to **Third Party Contractors' Responsibilities** for more information.

**Indirect Contact Volunteers** are those volunteers who are involved in providing support and services whilst not directly assisting a specific group of students.

Examples of Indirect Contact Volunteer activities may include assisting with School/MASS administrative functions.

Refer to **Indirect Contact Volunteers' Responsibilities** for more information.

Where the term "**Third Party Contractor**" is used, it captures both "Direct Contact Contractors" and "Indirect Contact Contractors." Refer to **Third Party Contractors' Responsibilities** for more information.

Where the term "**Volunteer**" is used, it captures both "Direct Contact Volunteers" and "Indirect Contact Volunteers."

## Our Child Safety Officers - Making a Report

Mansfield Autism Statewide Services has appointed the people listed below as the School/MASS' Child Safety Officers. Each Child Safety Officer is available to answer any questions that you may have with respect to our Child Protection and Safety Policy and the Child Protection Program.

Child Safety Officers are selected based on a number of considerations, namely:

- their personal attitudes, experiences and beliefs, for example, a person who is non-judgmental, calm, resilient and demonstrates a high degree of integrity and respect for confidentiality;
- their role within the School/MASS, for example, a person who has seniority and experience working with complex student and family issues at the School/MASS and someone who is readily accessible and available to all members of the School/MASS community; and
- their personal profile within the School/MASS, for example, a person who is approachable, who students and staff trust and who is willing and able to respond to issues personally and sensitively.

The School/MASS' Child Safety Officers are your first point of contact for reporting child protection issues within the School/MASS. They receive special training that allows them to deal with child protection concerns both sensitively and effectively.

### 'Child Abuse' includes:

- sexual offences;
- grooming;
- physical violence;
- serious emotional or psychological harm;
- serious neglect; and
- family violence, or exposure to family violence.

If you have any concern that a child may be experiencing any form of abuse, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with one of our Child Safety Officers.

The welfare and best interests of the child are paramount. Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

| Name                  | Position                    | Contact No.            | Email Address                  |
|-----------------------|-----------------------------|------------------------|--------------------------------|
| <b>Sophie Walker</b>  | Senior Child Safety Officer | 0419887106 or 57752876 | sophiew@autismmansfield.org.au |
| <b>Mercia Nelson</b>  | Mansfield Campus CSO        | 0447312597 or 57752876 | mercian@autismmansfield.org.au |
| <b>Katrine Ziemer</b> | Dookie Campus CSO           | 58286480               | dookie@autismmansfield.org.au  |

### [Our Senior Child Safety Officer](#)

Mansfield Autism Statewide Services has appointed **Sophie Walker** as the School/MASS' Senior Child Safety Officer. The Senior Child Safety Officer has an important role in the promotion and maintenance of our child protection culture at the School/MASS.

The Senior Child Safety Officer is identified in our publicly available **Child Protection and Safety Policy** as the contact for the wider community when they have child protection concerns relating to the School/MASS.

The Senior Child Safety Officer is contactable by phone on **03 57752876 or 0419 887 106** or by emailing **sophiew@austismmansfield.org.au**.

Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > **Child Abuse - Definition and Key Risk Indicators**

[< Our Child Safety Officers - Make a Report](#)

[Definition of Child Abuse & Family Violence >](#)

## **Child Abuse - Definitions and Key Risk Indicators**

**Definition of Child Abuse and Family Violence**

**Definition of Care, Supervision or Authority**

**Sexual Offences**

**Grooming**

**Physical Violence**

**Serious Emotional or Psychological Harm**

**Serious Neglect**

**Family Violence**



## Definition of Child Abuse and Family Violence in Victoria

### Child Abuse

Child abuse is defined in section 3 of the Child Wellbeing and Safety Act 2005 (Vic) as including:

- any act committed against a child involving a sexual offence or a grooming offence listed in the Crimes Act 1958 (Vic);
- the infliction of physical violence, serious emotional or psychological harm; and
- the serious neglect of a child.

A child is defined by the Act as a person who is under the age of 18 years.

For more information about sexual offences that constitute child abuse, see [Sexual Offences](#).

### Family Violence

Whilst the term “family violence” does not form part of the official definition of “child abuse”, the impact of family violence on a child is commonly referred to as a form of child abuse.

In Victoria section 5 of the Family Violence Protection Act 2008 (Vic) defines “family violence” as behaviour by a person towards a family member that is:

- physically or sexually abusive;
- emotionally or psychologically abusive;
- economically abusive;
- threatening;
- coercive; or
- in any other way controlling or dominating the family member and causes them to feel fear for their own, or other family member’s safety or wellbeing.

Behaviour that causes a child to hear, witness, or be exposed to the effects of such behaviour also falls within the definition of “family violence”.

## Definition of Care, Supervision or Authority

It is important for schools to understand the definition of the legal phrase “care, supervision or authority” and its applicability to staff. The phrase is central to several offences under the Crimes Act 1958 (Vic).

Under section 37 of the Crimes Act the circumstances in which a person will have a child under their care, supervision or authority include if the person is:

- the child’s parent or step-parent;
- the child’s teacher;
- the child’s employer;
- the child’s youth worker;
- the child’s sports coach;
- the child’s counsellor;
- the child’s health professional; or
- a person with parental responsibility for the child;
- a religious or spiritual guide, or a leader or official (including a lay member) of a church or religious body, however any such guide, leader, official, church or body is described who provides care, advice or instruction to the child or has authority over the child; or
- a police officer acting in the course of their duty in respect of the child.

At the School/MASS persons in positions of care, supervision or authority over a student will include teaching staff, sports coaches, youth workers, counsellors, registered nurses and religious leaders or officials.

All members of the School/MASS community must be aware that if they engage in certain conduct in breach of this Program, their conduct may constitute a sexual offence under the Crimes Act. For those persons who have a child under their care, supervision or authority, additional offences may apply. Refer to **Child Safety Code of Conduct** and **Staff and Student Professional Boundaries Policy**.

## Sexual Offences

A sexual offence occurs when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child's age and development. Children may be bribed or threatened physically or psychologically to make them participate in the activity. Sexual offences are governed by the Crimes Act 1958 (Vic).

Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.

This Program addresses in more detail certain sexual offences which involve behaviour that is intended to prepare or facilitate a child's involvement in sexual activity or conduct. These are: **grooming behaviour** and the **encouragement of a child** to engage in, or be involved in, sexual activity. This is because the breadth of these offences and the nature of professional boundaries between School/MASS staff and students means that staff must be aware that certain behaviours will not only breach **Staff and Student Professional Boundaries**, but may also amount to a criminal offence.

Members of the School/MASS community should still be aware that a myriad of other offences in the Crimes Act 1958 (Vic) are still relevant and that they have a duty to report such offending. Refer to **Procedures for Responding to and Reporting Allegations of Child Abuse**.

### Possible Physical Indicators of Sexual Abuse:

- injury to the genital or rectal areas, such as bruising or bleeding;
- vaginal or anal bleeding or discharge;
- discomfort in urinating or defecating;
- presence of foreign bodies in the vagina and/or rectum;
- inflammation or infection of the genital area;
- sexually transmitted diseases;
- pregnancy, especially in very young adolescents;
- bruising and other injury to breasts, buttocks or thighs;
- anxiety related illnesses such as anorexia or bulimia; or
- frequent urinary tract infections.

### Possible Behavioural Indicators of Sexual Abuse:

- the student discloses sexual abuse;
- persistent and age-inappropriate sexual activity, including excessive masturbation, masturbation with objects, rubbing genitals against adults, playing games that act out a sexually abusive event;
- drawings or descriptions in stories that are sexually explicit and not age appropriate;
- a fear of home, a specific place, a particular adult, or excessive fear of men or of women;
- poor or deteriorating relationships with adults and peers;
- poor self-care/personal hygiene;
- regularly arriving early at School/MASS and leaving late;
- complaining of headaches, stomach pains or nausea without physiological basis;
- frequent rocking, sucking or biting;
- sleeping difficulties;
- reluctance to participate in physical or recreational activities;
- regressive behaviour, such as bedwetting or speech loss;
- the sudden accumulation of money or gifts;
- unplanned absences or running away from home;
- delinquent or aggressive behaviour;
- depression;
- self-injurious behaviour, including drug/alcohol abuse, prostitution, self-mutilation, or attempted suicide;
- the sudden decline in academic performance, poor memory and concentration;
- wearing of provocative clothing, or layers of clothes to hide injuries; or
- promiscuity.

### **Student-to-Student Sexual Offending**

Unwanted sexual behaviour towards a student by a child 10 years or over can constitute a sexual offence and is referred to as a **student-to-student sexual offence**. All incidents, suspicions and disclosures of student sexual offending must be responded to in accordance with the School/MASS's **Procedures for Responding to and Reporting Allegations of Child Abuse**.

### **Encouragement to Engage in Sexual Activity**

It is a criminal offence for an adult to encourage a child to engage in, or to be involved in, sexual activity where the adult seeks or gets sexual arousal or sexual gratification from the encouragement or the sexual activity.

There are two "encouragement" offences in the Crimes Act 1958 (Vic):

- section 49K: Encouraging a child under the age of 16 to engage in, or be involved in, sexual activity; and
- section 49L: Encouraging a child aged 16 or 17 under **care, supervision or authority** to engage in, or be involved in, sexual activity.

A section 49K offence carries a maximum 10 year term of imprisonment. A section 49L offence carries a maximum 5 year term of imprisonment.

The Crimes Act 1958 (Vic) defines '**encourage**' to include suggest, request, urge and demand. Examples of encouragement include offering money or gifts or threatening harm. It can be done in person or by electronic communication. An example of conduct prohibited by these offences is an adult asking a child to watch inappropriate material. Conduct which occurred outside Victoria or while the child was outside Victoria can still constitute an offence.

The encouragement offences cover conduct that is similar to **grooming** but are broader. Both are 'preparatory' offences but encouragement behaviour occurs at a later stage to grooming, or closer to the substantive sexual offence. The encouragement offence applies to sexual activity that would otherwise not be a criminal offence. For example, if a student was encouraged to watch inappropriate material in contravention of sections 49K or 49L, the act of watching is not a sexual offence but the encouragement would amount to an offence.

**Note:** Both offences of grooming and encouragement to engage in sexual activity are sexual offences reportable under every adult's **Obligation to Report a Sexual Offence**.

Possible indicators of adult encouragement behaviour would include those that may indicate **grooming** however the pattern of behaviours would not be required. The encouragement would normally be more sexualised.

## Grooming

Grooming refers to predatory conduct undertaken by an adult (18 years or over) to prepare a child for sexual activity at a later time. It is a sexual offence under section 49M of the Crimes Act 1958 (Vic) carrying a maximum 10 year term of imprisonment. Under section 49M, the adult's words or conduct must be intended to facilitate the child engaging or being involved in the commission of, or attempt to commit, a **sexual offence** by the adult or another adult.

Grooming behaviour typically involves a graduation from attention giving and non-sexual touching to increasingly more intimate and intrusive behaviour. Grooming can include communicating, and/or attempting to befriend or establish a relationship or other emotional connection with a child (under the age of 16) or a person who has **care, supervision or authority** for the child. Communicating can be by words or conduct and includes electronic communication such as through the internet, phone or text message.

Grooming does not necessarily involve any sexual activity or even discussion of sexual activity. For example, it may only involve establishing a relationship with a child or a person who has **care, supervision or authority** for a child for the purpose of facilitating sexual activity at a later time. Conduct which occurred outside Victoria or while the child was outside Victoria can still constitute an offence.

Certain behaviours or acts will not in isolation constitute grooming behaviour. However, where there is a repeating pattern of indicative behaviour, or several incidents of indicative behaviour, it may constitute grooming behaviour.

### Online Grooming

The sexual offence of grooming includes online grooming which occurs when an adult (18 years or over) uses electronic means to communicate with a child under the age of 16 in a predatory fashion to try and lower the child's inhibitions, or heighten their curiosity regarding sexual behaviour or activity, with the aim of eventually meeting them in person for the purposes of sexual activity. This can include communications through social media, online chat rooms, sexting or emails.

### Possible Indicators of Adult Grooming Behaviours:

- persuading a child or group of children that they have a special relationship;
- asking a child to keep the relationship to themselves;
- inappropriately allowing a child to overstep the rules;
- testing boundaries, for example by undressing in front of a child;
- manoeuvring to get or insisting on uninterrupted time alone with a student;
- buying a student gifts;
- insisting on physical affection such as hugging, wrestling or tickling even when the student clearly does not want it;
- being overly interested in the sexual development of a student;
- taking a lot of photos of a student;
- engaging in inappropriate or excessive physical contact with a student;
- sharing alcohol or drugs with a student;
- making inappropriate comments about a student's appearance or excessive flattery;
- using inappropriate pet names;
- making jokes or innuendo of a sexual nature;
- making obscene gestures or using obscene language;
- sending correspondence of a personal nature via any medium;
- inviting, allowing, or encouraging students to attend a staff member's home without parental/carer permission;
- entering change rooms or toilets occupied by students when supervision is not required or appropriate;
- communicating with a child's parent/step parent, legal guardian, teacher, religious official or spiritual leader with the intention of facilitating the child's involvement in sexual conduct;
- inappropriately extending a relationship outside of work; or
- photographing, audio recording, or filming students via any medium without authorisation or having parental consent to do so.

**Indicators That a Child May Be Subject to Grooming:**

- developing an unusually close relationship with an adult;
- displaying significant mood changes, including hyperactive, sensitive, hostile, aggressive, impatient, resentful, anxious, withdrawn or depressed behaviour;
- using 'street' or different language they learned from a new or older 'friend';
- having new jewellery, clothing, expensive items or large amounts of money that were gifts from a new or older 'friend';
- using a new mobile phone excessively to make calls, videos or send text messages to a new or older 'friend';
- being excessively secretive about their use of social media or online communications;
- frequently staying out late or overnight with a new or older 'friend';
- being dishonest about where they have been or who they were with;
- drug and alcohol use; or
- being picked up in a car by a new or older 'friend' from home or school or 'down the street'.

#### **Indicators That a Child May Be Subject to Online Grooming:**

- discovery of pornography on their computer or device;
- receiving or making calls to unrecognised numbers;
- increasing or excessive amount of time spent online;
- increased secrecy in what they are doing online and efforts to try and hide what they are doing online;
- evidence of people on their 'friends' list that are unknown and they have never met them offline.

#### **What Is Not Grooming?**

Not all physical contact between a student and a staff member or any person engaged by the School/MASS to provide services to children, including a volunteer, will be inappropriate and/or an indicator of possible grooming behaviour.

#### **The following physical contact with students is not grooming behaviour:**

- administration of first aid;
- supporting students who have hurt themselves;
- non-intrusive gestures to comfort a student who is experiencing grief, loss or distress, such as a hand on the upper arm or upper back; and
- non-intrusive touching i.e. shaking a student's hand or a pat on the back to congratulate a student.



## Physical Violence

Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or using weapons (such as belts and paddles).

Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline.

### Possible Physical Indicators of Physical Violence:

- unexplained bruises;
- bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms or inner thighs;
- any bruises or welts in unusual configurations, or those that look like the object used to make the injury, for example fingerprints, handprints, buckles, iron or teeth;
- burns that show the shape of the object used to make them, such as an iron, grill, cigarette, or burns from boiling water, oil or flames;
- fractures of the skull, jaw, nose or limbs, especially those not consistent with the explanation offered or with the type of injury probable/possible at the child's age and development;
- cuts and grazes to the mouth, lips, gums, eye area, ears or external genitalia;
- human bite marks;
- bald patches where hair has been pulled out; and
- multiple injuries, old and new.

### Possible Behavioural Indicators of Physical Violence:

- inconsistent or unlikely explanation for an injury;
- inability to remember the cause of an injury;
- fear of specific people;
- wearing clothes unsuitable for weather conditions (such as long sleeved tops) to hide injuries;
- wariness or fear of a parent/carer and reluctance to go home;
- no reaction or little emotion displayed when hurt;
- little or no fear when threatened;
- habitual absences from School/MASS without explanations (the parent/carer may be keeping the child away until signs of injury have disappeared);
- overly compliant, shy, withdrawn, passive and uncommunicative;
- fearfulness when other children cry or shout;
- unusually nervous or hyperactive, aggressive, disruptive and destructive to self and/or others;
- excessively friendly with strangers;
- regressive behaviour, such as bed wetting or soiling;
- poor sleeping patterns, fear of dark, nightmares;
- sadness and frequent crying;
- drug or alcohol misuse;
- poor memory and concentration;
- suicide attempts; or
- academic problems.

## Serious Emotional or Psychological Harm

Serious emotional or psychological abuse may occur when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological harm could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

Psychological or emotional abuse may occur with or without other forms of abuse.

### **Possible Physical Indicators of Serious Emotional or Psychological Harm:**

- speech disorders;
- delays in emotional, mental or even physical development; or
- physical signs of self-harming.

### **Possible Behavioural Indicators of Serious Emotional or Psychological Harm:**

- exhibiting low self-esteem;
- exhibiting high anxiety;
- overly compliant, passive or undemanding behaviour;
- extremely demanding, aggressive, or attention-seeking behaviour;
- anti-social, destructive behaviour;
- low tolerance or frustration;
- unexplained mood swings;
- self-harming;
- behaviours that are not age appropriate, for example, overly adult (parenting of other children), or overly infantile (thumb sucking, rocking, wetting or soiling);
- fear of failure, overly high standards and excessive neatness;
- depression, or suicidal thoughts;
- running away;
- violent drawings or writing; or
- contact with other students forbidden.

## Serious Neglect

Serious neglect is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or is likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life threatening situations.

### Possible Physical Indicators of Serious Neglect:

- consistently dirty and unwashed;
- consistently inappropriately dressed for weather conditions;
- consistently without adequate supervision and at risk of injury or harm;
- consistently hungry, tired and listless, falling asleep in class, or malnourished;
- unattended health problems and lack of routine medical care;
- inadequate shelter and unsafe or unsanitary conditions;
- abandonment by parents; or
- poor hygiene.

### Possible Behavioural Indicators of Serious Neglect:

- begging or stealing food;
- gorging when food is available;
- inability to eat when extremely hungry;
- alienated from peers, withdrawn, listless, pale, and thin;
- aggressive behaviour;
- delinquent acts, for example, vandalism, drug or alcohol abuse;
- little positive interaction with parent/carer;
- appearing miserable or irritable;
- poor socialising habits;
- poor evidence of bonding, or little stranger anxiety;
- indiscriminate with affection;
- poor, irregular or non-attendance at School/MASS or kindergarten/child care;
- staying at School/MASS long hours;
- self-destructive;
- dropping out of School/MASS;
- taking on an adult role of caring for a parent;
- misusing alcohol or drugs; or
- academic issues.

## Family Violence

In Victoria "**family violence**" is a defined term under the Family Violence Protection Act 2008 (Vic). It is a criminal offence.

Family violence is behaviour towards a family member that may include:

- physical violence or threats of violence;
- verbal abuse, including threats;
- emotional or psychological abuse;
- sexual abuse; or
- financial and social abuse.

When dealing with children it is important to remember that "family violence" extends to behaviour that causes a child to hear, witness, or be exposed to the effects of "family violence". A child's exposure to family violence constitutes child abuse.

As family violence can result in one or more forms of child abuse (being sexual offences, physical violence, serious emotional or psychological harm or serious neglect) the physical and behavioural indicators of these types of abuse may also be indicative of a family violence situation.

Behavioural indicators for older children and young people may also include:

- moving away or running away from the family home;
- entering a relationship early to escape the family home;
- experiencing violence in their own dating relationships;
- involvement in criminal activity; or
- alcohol and substance abuse.

## Child Protection and Safety Policy

Mansfield Autism Statewide Services has developed the following Child Protection and Safety Policy. This policy is an overarching document that provides key elements of our approach to protecting children from abuse.

The policy forms the foundation of the School/MASS' procedures, practices, decision-making processes and ultimately the School/MASS' culture with respect to child safety.

It is designed to be published on our public website as well as communicated through other mediums such as newsletters, our annual report and in induction and welcome packs for Board of Directors directors, staff and Volunteers.

A PDF version of Mansfield Autism Statewide Services' Child Protection and Safety Policy is available [here](#).

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## Our Child Protection and Safety Policy

### Objectives

This policy provides the framework for:

- the development of work systems, practices, policies and procedures that promote child protection within School/MASS;
- the creation of a positive and robust child protection culture;
- the promotion and open discussion of child protection issues within the School/MASS; and
- compliance with all laws, regulations and standards relevant to child protection in Victoria.

### Statement of Commitment to Child Safety

Child abuse includes sexual offences, grooming, physical violence, serious emotional or psychological harm, serious neglect and a child's exposure to family violence. Mansfield Autism Statewide Services is committed to the protection of all children from all forms of child abuse and demonstrates this commitment through the implementation of a comprehensive Child Protection Program designed to keep children safe.

At Mansfield Autism Statewide Services we have a zero tolerance for child abuse and are committed to acting in children's best interests and keeping them safe from harm. The School/MASS regards its child protection responsibilities with the utmost importance and as such, is committed to providing the necessary resources to ensure compliance with all relevant child protection laws and regulations and maintain a child safe culture.

### Child Safe Values & Principles



The School/MASS' commitment to child safety is based on the following overarching principles that guide the development and regular review of our work systems, practices, policies and procedures to protect children from abuse.

1. All children have the right to be safe.
2. The welfare and best interests of the child are paramount.
3. The views of the child and a child's privacy must be respected.
4. Clear expectations for appropriate behaviour with children are established in our Child Safety Code of Conduct and Staff and Student Professional Boundaries Policy.
5. The safety of children is dependent upon the existence of a child safe culture.
6. Child safety awareness is promoted and openly discussed within our School/MASS community.
7. Procedures are in place to screen all staff, **Direct Contact Volunteers** Third Party Contractors and External Education Providers who have direct contact with children.
8. Child safety and protection is everyone's responsibility.
9. Child protection training is mandatory for all Board of Directors directors, staff and Direct Contact Volunteers.
10. Procedures for responding to alleged or suspected incidents of child abuse are simple and accessible for all members of the School/MASS community.
11. Children from culturally or linguistically diverse backgrounds have the right to special care and support including those who identify as Aboriginal or Torres Strait Islander.
12. Children who have any kind of disability have the right to special care and support.

***\*\*Direct Contact Volunteers** are those volunteers who are involved in providing support, guidance and supervision directly to students and could potentially have direct contact with students during the normal course of providing the volunteer service.*

*The Working with Children Act 2005 (Vic) defines '**direct contact**' as any contact between a person and a child (aged under 18) that involves:*

- *physical contact; or*
- *face to face contact; or*
- *contact by post or other written communication; or*
- *contact by telephone or other oral communication; or*
- *contact by email or other electronic communication.*

*Examples of Direct Contact Volunteer activities may include volunteers involved in School/MASS camps and excursions, coaching sporting teams or assisting in learning activities.*

## **Child Protection Program**

Mansfield Autism Statewide Services is committed to the effective implementation of our Child Protection Program and ensuring that it is appropriately reviewed and updated. We adopt a risk management approach by identifying key risk indicators and assessing child safety risks based on a range of factors including the nature of our School/MASS' activities, physical and online environments and the characteristics of the student body.

Our Child Protection Program relates to all aspects of protecting children from abuse and establishes work systems, practices, policies and procedures to protect children from abuse. It includes:

- clear information as to what constitutes child abuse and associated key risk indicators;
- clear procedures for responding to and reporting allegations of child abuse;
- strategies to support, encourage and enable staff, Volunteers, Third Party Contractors, External Education Providers, parents and students to understand, identify, discuss and report child protection matters;
- procedures for recruiting and screening Board of Directors directors, staff and Direct Contact Volunteers;
- procedures for reporting reportable conduct and/or misconduct;
- pastoral care strategies designed to empower students and keep them safe;
- policies with respect to cultural diversity and students with disabilities;
- a child protection training program;
- information regarding the steps to take after a disclosure of abuse to protect, support and assist children;
- guidelines with respect to record keeping and confidentiality;
- policies to ensure compliance with all relevant laws, regulations and standards (including the Victorian Child Safe Standards); and
- a system for continuous review and improvement.

As a part of Mansfield Autism Statewide Services' induction process, all staff and Direct Contact Volunteers are required to complete a selection of training modules on the content of our Child Protection Program.

All staff, Direct Contact Volunteers and Board of Directors directors are provided with additional, ongoing child protection training at least annually.

Staff, Volunteers, Third Party Contractors and External Education Providers are supported and supervised by the School/MASS' **Child Safety Officers** to ensure that they are compliant with the School/MASS' approach to child protection.

## **Responsibilities**

Child protection is everyone's responsibility. At Mansfield Autism Statewide Services all directors of the Board of Directors and staff, as well as Volunteers, have a shared responsibility for contributing to the safety and protection of children. Specific responsibilities include:

### **Board of Directors**

Each director of the Board of Directors is required to ensure that appropriate resources are made available to allow the School/MASS' Child Protection and Safety Policy and the Child Protection Program to be effectively implemented within the School/MASS and are responsible for holding the Director and Leadership team accountable for effective implementation.

### **The Director**

The Director is responsible, and will be accountable for, taking all practical measures to ensure that this Child Protection and Safety Policy and the School/MASS' Child Protection Program are implemented effectively and that a strong and sustainable child protection culture is maintained within the School/MASS.

### **The School/MASS' Child Safety Officers**

A number of senior staff members are nominated as the School/MASS' Child Safety Officers. Our Child Safety Officers receive additional specialised training with respect to child protection issues. They are the first point of contact for raising child protection concerns within the School/MASS. They are also responsible for championing child protection within the School/MASS and assisting in coordinating responses to child protection incidents.

### **Staff Members**

All staff are required to be familiar with the content of our Child Protection and Safety Policy and our Child Protection Program and their legal obligations with respect to the reporting of child abuse. It is each individual's responsibility to be aware of key risk indicators of child abuse, to be observant, and to raise any concerns they may have relating to child abuse with one of the School/MASS' Child Safety Officers.

### **Direct Contact Volunteers**

All Direct Contact Volunteers, as defined in this policy, are required to be familiar with the content of our Child Protection and Safety Policy, our Child Protection Program and their legal obligations with respect to the reporting of child abuse.

It is each individual's responsibility to be aware of key risk indicators of child abuse, to be observant, and to raise any concerns they may have relating to child abuse with one of the School/MASS' Child Safety Officers.

### **Indirect Contact Volunteers**

Indirect Contact Volunteers (or 'Indirect Volunteers') are those volunteers who are involved in providing support and services whilst not directly assisting a specific group of students.

All Indirect Volunteers are responsible for contributing to the safety and protection of children in the School/MASS environment.

All Indirect Volunteers are required by the School/MASS to be familiar with our Child Protection and Safety Policy and our Child Safety Code of Conduct.

Examples of Indirect Contact Volunteer activities may include assisting with School/MASS administrative functions.

### **Third Party Contractors**

All Third Party Contractors (service providers) engaged by the School/MASS are responsible for contributing to the safety and protection of children in the School/MASS environment.

Third Party Contractors include, for example, maintenance and building personnel, consultants, casual teachers, tutors, sports coaches and School/MASS cleaners.

This also includes music teachers and other extra-curricular teachers and instructors who are engaged by students and their families directly, rather than the School/MASS, but have an agreement with the School/MASS to use the School/MASS' facilities.

### **Direct Contact Contractors**

Direct Contact Contractors are:

- those who have direct contact with students during the normal course of their work;
- those who may be in a position to establish a relationship of trust with a student notwithstanding that unsupervised access to students would be rare (for example full-time maintenance personnel); and
- any contractors whom a school is legally required to screen.

*The Working with Children Act 2005 (Vic) defines '**direct contact**' as any contact between a person and a child (aged under 18) that involves:*

- *physical contact; or*
- *face to face contact; or*
- *contact by post or other written communication; or*
- *contact by telephone or other oral communication; or*
- *contact by email or other electronic communication.*

### **Indirect Contact Contractors**

Indirect Contact Contractors are those contractors who do not meet the definition of “Direct Contact Contractor”. Refer to **Third Party Contractors’ Responsibilities** for more information.

All service providers engaged by the School/MASS are required by the School/MASS to be familiar with our Child Protection and Safety Policy and our Child Protection Program.

The School/MASS may include this requirement in the written agreement between it and the service provider.

### **External Education Providers**

An External Education Provider is any organisation that the School/MASS has arranged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the School/MASS.

The delivery of such a course may take place on School/MASS premises or elsewhere.

All External Education Providers engaged by the School/MASS are responsible for contributing to the safety and protection of children in the School/MASS environment.

All External Education Providers engaged by the School/MASS are required by the School/MASS to be familiar with our Child Protection and Safety Policy and our Child Protection Program.

Mansfield Autism Statewide Services may include this requirement in the written agreement between it and the External Education Provider.

### **Reporting Child Protection Concerns**

Our Child Protection Program provides detailed guidance for directors of the Board of Directors, staff and Direct Contact Volunteers as to how to identify key risk indicators of child abuse and how to report child abuse concerns to one of our School/MASS's nominated Child Safety Officers. It also contains detailed procedures with respect to the reporting of child abuse incidents to relevant authorities.

Staff, Third Party Contractors, External Education Providers, Volunteers, students, parents/guardians and other community members who have concerns that a child may be subject to abuse or grooming are asked to contact the School/MASS' Senior Child Safety Officer, **Sophie Walker, by phoning 03 57752876 or 0419 887 106** or emailing **sophiew@austismmansfield.org.au**.

Communications will be treated confidentially on a “need to know basis”.

**Whenever there are concerns that a child is in immediate danger the Police should be called on 000.**

### **Related Policies and Procedures**

- **Child Protection Staff Training**
- **Recruitment & Selection Procedures**

## **Policy & Program Review**

Mansfield Autism Statewide Services is committed to the continuous improvement of our Child Protection Program. The Program is regularly reviewed for overall effectiveness and to ensure compliance with all child protection related laws, regulations and standards.

## Child Safety Code of Conduct

A Child Safety Code of Conduct lists behaviours that are acceptable and those that are unacceptable. It provides a high-level statement of professional boundaries, ethical behaviour and acceptable and unacceptable relationships. For more detailed guidance refer to the School/MASS' Staff and Student Professional Boundaries policy.

When individuals are clear about behavioural expectations, they are much more likely to act appropriately with each other and with children. When everyone is educated about the Code of Conduct and the reasons it is so important to uphold, the School/MASS environment becomes much more transparent and people are accountable for their behaviour. Above all, a Child Safety Code of Conduct helps to protect children from harm.

### **The Child Protection Code of Conduct applies to:**

- all staff members, including non-teaching staff and temporary or casual staff;
- Volunteers;
- students;
- parents and carers;
- Third Party Contractors and service providers (including External Education Providers);
- directors of the Board of Directors;
- teaching students on placement at the School/MASS; and
- visitors.

The Child Safety Code of Conduct set out below is designed to stand alone. It can also be incorporated in whole or part into broader Codes of Conduct that are developed within the School/MASS, including other professional or occupational codes of conduct that regulate particular staff at the School/MASS.

The Code is made available to all staff, Volunteers, families and students via our public website and staff intranet. A PDF version of our Child Safety Code of Conduct is available [here](#).

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## [Our Child Safety Code of Conduct](#)

This Child Safety Code of Conduct outlines appropriate standards of behaviour for all adults towards students. The Code serves to protect students, reduce any opportunities for abuse or harm to occur, and promote child safety in the School/MASS environment. It provides guidance on how to best support students and how to avoid or better manage difficult situations. Where a staff member breaches the Code, Mansfield Autism Statewide Services may take disciplinary action, including in the case of serious breaches, summary dismissal. The School/MASS revises the Code annually.

Mansfield Autism Statewide Services has the following expectations of behaviours and boundaries for all adults interacting with students within our School/MASS community. This includes all teaching staff, non-teaching staff, Board directors, volunteers (direct and indirect), third party contractors, external education providers and parents/carers.

The School/MASS's Board of Directors has endorsed this Child Safety Code of Conduct.

## **DO:**

- Behave as a positive role model to students.
- Promote the safety, welfare and wellbeing of students.
- Be vigilant and proactive with regard to student safety and child protection issues.
- Provide age appropriate supervision for students.
- Comply with guidelines published by the School/MASS with respect to child protection.
- Treat all students with respect.
- Promote the safety, participation and empowerment of students with a disability.
- Promote the cultural safety, participation and empowerment of linguistically and culturally diverse students.
- Use positive and affirming language towards students.
- Encourage students to 'have a say' and then listen to them with respect.
- Respect cultural, religious and political differences.
- Help provide an open, safe and supportive environment for all students to interact, and socialise.
- Intervene when students are engaging in inappropriate bullying behaviour towards others or acting in a humiliating or vilifying way.
- Report any breaches of this Child Safety Code of Conduct.
- Report concerns about child safety to one of the School/MASS's Child Safety Officers and ensure that your legal obligations to report allegations externally are met.
- Where an allegation of child abuse is made, ensure as quickly as possible that the student involved is safe.
- Call the Police on 000 if you have immediate concerns for a student's safety.
- Respect the privacy of students and their families and only disclose information to people who have a need to know.

## **DO NOT:**

- Engage in any form of inappropriate behaviour towards students or expose students to such behaviour.
- Use prejudice, oppressive behaviour or inappropriate language with students.
- Express personal views on cultures, race or sexuality in the presence of students or discriminate against any student based on culture, race, ethnicity or disability.
- Engage in open discussions of an adult nature in the presence of students.
- Engage in any form of sexual conduct with a student including making sexually suggestive comments and sharing sexually suggestive material.
- Engage in inappropriate or unnecessary physical conduct or behaviours including doing things of a personal nature that a student can do for themselves, such as toileting or changing clothes.
- Engage in any form of physical violence towards a student including inappropriately rough physical play.
- Use physical means or corporal punishment to discipline or control a student.
- Engage in any form of behaviour that has the potential to cause a student serious emotional or psychological harm.
- Develop 'special' relationships with students that could be seen as favouritism (for example, the offering of gifts or special treatment for specific students).
- Engage in undisclosed private meetings with a student that is not your own child.
- Engage in meetings with a child that is not your own, outside of school hours and without permission from the School/MASS and the child's parent.
- Engage in inappropriate personal communications with a student through any medium, including any online contact or interactions with a student.
- Take or publish (including online) photos, movies or recordings of a student without parental/carers consent.
- Post online any information about a student that may identify them such as their: full name; age; e-mail address; telephone number; residence; school; or details of a club or group they may attend.
- Ignore or disregard any suspected or disclosed child abuse.

Our Child Protection Program includes a **Staff and Student Professional Boundaries Policy** that provides detailed guidance for all staff and Volunteers on how to maintain professional boundaries between students and adults at Mansfield Autism Statewide Services.

### **Report any concerns**

The Program also includes information for directors of the Board of Directors, staff and **Direct Contact Volunteers** as to how to identify key risk indicators of child abuse and how to report child abuse concerns to one of our School/MASS's nominated Child Safety Officers.

It also contains detailed procedures with respect to the reporting of child abuse incidents to relevant authorities.

Third Party Contractors, External Education Providers, Indirect Contact Volunteers, students, parents or other community members who have concerns that a child may be subject to abuse are asked to contact one of the School/MASS's **Child Safety Officers**.

Communications will be treated confidentially on a 'need to know basis'.

**Whenever there are concerns that a child is in immediate danger, the Police should be contacted on 000.**



## Staff and Student Professional Boundaries

This policy applies to all teaching staff, non-teaching staff, Board directors, Volunteers, Third Party Contractors and External Education Providers **(together, known as "staff" for the purposes of this policy only)**.

Mansfield Autism Statewide Services staff hold a unique position of influence, authority, trust and power in relation to students at the School/MASS. As such, it is their duty, at all times, to maintain professional boundaries with students.

The Crimes Act 1958 (Vic) includes certain offences for persons, including teachers, whose position places them in a position of care, supervision or authority, with a student. Refer to **Encouragement to Engage in Sexual Activity**.

The following policy and guidelines are designed to raise awareness of situations where professional boundary violations may occur and some strategies to minimise the risk of boundary violations.

The practice of protective behaviours at all times will also reduce the possibility of vexatious claims being brought against staff.

### Mansfield Autism Statewide Services' Policy

Mansfield Autism Statewide Services is committed to providing a safe physical and emotional environment where all of our students are respected and treated with dignity in an appropriate professional and caring manner where the risk of child abuse is minimised, and a safe and supportive child safe environment is maintained.

It is our policy that:

- staff exercise their responsibilities in a way that recognises professional boundaries with regard to their relationships with students at all times;
- staff identify, discourage and reject any advances of a sexual nature initiated by a student;
- staff interaction with students is professional at all times, including inside and outside of school hours;
- conflict of interest issues must be reported to the Director as soon as practicable;
- equal learning opportunities are given to each student without discrimination; and
- appropriate consequences will be applied to staff who breach professional boundaries.

### What are Professional Boundaries?

Professional boundaries are parameters that describe the limits of a relationship in circumstances where one person (a student) entrusts their welfare and safety to another person (a staff member), in circumstances where a power imbalance exists.

The fact that School/MASS staff are in a unique position of trust, care, authority and influence with students means that there is always an inherent power imbalance that exists between them. It also means that professional boundaries must be established, maintained and respected at all times.

In most cases this power imbalance is clear, however sometimes it may be more difficult to recognise especially for younger staff members who may only be a few years older than their students.

The following guidelines are not exhaustive, and given that sometimes “grey areas” may occur, it is expected that all staff (no matter their age or experience) use their own good judgment, think very carefully about the implications and potential consequences of engaging in certain behaviours with students, and always err on the side of caution.

When unsure about whether professional boundaries are being, or have been, breached, ask yourself:

- Would I modify my behaviour if a colleague was present?
- How would I feel about explaining my actions at a staff meeting?
- Am I sharing information for the student's benefit, or for my benefit?
- Am I dealing with this student differently from others in similar circumstances?
- Is my language or demeanor different from normal when dealing with this particular student?

## **Intimate Relationships**

Staff must not initiate or develop a relationship with any student that is or can be misinterpreted as having a romantic or sexual, rather than professional basis. This is regardless of whether the relationship is consensual, non-consensual or condoned by parents/carers.

Such relationships have a negative impact on the teaching and learning of students and colleagues, and may carry a serious reputational risk for the staff member and, in turn, the School/MASS.

The professional relationship of staff and students may be breached by:

- flirtatious behaviour or dating;
- development of an intimate personal relationship;
- sexual relations;
- the use of sexual innuendo, inappropriate language and/or material with students;
- unwarranted and inappropriate touching;
- unwarranted and inappropriate filming or photography;
- deliberate exposure to sexual behaviour of others (e.g. pornography);
- having intimate contact without a valid context via written or electronic means (e.g. email, letters, telephone, text messages, social media sites or chatrooms);
- going out, whether alone or in company, to social events such as the movies or dinner; and
- exchanging gifts of a personal nature that encourages the formation of an intimate relationship.

Staff should also be aware that developing or encouraging romantic or sexual relationships with recent former students (over 18 years of age) may violate professional boundaries and are strongly discouraged from doing so.

The imbalance of power and authority that exists in the staff/student relationship does not suddenly disappear after the student finishes their placement. Staff should not assume that they will be protected from disciplinary action by claiming that a relationship began only after the student left the School/MASS as there may be a reasonable belief that the emotional intimacy of the relationship developed while the staff/student relationship existed.

## Personal Relationships

Staff must not initiate or develop a relationship with any student that is or can be perceived or misinterpreted as having a personal rather than professional element. This is regardless of whether the relationship is consensual, non-consensual or condoned by parents or carers.

It is the student's **perception** of staff behaviour and not the intention of the staff member that is important.

An established and expected professional relationship between staff and students may be compromised by staff:

- attending parties or socialising with students outside of organised School/MASS events (without parental/carers permission);
- sharing personal details about their private lives with students; or
- meeting with students outside of school hours without permission from the School/MASS.

Staff must recognise at all times that their role is not to be a "friend" or "parent" to a student.

## Fair Learning Opportunities

The main focus of teaching is effective student learning and as such, teachers are expected to support their students with their professional expertise so as to offer them the best education in their individual circumstances. The quality of teaching and learning between teachers and students characterises their relationship.

Teachers should demonstrate their commitment to student learning by:

- maintaining a safe and challenging learning environment that promotes mutual respect;
- recognising and developing each student's abilities, skills and talents by catering to their individual abilities and respecting their individual differences;
- encouraging students to develop and reflect on their own values;
- interacting with students without bias;
- not engaging in preferential treatment;
- not discriminating against any student on the basis of race, sex, sexuality, disability or religious or political conviction; and
- always making decisions in students' best interests.

### **Electronic Communications between Staff & Students**

It is expected that all staff at the School/MASS will adhere to the following guidelines:

- all use of technology should be for educational purposes or for the organisation of co-curricular activities;
- all email communication between staff and students should be via the School/MASS email system and reflect a professional staff/student relationship;
- staff should not communicate with students via text message where it is not in a professional context;
- staff should not give out their personal telephone numbers or social media contact details;
- staff are not to accept or request students as 'friends' on social media or otherwise use social media to communicate in any way that is not condoned or approved by the School/MASS;
- staff should not exchange personal pictures with a student;
- staff are not expected or encouraged to respond to concerns of parents/carers or students on holidays, weekends or in the evening; and
- any student personal contact numbers or other personal contact details made available to the School/MASS should only be used for School/MASS communications.

### **Physical Contact with Students**

All staff should be aware that situations may arise that can be perceived in a manner that was not intended. For this reason, all staff at the School/MASS should adhere to the following guidelines for contact with students both in and outside of School/MASS grounds:

- staff should avoid unnecessary physical contact with students;
- minimal, non-lingering, non-gratuitous physical contact in the context of the situation is acceptable (e.g. congratulatory pat on the back or handshake); and
- contact for sport, drama and dance instruction is acceptable in a class situation but not in a 1:1 situation. If physical contact is required for specific technical instructions, it must be brief and only with the consent of the student. Note that a student may withdraw consent for this contact either verbally or gesturally and staff must remain vigilant whilst engaging in necessary contact situations. Once consent has been withdrawn **no** further contact can be or should be made.

## Off-Campus Excursions and Camps

During off-campus excursions or camps, the same physical contact guidelines apply as well as the following:

- checking of sleeping arrangements, or supervising of students changing should be done, where possible, with another staff member present and always in a manner that respects students' privacy and personal space;
- always knock and advise of presence prior to entering a bedroom or dormitory; and
- ensure that while in a bedroom or dormitory a strict staff/student relationship is upheld and that inappropriate behaviour, such as sitting on a student's bed, is not undertaken.

## Managing Conflicts of Interest

Where personal relationships with students such as family relationships and close friendship networks exist, questions of conflicts of interest may arise.

This may be more prevalent in close or rural communities where professional boundaries may be tested due to the nature and size of the community. In these circumstances, staff need to be far more diligent in developing and maintaining these boundaries.

Where a staff member feels that a conflict of interest may exist, they should notify the Director, or the Chair of the Board if the conflict involves the Director, and arrangements should be implemented to avoid the conflict situation if possible. For example, the teaching of students by a staff member with a conflict should be avoided.

Any significant decisions relating to these students in the School/MASS (such as the appointment of classes or selection in sports teams) should be referred to another staff member and endorsed by a supervisor.

## Disclosure of Staff/Student Interactions

It is Mansfield Autism Statewide Services' policy that all staff are encouraged to declare any interactions with students outside school hours. These interactions may include instances where the staff member is:

- related to the student;
- friends with the student's parents or family; or
- given parental consent to interact with the student for academic purposes outside of school hours and has notified the School/MASS.

Mansfield Autism Statewide Services maintains records of all declarations made by staff members related to their interactions with students, or relationships with students, that exist outside of school hours or School/MASS premises.

These records are kept for a period of seven years.

### **Staff Responsibilities**

All staff are to:

- follow the guidelines as set out in this policy;
- immediately report any conflicts of interest; and
- remove themselves from decision making where a conflict has been identified.

**Where a staff member breaches this policy Mansfield Autism Statewide Services may take disciplinary action, including in the case of serious breaches, summary dismissal.**

### **Implementation**

These guidelines are implemented through a combination of:

- staff training and development in professional conduct;
- student and parent/carer education and information;
- effective management of teachers engaging in inappropriate relationships with students;
- effective management of conflicts of interest;
- effective communication and incident notification procedures;
- effective record keeping procedures; and
- initiation of corrective actions where necessary.

## Who is Responsible for Child Protection?

Society as a whole shares responsibility for promoting the safety and protection of children from abuse. In the School/MASS context, all members of the School/MASS community have their role to play – teachers, staff, administrators, parents/carers, Volunteers and students. That said, the School/MASS's Leadership team are committed to leading from the front and engaging in a preventative, proactive and participatory approach to child protection issues.

Students are encouraged to take an active role in developing and maintaining a child safe environment at the School/MASS and are provided with opportunities to contribute and give feedback in the development of the School/MASS's policies and practices. Students are also made aware of the avenues available to them to report or disclose abuse or concerns for their safety or the safety of others.

Key Roles & Responsibilities include:

### **Board of Directors**

#### **The Director**

#### **The School/MASS' Child Safety Officers**

#### **Staff**

#### **Direct Contact Volunteers**

#### **Indirect Contact Volunteers**

#### **Third Party Contractors**

#### **External Education Providers**

## Board of Directors Responsibilities

The Board of Directors is required to approve the School/MASS' **Child Protection and Safety Policy** and to ensure the Child Protection Program is being effectively implemented. Each director must:

- acquire and keep up-to-date knowledge of child protection matters;
- have an understanding of the nature of the School/MASS' operations and the child protection risks associated with these operations;
- ensure that the School/MASS has appropriate resources to effectively implement its Child Protection and Safety Policy and Child Protection Program;
- ensure that the School/MASS has appropriate processes for receiving and considering information regarding child protection issues and is able to respond in a timely way to that information;
- ensure that the School/MASS has and implements processes to ensure that the School/MASS is complying with its legal and regulatory obligations with respect to child protection; and
- ensure that the School/MASS has and implements processes to ensure ongoing monitoring to verify the provision and use of the resources that have been allocated to the management of child protection issues within the School/MASS and their effectiveness.



## The Director's Responsibilities

The Board of Directors delegates day-to-day management of the School/MASS to the Director.

The Director is ultimately responsible, and will be accountable for, taking all practical measures to ensure that:

- the School/MASS' Child Protection and Safety Policy and Child Protection Program are implemented effectively with available resources effectively deployed;
- appropriate School/MASS Child Safety Officers are appointed and trained;
- a strong and sustainable child protection culture is maintained within the School/MASS;
- any child protection incidents arising are dealt with professionally and in a timely manner;
- the School/MASS' Board receives regular reports with respect to child protection matters; and
- the School/MASS is complying with its legal and regulatory obligations with respect to child protection.

## Child Safety Officers' Responsibilities

A number of senior staff members are nominated as the School/MASS' **Child Safety Officers**. The names, positions and contact details for all School/MASS Child Safety Officers can be found [here](#).

Key responsibilities for the School/MASS' Child Safety Officers include:

- having a good working knowledge of the School/MASS' Child Protection and Safety Policy and Child Protection Program;
- promptly managing the School/MASS' response to an allegation or disclosure of child abuse, and ensuring that the allegation or disclosure is taken seriously;
- ensuring that the School/MASS' Child Protection and Safety Policy is clearly communicated to all key stakeholders including students, parents, staff and Volunteers;
- ensuring that the School/MASS' Child Protection and Safety Policy and Child Protection Program are being implemented effectively;
- ensuring that there are clear procedures to allow people to report child protection concerns within the School/MASS;
- ensuring that there are clear procedures to allow people to report reportable conduct matters within the School/MASS;
- promoting child protection issues within the School/MASS community and responding to general queries with respect to the School/MASS' Child Protection and Safety Policy and Child Protection Program;
- acting as "*Child Safety Champions*" and ensuring a strong and sustainable child protection culture is embedded within the School/MASS;
- ensuring that all staff and **Direct Contact Volunteers** undertake child protection training so that they are able to identify signs of abuse, understand how to respond and when to make a referral either internally or to an external agency;
- being the first point of contact for staff, or other members of the School/MASS community, raising child protection concerns within the School/MASS;
- assisting the Director, Senior Child Safety Officer and other senior staff members in coordinating appropriate responses to child protection incidents including liaising with the Police and other external agencies and responding to a child who makes, or is affected by, an allegation of child abuse; and
- ensuring the School/MASS' Child Protection and Safety Policy and Child Protection Program are reviewed on a regular basis by an appropriate member of staff.

In the event that one of the School/MASS's Child Safety Officer cannot perform their role, for example due to conflicts of interest or absence, these duties must be performed by either another School/MASS Child Safety Officer, Senior Child Safety Officer or the Director.

### Our Senior Child Safety Officer

The School/MASS has appointed **Sophie Walker** as our Senior Child Safety Officer. The Senior Child Safety Officer has an important role in the implementation and operation of our Child Protection Program.

Key responsibilities of the Senior Child Safety Officer include:

- being the first point of contact for all child protection concerns or queries for the wider community;
- ensuring that other Child Protection Officers understand and comply with their key responsibilities;
- ensuring that all Child Protection Officers undergo appropriate annual training in the School/MASS' Child Protection Program, their legal responsibilities, and how to appropriately respond to child protection concerns and incidents;
- coordinating the School/MASS' response to child protection incidents in consultation with the School/MASS' Director and other key leadership staff;
- reviewing and assessing the effectiveness of the School/MASS' response to a child protection incident; and
- ensuring that the School/MASS' Child Protection Program is effectively implemented and communicated to all relevant stakeholders.

Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > [Who is Responsible for Child Protection?](#) > **Staff Responsibilities**

[< Child Safety Officers' Responsibilities](#)

[Direct Contact Volunteers Responsibilities >](#)

## Staff Responsibilities

All staff are required to comply with our **Child Protection and Safety Policy**, our Child Protection Program and their legal obligations with respect to the reporting of child abuse.

It is each individual's responsibility to be aware of key risk indicators of child abuse, to be observant, and to raise any concerns they may have relating to child abuse with one of the School/MASS' **Child Safety Officers** and/or with external agencies where required.

## Direct Contact Volunteers' Responsibilities

**Direct Contact Volunteers** are those volunteers that are involved in providing support, guidance and supervision directly to students and could potentially have direct contact with students during the normal course of providing the volunteer service.

The Working with Children Act 2005 (Vic) defines '**direct contact**' as any contact between a person and a child (aged under 18) that involves:

- physical contact; or
- face to face contact; or
- contact by post or other written communication; or
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.
- limited supervision by School/MASS staff in their role;
- significant amounts of 1:1 time with students;
- supervisory responsibility for a group of students with only broad and indirect oversight of a School/MASS staff member; or
- full supervisory responsibility for one or more students, such as in a sports coaching role or learning support role.

Examples of Direct Contact Volunteer activities may include volunteers involved in School/MASS camps or excursions, coaching sporting teams or assisting in learning activities.

All Direct Contact Volunteers are required to adhere to our **Child Protection and Safety Policy** and our Child Protection Policy.

They must also be aware that they too have legal obligations with respect to the reporting of child abuse.

It is each individual's responsibility to be aware of key risk indicators of child abuse, to be observant, and to raise any concerns they may have relating to child abuse with one of the School/MASS's **Child Safety Officers** and/or with external agencies where required.

Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > [Who is Responsible for Child Protection?](#) > **Indirect Contact Volunteers Responsibilities**

[< Direct Contact Volunteers Responsibilities](#)

[Third Party Contractors Responsibilities >](#)

## **Indirect Contact Volunteers' Responsibilities**

**Indirect Contact Volunteers** are those volunteers who are involved in providing support and services whilst not directly assisting a specific group of students.

Examples of Indirect Contact Volunteer activities may include assisting with School/MASS administrative functions.

All Indirect Contact Volunteers are responsible for contributing to the safety and protection of children in the School/MASS environment.

All Indirect Contact Volunteers are required by the School/MASS to be familiar with our Child Protection and Safety Policy and our Child Safety Code of Conduct.

## Third Party Contractors' Responsibilities

All Third Party Contractors engaged by the School/MASS are responsible for contributing to the safety and protection of children in the School/MASS environment.

Third Party Contractors include, for example, maintenance and building personnel, consultants, casual teachers, tutors, sports coaches and School/MASS cleaners.

This also includes music teachers and other extra-curricular teachers and instructors who are engaged by students and their families directly, rather than the School/MASS, but have an agreement with the School/MASS to use the School/MASS' facilities.

In this Child Protection Program, Third Party Contractors are classified as either "Direct Contact Contractors" or "Indirect Contact Contractors".

Direct Contact Contractors are:

- those who have direct contact with students during the normal course of their work;
- those who may be in a position to establish a relationship of trust with a student; and
- any contractors whom a school is legally required to screen.

The Working with Children Act 2005 (Vic) defines '**direct contact**' as any contact between a person and a child that involves:

- physical contact; or
- face to face contact; or
- contact by post or other written communication; or
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

### **Indirect Contact Contractors**

Indirect Contact Contractors are those contractors who do not meet the definition of a "Direct Contact Contractor". These are contractors who have no contact with students as part of their role or undertake roles where students are not reasonably expected to be present. Eg those contractors who complete work during school holidays.

All Third Party Contractors engaged by the School/MASS are required by the School/MASS to be familiar with our Child Protection and Safety Policy and our Child Protection Program.

Where Third Party Contractors are engaged at short notice, making it impractical to undertake normal screening and/or briefing sessions, the School/MASS should take reasonable steps to ensure the protection of children at the School/MASS while the work is being completed.

The School/MASS may include this requirement in the written agreement between it and the Third Party Contractor.

## External Education Providers

An External Education Provider is any organisation that the School/MASS has arranged to deliver a specified course of study that is part of the curriculum, to a student or students enrolled at the School/MASS.

The delivery of such a course may take place on School/MASS premises or elsewhere.

All External Education Providers engaged by the School/MASS are responsible for contributing to the safety and protection of children in the School/MASS environment.

All External Education Providers engaged by the School/MASS are required by the School/MASS to be familiar with our Child Protection and Safety Policy and our Child Protection Program.

Mansfield Autism Statewide Services may include this requirement in the written agreement between it and the External Education Provider.



Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > **Child Protection Law & Regulation in Victoria - An Overview**

[< External Education Providers Responsibilities](#)

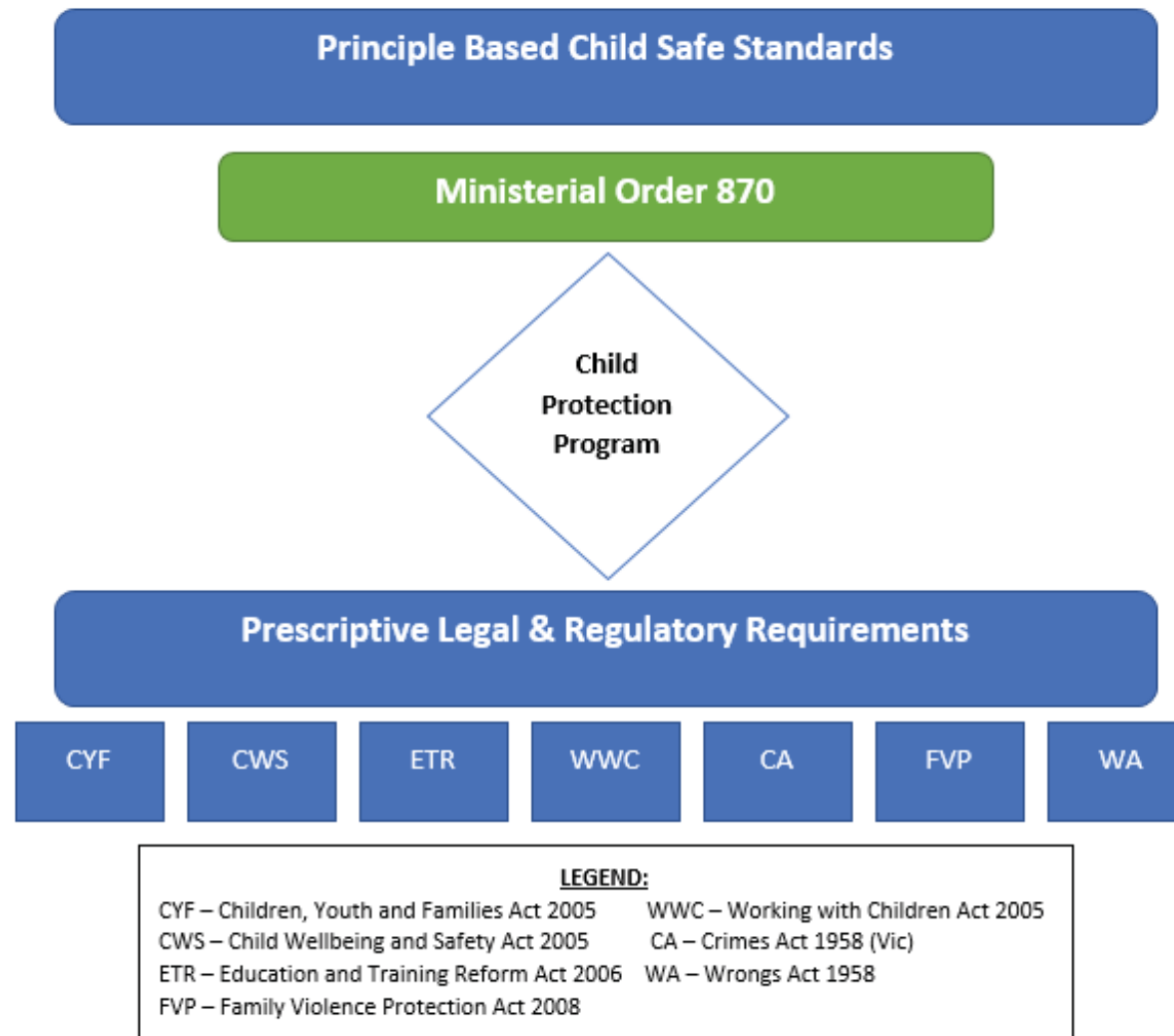
[The Victorian Child Safe Standards >](#)

## **Child Protection Law and Regulation in Victoria - An Overview**

The legal and regulatory framework for child protection in Victoria is made up of a complex web of laws, regulations and guidance notes.

This diagram and the commentary below provides an overview of the framework.

## *Victoria's Child Protection Framework Overview*



At the top of the diagram are the **Victorian Child Safe Standards**. These Standards are designed to improve the way all organisations that provide services to children, including schools, prevent and respond to child abuse. These Standards are 'principle based' laws which means that, whilst they have the force of law, how the Standards are applied in practice is open to interpretation and will depend largely on the size, nature and complexity of the organisation that is seeking to comply with the Standards.

To provide a higher level of guidance for schools the Minister of Education has published Ministerial Order No. 870 under the Education and Training Reform Act 2006 (Vic) that contains requirements that all registered schools must meet to comply with each of the Child Safe Standards. A copy of the Ministerial Order is available [here](#).

The **next section** of this program sets out each of the Victorian Child Safe Standards and how we comply with each Standard at Mansfield Autism Statewide Services as required by the Minister of Education.

### **Prescriptive Legal & Regulatory Requirements**

At the bottom of the diagram there are seven separate pieces of legislation that work together to make up the legal and regulatory framework for child protection in Victoria. They are in summary:

#### ***The Children, Youth and Families Act 2005***

The Children, Youth and Families Act has many functions including:

- establishing the “child’s best interests” principle;
- regulation of community services and care providers;
- the management of child protection responses;
- children in need of therapeutic treatment if exhibiting sexually inappropriate behaviour; and
- promoting stability in care arrangements.

For the purpose of our Child Protection Program the Children, Youth and Families Act is important because it establishes obligations with respect to **Mandatory Reporting**.

#### ***Child Wellbeing and Safety Act 2005***

The Child Wellbeing and Safety Act is a companion piece of legislation to the Children, Youth and Families Act.

Its primary function is to provide for the establishment of various government bodies that oversee the Victorian child and family services system.

For the purpose of our Child Protection Program, the Child Wellbeing and Safety Act is important for three reasons:

- it provides the **Statutory Definition of Child Abuse**;
- it is the Act through which the **Victorian Child Safe Standards** are created; and
- it is the Act through which the **Reportable Conduct Scheme** in Victoria is established.

#### ***Education and Training Reform Act 2006***

From a child safety perspective the key functions of the Education and Training Reform Act are to:

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

#### ***Working with Children Act 2005***

The Working with Children Act establishes a framework to screen the criminal records and the professional conduct of people who intend to work with or care for children.

People who are assessed as posing an unjustifiable risk to the safety of children will fail the Working with Children Check and the Act prohibits these people from working with children.

The Act imposes penalties for schools and individuals that do not comply with the Act.

### ***Crimes Act 1958***

The Crimes Act in Victoria sets out a number of child protection related offences and key definitions including those relating to indecent acts and persistent sexual abuse.

Of key relevance to the Victorian child protection framework and the School/MASS environment are the offences of:

- **Grooming** - which targets predatory conduct designed to facilitate later sexual activity with a child.
- **Encouraging a Child to Engage in Sexual Activity** – which is a broader preparatory sexual offence than grooming, and targets behaviour that encourages sexual activity of children.
- **Failure to Protect a Child** - which requires people in authority within a school to take action to protect children where they know that a person associated with the school poses a substantial risk of sexually abusing a child.
- **Failure to Disclose** – which applies to all adults, not just professionals who work with children, and requires them to report to the Police where they hold a reasonable belief that a sexual offence has been committed by an adult against a child in Victoria.

### ***Family Violence Protection Act 2008***

Finally the Family Violence Protection Act is designed to maximise safety for children and adults who have experienced family violence and forms a key part of the overall legal and regulatory framework for child protection in Victoria.

Critically the Act provides an extensive definition of “family violence” that includes behaviour that causes a child to hear, witness, or be exposed to the effects of such behaviour.

### ***Wrongs Act 1958***

The Wrongs Act is the principal legislation governing claims for damages for economic and non-economic loss arising from personal injury and death in Victoria, as a result of negligence or fault. It is through this Act that child abuse victims may claim compensation for loss arising from child abuse.

Section 91 of the Wrongs Act imposes a duty of care on schools to take reasonable precautions to prevent the physical or sexual abuse of a child under its care, supervision or authority, by an individual associated with the school. In the school. If the school is involved in a proceeding under the Wrongs Act, the school is presumed to have breached its duty of care unless it can prove, on the balance of probabilities, that it took reasonable precautions to prevent the abuse.

Whether or not a school took reasonable precautions will be assessed by a court in accordance with considerations set out in the Wrongs Act and case law. The effective implementation of the School/MASS’s risk management strategies in **Child Protection Risk Management** is an example of taking reasonable precautions to prevent the physical or sexual abuse of a child.

It is important to note that the operation of section 91 is subject to section 5.4.10 of the Education and Training Reform Act which states that Mansfield Autism Statewide Services will not have a duty relating to the care or control of a student while that student is employed under an approved work experience arrangement, structured workplace arrangement or an apprentice contract.

### **Our Child Protection Program**

In order to comply with the Victorian Child Safe Standards and Ministerial Order No. 870, as well as each of the seven separate pieces of legislation noted above, Mansfield Autism Statewide Services has established this Child Protection Program which sets out our work systems, practices, policies and procedures designed to not only ensure compliance, but also to develop a child safe culture.

## The Victorian Child Safe Standards

The Victorian Child Safe Standards comprise seven (7) Standards and three (3) Principles.

The seven (7) Standards are as follows:

**Standard 1:** Strategies to embed an organisational culture of child safety, including through effective leadership arrangements.

**Standard 2:** A child safe policy or statement of commitment to child safety.

**Standard 3:** A code of conduct that establishes clear expectations for appropriate behaviour with children.

**Standard 4:** Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel.

**Standard 5:** Processes for responding to and reporting suspected child abuse.

**Standard 6:** Strategies to identify and reduce or remove risks of child abuse.

**Standard 7:** Strategies to promote the participation and empowerment of children.

In addition to the seven (7) Standards, the School/MASS is required to take into consideration the following three (3) Principles as part of our response to each Standard:

**Principle 1:** promoting the cultural safety of Aboriginal and Torres Strait Islander children;

**Principle 2:** promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds; and

**Principle 3:** promoting the safety of children with a disability.

To assist organisations interpret each of the Standards the Victorian Government has published a guide titled [An overview of the Victorian Child Safe Standards](#). In addition the Minister for Education has published [Ministerial Order No. 870](#) that prescribes certain matters with which registered schools in Victoria must comply as part of their registration requirements.

Copies of “An overview of the Victorian Child Safe Standards” and the Ministerial Order are available in the [Additional Resources](#) section at the end of this program.

Mansfield Autism Statewide Services has established and implemented our Child Protection Program in accordance with the Victorian Child Safe Standards.

The table below sets out each Standard with a summary of how we comply with that Standard.

| Standard | Short Description | How Mansfield Autism Statewide Services Applies this Standard |
|----------|-------------------|---|
|----------|-------------------|---|

|   |  |   |
|---|--|---|
| 1 | Organisational culture of child safety, including through effective leadership arrangements  | <p>Mansfield Autism Statewide Services complies with this Standard in a number of ways including:</p> <ul style="list-style-type: none"> <li>the development of this Child Protection Program, our <b>Child Protection and Safety Policy</b> and <b>Child Safety Code of Conduct</b>;</li> <li>the appointment of senior staff members as the School/MASS's <b>Child Safety Officers</b> who act as "<i>Child Protection Champions</i>" and are tasked with the overall responsibility for embedding an organisational culture of child protection in the School/MASS;</li> <li>each Board director, staff member and Direct Contact Volunteer having to complete <b>Child Protection Training</b> which provides information with respect to key risk indicators of child abuse and reporting procedures;</li> <li>establishing <b>clear guidelines for reporting</b> child abuse concerns; and</li> <li>creating an environment supportive of children from <b>culturally diverse backgrounds</b> and <b>children with disabilities</b>.</li> </ul> |
| 2 | A child safe policy or statement of commitment to child safety   | <p>Mansfield Autism Statewide Services has developed and implemented a <b>Child Protection and Safety Policy</b> that describes the key elements of our approach to child protection as well as an overarching set of principles guiding the development of policies and procedures to protect children from child abuse.</p> <p>Our Child Protection and Safety Policy is published through various mediums including our public website.</p>  |
| 3 | A code of conduct that establishes clear expectations for appropriate behaviour with children  | <p>Mansfield Autism Statewide Services has created a plain English <b>Child Safety Code of Conduct</b> which specifies appropriate standards of behaviour for adults towards students in all School/MASS environments, including outside of school hours.</p>   |
| 4 | Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel | <p>Mansfield Autism Statewide Services has created <b>child safe human resources practices</b> including those relating to:</p> <ul style="list-style-type: none"> <li><b>Recruitment, Selection &amp; Screening</b></li> <li><b>Our Working with Children Checks Policy</b></li> <li><b>Child Protection Training</b></li> <li><b>Our Child Safe Culture</b></li> </ul>  |
| 5 | Procedures for responding to and reporting allegations of suspected child abuse  | <p>Mansfield Autism Statewide Services has established simple and accessible procedures for anyone to report a child abuse concern internally to one of the School/MASS's <b>Child Safety Officers</b>.</p> <p>Mansfield Autism Statewide Services has developed and implemented procedures for Board directors, staff and Direct Contact Volunteers for responding to allegations and disclosures of child abuse, or suspected child abuse, including procedures for support following a disclosure by a student. Refer to our <b>Procedures for Responding to and Reporting Allegations of Child Abuse</b>.</p> <p>Reporting procedures for Third Party Contractors, External Education Providers, Indirect Contact Volunteers, parents/carers and other community members are included in our <b>Child Protection and Safety Policy</b> which is available on our public website.</p> <p>Age appropriate reporting procedures for students are developed through our <b>pastoral care program</b>.</p>   |

|          |   |   |
|----------|---|---|
| <b>6</b> | Strategies to identify and reduce or remove the risk of abuse       | <p>The School/MASS has adopted a risk management approach to child safety. <b>Key risk indicators of child abuse</b> are documented in our Child Protection Program and also included in our <b>Child Protection Training</b>.</p> <p>The School/MASS has developed a number of strategies, policies and procedures to create a risk-based approach to child safety and protection. Refer to <b>Child Protection Risk Management</b>.</p> |
| <b>7</b> | Strategies to promote the participation and empowerment of children | <p>Mansfield Autism Statewide Services has developed strategies to promote the participation and empowerment of children including policies and procedures related to age appropriate <b>pastoral care</b> and supporting <b>children with disabilities</b> and <b>children from culturally diverse backgrounds</b>.</p>  |

### Principle of Inclusion

In addition to implementing the Standards, the School/MASS implements principles of inclusion prescribed by the Standards and Ministerial Order No. 870 through our:

- **Disability Discrimination Policy**; and
- **Cultural Diversity Policy**.

These policies address the three (3) Principles in addition to our response to each Standard.

Mansfield Autism Statewide Services is committed to ensuring that the needs of all students including but not limited to Aboriginal and Torres Strait Islander students, students from culturally or linguistically diverse backgrounds and students with disabilities or who are vulnerable are taken into account when the School/MASS develops and implements its Child Protection Program.

We understand that allegations of abuse that involve Aboriginal and Torres Strait Islander children, children from diverse backgrounds or children with disabilities will require varied and particular responses to ensure that appropriate action is taken. The School/MASS provides training for all of our School/MASS Child Safety Officers that specifically covers how to make a culturally appropriate and sensitive response to allegation of abuse in order to overcome any impairments or barriers culturally diverse students or students with a disability may face.



## **Creating and Maintaining a Child Safe Environment**

Mansfield Autism Statewide Services has adopted a number of key strategies as controls for identifying and removing child protection risks and to promote the participation and empowerment of children. These are as follows:

### **Child Safe Human Resources Practices**

- **Child Safe Recruitment Practices**
- **Working with Children Checks**
- **Child Protection Training**
- **Our Child Safe Culture**

### **Participation and Empowerment of Children**

- **Pastoral Care - Child Protection**
- **Students with a Disability**
- **Cultural Diversity**

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[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > [Creating and Maintaining a Child Safe Environment](#) > **Child Safety Human Resources Practices**

[< Creating and Maintaining a Child Safe Environment](#)

[Child Safe Recruitment Practices >](#)

## Child Safe Human Resources Practices

Mansfield Autism Statewide Services only engages people who are suitable to work with students at the School/MASS and has developed and implemented child-safe human resources practices accordingly.

In addition to ensuring Working with Children Checks are completed in accordance with our legal obligations, Mansfield Autism Statewide Services is committed to ensuring that newly recruited and existing staff, Board directors and **Direct Contact Volunteers** understand the importance of child safety, are aware of all relevant policies and procedures, and are trained to minimise the risk of child abuse.

This is done through various human resources work systems, practices, policies and procedures designed to protect children from abuse and create a child safe culture. This includes:

### Child Safe Recruitment Practices

### Working with Children Checks

### Child Protection Training

### Our Child Safe Culture

Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services > Child Protection Program > Creating and Maintaining a Child Safe Environment > Child Safety Human Resources Practices > Child Safe Recruitment Practices](#)

[< Child Safety Human Resources Practices](#)

[Working with Children Checks >](#)

## Child Safe Recruitment Practices

At Mansfield Autism Statewide Services we are committed to ensuring that our recruitment practices create a safe environment for our students. To this end, we have established policies and procedures for recruiting employees, Board directors and Direct Contact Volunteers and for assessing their suitability to work with children.

Our recruitment processes are designed to select appropriate staff, Board directors and Direct Contact Volunteers and discourage inappropriate people from working within the School/MASS.

Each job description for staff involved in child-connected work (being those persons with direct contact with children that is regular and not incidental to the work) has a clear statement that sets out the requirements, duties and responsibilities regarding child protection for those in that role and the occupant's essential qualifications, experience and attributes in relation to child protection.

All applicants for child-connected work (being those persons with direct contact with children that is regular and not incidental to the work) at the School/MASS are informed about these requirements and the School/MASS' child protection practices prior to commencing work at the School/MASS.

It is our policy that all new staff and directors of the Board of Directors undergo screening including:

- a Working with Children Check clearance status;
- personal identity verification and background checking;
- verification of professional or other qualifications relevant to the job;
- an examination of their history of child-connected work; and
- reference checking that addresses the person's suitability for the job and working with children.

### Direct Contact Volunteers

With the exception of parents/carers volunteering in an activity that their child is participating in, all of the School/MASS's **Direct Contact Volunteers** undergo the following screening prior to their engagement by the School/MASS:

- personal identity verification and background checking;
- verification of professional and other qualifications if relevant to their role;
- an examination of their history of child-connected work; and
- reference checking that addresses the person's suitability for the job and working with children.

In line with the School/MASS' risk-based approach to child safety and protection, where parent volunteers are volunteering at large off-site activities, such as overnight excursions or camps, the School/MASS requires that these parent volunteers undergo a Working with Children Check clearance as a matter of best practice.

All Board of Directors directors, employees and Direct Contact Volunteers are also subject to rigorous interview procedures.

All new staff members and **Direct Contact Volunteers** are regularly supervised to ensure their behaviour towards children is appropriate and to monitor their compliance with the School/MASS' Child Protection Program.

Performance and development reviews are regularly undertaken for all staff and include consideration of performance against the School/MASS' Child Safety Code of Conduct and the requirements of the Child Protection Program. For example, ensuring that a staff member has not breached any of the School/MASS' reporting procedures or the Child Safety Code of Conduct.

### **Child Safe Recruitment and Other Legislation**

Our recruitment practices are subject to State and Federal anti-discrimination legislation and the requirements of the Privacy Act when obtaining, using, disclosing, and storing information from applicants and referees

## Working with Children Checks

### Source of Obligation

The Working with Children Act 2005 (Vic) (the Act) aims to protect children from harm by ensuring that people who work with, or care for, them have their suitability to do so checked by a government body.

The Act aims to prevent those who pose a risk to children from working or volunteering with them.

### Who Needs a WWC Check?

Subject to the exemptions referred to below, any worker who engages in child-related work that involves direct contact (being physical, face to face or physically being within eyeshot) with a child (being a person under 18 years of age) needs a Working with Children Check (WWC Check).

Section 3 of the Act defines '**direct contact**' as any contact between a person and a child that involves:

- physical contact; or
- face to face contact; or
- contact by post or other written communication; or
- contact by telephone or other oral communication; or
- contact by email or other electronic communication.

A WWC Check will apply to any person who is engaged by Mansfield Autism Statewide Services, as an employee, a Board director, a self-employed person, a Volunteer, Third Party Contractors (who have or are likely to have direct contact with children), a supervisor of child employees, part of practical training through an educational or vocational course, unpaid community work under a court order, a minister of religion or performing duties of a religious vocation, an officer of a body corporate, a member of a committee of management of an unincorporated body or a member of a partnership.

### ***What is Child Related Work?***

Child-related work is defined in section 9 of the Act as voluntary or paid work involving regular direct and unsupervised contact with a child or caring for children in any of the occupational categories listed in the Act.

The following are considered to be child-related work:

- Mentoring and counselling services for children;
- Direct provision of child health services;
- Clubs, associations, movements, societies or other bodies (including bodies of a cultural, recreational or sporting nature);
- Educational and care services, child care centres, nanny services and other child care;
- Coaching and tuition services for children;
- Any religious organisation where children form part of the congregation;
- Boarding houses or other residential services for children and overnight camps for children;
- Transport services specifically for children, including School/MASS bus services and taxi services for children with a disability and supervision of School/MASS road crossings;
- Commercial photography services for children unless they are merely incidental to or in support of other business activities;
- Commercial talent competitions for children unless they are merely incidental to or in support of other business activities; and
- Commercial entertainment or party services for children unless they are merely incidental to or in support of other business activities.

### **Child-Related Work for Ministers of Religion**

The Act defines child-related work for ministers of religion more broadly than for other occupations. All ministers of religion are required to get a WWC Check unless the contact they have with children is only occasional and always incidental to their work.

This would include for example having children in their congregation, attendance at schools or school camps even when all their contact with children is supervised. An example of when a minister of religion would not require a WWC Check is a minister conducting purely administrative roles within a church's bureaucracy.

## Key Exemptions

People engaged in the following types of work are not required to have a WWC Check:

- Teachers registered with the Victorian Institute of Teaching (VIT).
- Parents or close relatives volunteering in an activity in which their child participates or normally participates.
- Students, aged 18 or 19, undertaking volunteer work organised or held at School/MASS.
- Victorian or Australian Federal Police officers.
- Workers, who usually live in another state or territory, visiting Victoria to engage in child-related work (only up to 30 days within the same calendar year).
- All children under the age of 18.

**Note:** Some drivers accredited under the Transport (Compliance and Miscellaneous) Act 1983 (Vic) who were engaging in child-related work were previously exempt from the Check. These drivers must now pass the Check to continue this work.

In line with the School/MASS's risk-based approach to child safety and protection, where parent volunteers are volunteering at large off-site activities, such as overnight excursions or camps, the School/MASS requires that these parent volunteers undergo a Working with Children Check clearance as a matter of best practice.

## How to Apply for a WWC Check?

A worker who engages in child related work is responsible for applying for his or her own WWC Check. An employer can not apply on behalf of a worker.

To apply:

1. Fill out an online application form at [www.workingwithchildren.vic.gov.au](http://www.workingwithchildren.vic.gov.au);
2. Upon completion of the application, you will be provided with an online receipt.
3. Take application summary and printed receipt, a passport-sized photo and proof of identity to a participating Australia Post retail outlet.
4. If the WWC Check is for paid work, a fee is payable for a five year clearance. Mansfield Autism Statewide Services will reimburse this fee for staff on presentation of a valid receipt.
5. If applying outside Victoria, the following must be posted to the Victorian Department of Justice:
  - An application summary and receipt or the completed paper form signed in front of a certifying officer.
  - A signed statement by a certifying officer confirming they have witnessed your signature.
  - Certified true copies of your identification documents.
  - 2 passport-sized photos, one certified on the back by the certifying officer and the other attached to the application summary or paper form.
  - A bank cheque or money order for the fee if you are a paid worker.

Mail to: Working with Children Check Unit, Department of Justice, GPO Box 1915, Melbourne VIC 3001



## **What is Checked?**

The WWC Check obtains applicants' national criminal histories including:

- Convictions (spent or unspent);
- Non-convictions charges (for serious sexual, violent or drug offences);
- Acquittals because of mental impairment;
- Guilty pleas;
- Juvenile records from when you were under 18 years of age;
- Findings of courts, Corrections Victoria, the Department of Human Services and information from employers or any other source considered relevant;
- Formal findings of guilt; and
- Pending charges.

The criminal offences relevant to a WWC Check are:

- Serious sexual offences;
- Serious violent offences;
- Serious drug-related offences;
- Offences against the Working with Children Act 2005 (Vic); and
- Offences linked to the safety of children.

## **Outcome of the WWC Check**

### ***Clearance***

There are only two results for a WWC Check – a **clearance** to work with children or a **Negative Notice** barring an applicant from working with children.

Where the outcome is a **clearance**, the applicant will receive a text message on their mobile phone confirming they have passed the Check and will then receive a WWC Check Card in the mail.

An Employee WWC Check Card allows workers to engage in any paid or voluntary child-related work. A Volunteer WWC Check Card can only be used for voluntary child-related work. The card, which is valid for five years, has the worker's name, signature, photograph, card number and expiry date.

Cleared applicants will be subjected to ongoing monitoring for relevant new records which could lead to the card being suspended or revoked before the five year expiry date.

### ***Negative Notice***

Where an applicant has failed the Check, they will be issued with a **Negative Notice**. The Notice will bar an applicant from engaging in child-related work, even if they are directly supervised, from the date of notice. A copy of the Notice will be sent to all the organisations listed in the application but they will not be notified of the reasons for the Notice.

Once issued with a Negative Notice, an applicant cannot reapply for a WWC Check for five years, unless their circumstances have changed, which can include: a pending charge being withdrawn or dismissed by a court; being found not guilty of a pending charge; being no longer required to report under the Sex Offenders Registration Act 2004 (Vic); being no longer subject to an extended supervision or detention order under the Serious Sex Offenders Monitoring Act 2005 (Vic) or Serious Sex Offenders (Detention and Supervision) Act 2009 (Vic).

Applicants can appeal a Negative Notice by making an application to the Victorian Civil and Administrative Tribunal within 28 days of the decision.

## **Worker Obligations**

Upon receiving clearance, it is compulsory that the worker show their WWC Check Card to Mansfield Autism Statewide Services and provide their Card and Application Receipt numbers.

The worker must notify the Victorian Department of Justice within 21 days of any changes to their name, residential address, birth date or phone numbers provided in the application.

The worker must notify the Department of the details of a new organisation they are starting child-related work within 21 days.

The worker must stop working with children immediately if their WWC Check Card has been suspended during a reassessment.

The worker must not let another person use their WWC Check Card for child-related work and must lodge a renewal form before the Card expires.

## **Mansfield Autism Statewide Services' Obligations**

Mansfield Autism Statewide Services must:

- Not engage anyone in child-related work who does not have a WWC Check Card;
- Not allow anyone who has a Negative Notice to undertake child-related work, even if they are directly supervised or exempt;
- Set up a process to ensure new staff and volunteers notify the Department within 21 days of commencing child-related work with Mansfield Autism Statewide Services; and
- Ensure workers engaged in paid work have an Employee WWC Check Card and not a Volunteer Card.

## **Penalties**

It is an offence to work with children without a valid WWC Check Card or Application receipt while your Check is being processed. It is an offence for anyone to apply for or engage in child-related work if they have been issued a Negative Notice. The maximum penalty is two years imprisonment, a fine or both.

The School/MASS must take reasonable steps to ensure they do not engage or continue to engage a person in child-related work who does not hold a valid WWC Check Card. The penalty for organisations is a significant fine.

## **Record Keeping Obligations**

For the School/MASS' record keeping obligation relating to WWC Checks, refer to **Child Protection Record Keeping**.

Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > [Creating and Maintaining a Child Safe Environment](#) > [Child Safety Human Resources Practices](#) > [Child Protection Training](#)

[< Working with Children Checks](#)

[Our Child Safe Culture >](#)

## Child Protection Training

Mansfield Autism Statewide Services recognises that without training and education of our staff, Board directors and **Direct Contact Volunteers**, our policies and procedures will not operate to effectively keep our students safe and protect them from abuse.

Mansfield Autism Statewide Services staff, Board directors and Direct Contact Volunteers receive child protection training when they first commence their role at the School/MASS as part of the induction process and are required to complete ongoing training on child protection issues at least annually.

All **Mandatory Reporters** undergo the School/MASS' Child Protection Training course when they first commence their role at the School/MASS as part of the induction process, as well as periodic refreshed training to ensure ongoing understanding of their obligations.

All staff, Board of Directors directors, Direct Contact Volunteers and other Mandatory Reporters are required to undertake training through our Child Protection Training course which consists of the following modules:

**Module 1** - An Overview of Our Child Protection Program

**Module 2** - The Meaning of Child Abuse and its Key Risk Indicators

**Module 3** - The Legal and Regulatory Framework for Child Protection in Victoria

**Module 4** - Victorian Child Safe Standards

**Module 5** - Our Child Protection and Safety Policy and Child Safety Code of Conduct

**Module 6** - How to Respond to a Child Protection Incident

**Module 7** - Child Protection Reporting

**Module 8** - Working with Children Checks

**Module 9** - Staff and Student Professional Boundaries

The School/MASS's Child Safety Officers, and other selected staff, undertake additional training as considered appropriate to their roles.

### Child Protection Training Record Keeping

Through the School/MASS' on-line child protection training course, the School/MASS creates and maintains electronic records of child protection training completed by staff, Board directors and Direct Contact Volunteers.

## Our Child Safe Culture

At Mansfield Autism Statewide Services we believe that the safety of children is dependent on the existence of a child safe culture within our School/MASS community. We have developed the following work systems, practices, policies and procedures designed to create a child safe culture including:

- a holistic approach to child protection through this **Child Protection Program**;
- the appointment of the School/MASS's **Child Safety Officers** and a **Senior Child Safety Officer**;
- establishing key child protection principles in our **Child Protection and Safety Policy**;
- establishing clear expectations for appropriate behaviour with students through our **Child Safety Code of Conduct**;
- educating our staff and Direct Contact Volunteers through our **Child Protection Training**;
- clear procedures for **reporting** alleged or suspected incidents of child abuse;
- clear procedures for reporting **Reportable Conduct** to the Commission for Children and Young People.
- recognition that children from **culturally diverse backgrounds** have the right to special care and support including Aboriginal and Torres Strait Islander children;
- recognition that children who have any **kind of disability** have the right to special care and support;
- clearly defining the **roles and responsibilities** of personnel involved in protecting children; and
- establishing comprehensive **child protection record keeping procedures** to ensure that the school can evidence reasonable precautions taken to prevent abuse at the school in accordance with our **Child Protection Risk Management** strategies.

## Participation and Empowerment of Children

Children often do not report abuse because they:

- feel uncomfortable doing so;
- do not recognise behaviours as abuse or grooming; or
- do not know how to raise their concerns or make a report.

Mansfield Autism Statewide Services recognises that in order to achieve a child safe environment at the School/MASS which meets students' intellectual, physical, social, emotional and moral needs, students need to be involved in the creation and maintenance of such an environment.

It is our policy that we have simple and accessible processes in place to assist children (including those from diverse cultural backgrounds and those with a disability) to develop appropriate knowledge and skills to identify and communicate when they do not feel safe.

It is our policy that relevant staff members are trained on methods of empowering children and encouraging their participation.

This is done through various work systems, practices, policies and procedures. This includes:

### **Pastoral Care - Child Protection**

### **Students with a Disability**

### **Cultural Diversity**

## Pastoral Care - Child Protection

Pastoral care is the support given to students for their development as a person. It relates to the total care of students and involves tending to both the academic and non-academic needs of students including spiritual, emotional and social wellbeing. Mansfield Autism Statewide Services' complete Pastoral Care Policy can be found [here](#).

Mansfield Autism Statewide Services is committed to providing a safe, supportive and social environment where students feel nurtured as they learn.

To this end, we have developed, and continue to develop, a comprehensive range of pastoral care policies and procedures that are designed to promote the social and emotional wellbeing of our students, and to deliver age appropriate education to all students about:

- healthy and respectful relationships;
- child abuse awareness and a child's right to be safe;
- a child's right to make decisions about their body and their privacy;
- how they can raise concerns about abuse;
- resilience and coping with adversity;
- the fact that any concerns they do raise will be taken seriously and responded to appropriately;
- our Child Protection and Safety Policy and Child Safety Code of Conduct; and
- standards of behaviour for students.

We are committed to ensuring that child abuse reporting procedures are age appropriate, simple, and accessible for all children including children from culturally diverse backgrounds and children with a disability.

Students are encouraged to provide feedback about child safety and protection issues at the School/MASS and the School/MASS conducts student focus groups and organises student surveys about various safety issues at the School/MASS, including child protection. The School/MASS takes all student contributions seriously and actively looks for ways to implement improvements to its Child Protection Program to reflect these contributions.

Information about these topics, as well as other child safety and wellbeing topics, is made available to all students through various age appropriate pastoral care initiatives as well as communications such as newsletters and the School/MASS's intranet. Child safety and wellbeing topics are also incorporated into the School/MASS's curriculum.

As part of the **additional training** given to our Child Safety Officers, these members of staff are trained on methods of empowering children and encouraging children's participation as part of their role as *"Child Protection Champions"*.

## Students with a Disability

The School/MASS has an obligation to students with a disability to ensure that they are afforded the same level of educational and pastoral care as any other student at the School/MASS and considers how each policy and procedure the School/MASS establishes and implements may affect students with a disability.

Mansfield Autism Statewide Services is committed to ensuring that we fulfil our legal obligations including those related to discrimination and disability standards (refer to our [Disability Discrimination Policy](#)).

The School/MASS recognises that students with a disability will not only require additional assistance to participate and engage in School/MASS activities in a safe and supportive manner, but also that there are specific child protection risks that arise in relation to students with a disability. This may include for example, stricter screening procedures and training for staff who assist students who require help with personal activities such as toileting or dressing.

As a result, the School/MASS has implemented specific risk controls in relation to the safety of students with disabilities. This includes:

- specific screening and training for staff/Volunteers that will have direct contact with students with a disability;
- express, written permission from the parent/carer of a student with a disability where physical contact is required as part of their care; and
- alternative reporting avenues to suit the needs of students with a disability at the School/MASS.

Students with a disability at the School/MASS may also require varied reporting avenues or systems to students without a disability, and the School/MASS has considered this when creating and implementing its [Procedures for Responding to and Reporting Allegations of Child Abuse](#).

When supporting a student with a disability who has been impacted by child abuse, it is critical that the School/MASS considers:

- the chronological age, developmental age and cognitive function of the student in order to tailor developmentally appropriate support strategies; and
- the student's vulnerability to on-going abuse when considering the need to make a further report and/or implement further risk mitigation strategies.



## Cultural Diversity

Children from culturally diverse backgrounds are children who identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents' identification on a similar basis. They include children of Aboriginal or Torres Strait Islander descent that identify as being Aboriginal or Torres Strait Islander.

Mansfield Autism Statewide Services values and respects the racial and cultural diversity of our students and is committed to ensuring that the backgrounds of all students are sensitively recognised, catered for, celebrated and valued so that racial and cultural differences do not compromise a student's safety and wellbeing.

It is our policy that:

- we identify children from culturally diverse backgrounds when they are enrolled in the School/MASS;
- we employ appropriate strategies to ensure the safety of these children as required;
- we encourage participation and empowerment of these children in the development of these strategies;
- we consider these children when developing and implementing policies and procedures related to child protection at the School/MASS; and
- we educate our staff about these cultural differences and the strategies and procedures we have employed.

When supporting students from culturally diverse backgrounds, including Aboriginal or Torres Strait Islander students, or those who identify as Aboriginal or Torres Strait Islander, it is critical that the School/MASS provides culturally appropriate support. Where possible the School/MASS will work with relevant cultural support groups, ensure that confidentiality of the family is maintained and engage an interpreter when communicating with the student's family.

Similarly, when supporting international students who have been impacted by abuse, the School/MASS will consider appropriate measures to be taken for the welfare of the students, including additional support where appropriate given that the student's family may not be present to provide support within the home environment.

Students from refugee backgrounds who have been impacted by abuse may also be experiencing trauma, dislocation and loss. Sensitive consideration should be given when determining how to support the student and their family.

## Child Protection Risk Management

The School/MASS has adopted a proactive risk management approach to child protection by developing and implementing strategies to identify and mitigate our child protection risks based on:

- the nature of all School/MASS environments;
- the activities students undertake at the School/MASS (including the provision of services by contractors or outside the School/MASS' physical environment);
- physical and online environments that exist at the School/MASS; and
- the characteristics and needs of all of our students.

### Risk Management Strategies

Mansfield Autism Statewide Services has implemented the following risk mitigation strategies to ensure that the School/MASS maintains a proactive approach to our duty of care to protect children from harm and comply with our legal and regulatory obligations:

- this Child Protection Program, including our **Child Protection and Safety Policy** and our **Child Safety Code of Conduct**;
- a comprehensive **Staff and Student Professional Boundaries Policy**, implemented through training and communicated publicly;
- induction and ongoing **training** provided to staff, Board directors, Direct Contact Contractors and Direct Contact Volunteers, at least annually, about identifying risks of child abuse in the School/MASS environment, their obligations and responsibilities for managing these risks, how to report and respond to child protection incidents, and the School/MASS's current child safety standards;
- the appointment of the School/MASS's **Child Safety Officers** who are "*Child Protection Champions*" at the School/MASS and receive specialised, additional training to ensure that any concerns about child safety and protection in the School/MASS environment held by students, staff, Volunteers and parents may be discussed in a safe and supportive environment;
- ongoing, periodic reviews of all physical School/MASS environments to eliminate physical isolation risks, such as solid classroom doors or rooms with no windows, or implement procedural controls where elimination is not possible;
- specific procedures for verifying the Working with Children Check status of all **External Education Providers** and **Third Party Contractors**, who may have direct contact with students, to ensure that students remain safe in all School/MASS environments both internal and external to the School/MASS grounds, including under a work experience arrangement;
- specific procedures for verifying the Working with Children Check status of all **Reportable Conduct** to the Commission for Children and Young People to ensure all risks specific to employee conduct are identified and controls are put in place;
- identifying and recording all risks of child abuse in all School/MASS environments in a child protection risk register, and assessing the risks with regard to the likelihood of the risk event occurring and the potential consequences if it was to occur ; and

- a system of assurance through which risks of child abuse, and actions taken to reduce or remove these risks (risk controls), are recorded. The system is also used to monitor risk controls and to evaluate their overall effectiveness on a regular basis.

## Procedures for Responding to and Reporting Allegations of Child Abuse

Child abuse can take many forms. The abuser may be a parent, carer, staff member, volunteer, another adult or even another child. Unfortunately, the nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect. Even our legal obligations for reporting allegations of child abuse can vary depending on the circumstances of the incident.

The School/MASS will take appropriate, prompt action in response to **all** allegations or disclosures of abuse, neglect, inappropriate behaviour or concerns about child safety by reporting all matters to the Victorian Child Protection Service, the Commission for Children and Young People, or the Police, depending on the allegation or disclosure made.

Mansfield Autism Statewide Services has established simple and accessible procedures for anyone to report a child abuse concern internally to one of the School/MASS's **Child Safety Officers**.

Mansfield Autism Statewide Services has developed and implemented procedures for Board directors, staff and Direct Contact Volunteers for responding to allegations and disclosures of child abuse, or suspected child abuse, including procedures for support following a disclosure by a student.

Reporting procedures for Third Party Contractors, External Education Providers, Indirect Contact Volunteers, parents/carers and other community members are also included in our **Child Protection and Safety Policy** which is available on our public website.

Age appropriate reporting procedures for students are developed through our **pastoral care program**.

This section describes our work systems, practices, policies and procedures for responding to and reporting allegations of child abuse both internally and externally. These include:

### **Managing Your Initial Response to a Child Protection Incident**

#### **Responding to an Emergency**

#### **Reporting a Child Abuse Concern Internally**

#### **General Legal Obligation to "Act to Protect" and to Report Child Sexual Abuse**

#### **Mandatory Reporting**

#### **Reportable Conduct of Staff, Volunteers and Others**

#### **Responding to Other Concerns About the Wellbeing of a Child**

#### **Conduct that is Reportable to the Victorian Institute of Teachers (VIT)**

#### **Communication with Parents/Carers**

## **Support for Students Interviewed at the School/MASS**

### **Making Additional Reports**

### **Child Protection Complaints Management**

### **Confidentiality & Privacy**

### **Child Protection Record Keeping**

The School/MASS's policies and procedures for responding to and reporting allegations of suspected child abuse are made available to staff, students, parents/carers and the wider School/MASS community through our staff intranet and by request.

All of the School/MASS's procedures for reporting and responding to allegation of child abuse are designed and implemented taking into account the diverse characteristics of the School/MASS community.

A summary of these procedures is made publicly available on the School/MASS's website through our **Child Protection and Safety Policy** and is accessible to all children, School/MASS staff and the wider community.

The School/MASS will respond to all allegations of child abuse in an appropriate manner including:

- informing the appropriate authorities and fully cooperating with any resulting investigation;
- protecting any child connected to the allegation until it is resolved and providing ongoing support to those affected;
- taking particular measures in response to an allegation that concerns a culturally diverse child or a child with a disability; and
- securing and retaining records of the allegation and the School/MASS's response to it.

### **Documenting Your Observations and Actions**

It is critical that all teaching staff, non-teaching staff, Board directors, Volunteers, Third Party Contractors and External Education Providers keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse. This information may be sought at a later date if the matter is the subject of court proceedings. Your notes may also assist you later if you're required to provide evidence to support your decisions regarding the handling of child protection incidents.

For more information about how to record observations, disclosures or allegations refer to the **Child Protection Record Keeping** section of this Program.

### **Preserving Evidence**

When an incident of suspected child abuse occurs at the School/MASS, consider all of the following:

- environment: do not clean up the area and preserve the sites where the alleged incident occurred;
- clothing: take steps to ensure that the person who has allegedly committed the abuse and the child who has allegedly been abused remain in their clothing. If this is not possible, ensure the clothes are not washed, handled as little as possible and stored in a sealed bag;
- other physical items: ensure that items such as weapons, bedding and, condoms are untouched; and
- potential witnesses: reasonable precautions must be taken to prevent discussion of the incident between those involved in the alleged incident.

## Managing Your Initial Response to a Child Protection Incident

### Responding to an Emergency

All teaching staff, non-teaching staff, Board directors, Volunteers, Third Party Contractors and External Education Providers must act as soon as they **witness a child protection incident** or form a reasonable belief that a child has been or is at risk of being abused.

If a child is at immediate risk of harm you **must** ensure their safety by:

- separating alleged victims and others involved;
- administering first aid;
- calling 000 for urgent medical assistance or Police assistance to address immediate health and safety concerns; and
- briefing the Senior Child Safety Officer to be the future liaison with the Police on the matter.

The following sections outline the **seven ways** that you may become aware that a child may be experiencing abuse and strategies for managing each situation, and supporting and assisting children involved in the disclosure or report.

### Witnessing a Child Protection Incident

#### Observation of Risk Indicators

#### Private Disclosure by a Child

#### Public Disclosure by a Child

#### Third Party Disclosure

#### Disclosure by a Former Student

#### Support Following Disclosure

Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > [Procedures for Responding to and Reporting Allegations of Child Abuse](#) > [Managing Your Initial Response to a Child Protection Incident](#) > **Witnessing a Child Protection Incident**

[< Managing Your Initial Response to a Child Protection Incident](#)

[Observation of Risk Indicators >](#)

## Witnessing a Child Protection Incident

If you witness an incident where you believe a child has been subject to abuse you must take immediate action to protect the safety of the child or children involved.

Where there is an immediate risk to the health and/or safety of a child, follow the steps outlined in the **Responding to an Emergency** section of this Program.

The School/MASS' **Procedures for Responding to and Reporting Allegations of Child Abuse** should be followed after the health and safety of the child involved is ensured.

Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > [Procedures for Responding to and Reporting Allegations of Child Abuse](#) > [Managing Your Initial Response to a Child Protection Incident](#) > **Observation of Risk Indicators**

[< Witnessing a Child Protection Incident](#)

[Private Disclosure by a Child >](#)

## Observation of Risk Indicators

The different types of child abuse and their key risk indicators are set out in detail in the earlier section of this program **Child Abuse – Definition and Key Risk Indicators**.

The process of identifying child abuse purely through observation of risk indicators can be complex and may occur over time. The complexity is magnified by the fact that many of the key risk indicators described may also occur as a result of other factors, not related to child abuse.

If you form a concern that a child may be being abused you should make written notes of your observations recording both dates and times. You should also **report the matter internally** to a School/MASS **Child Safety Officer**.



Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > [Procedures for Responding to and Reporting Allegations of Child Abuse](#) > [Managing Your Initial Response to a Child Protection Incident](#) > **Private Disclosure by a Child**

[< Observation of Risk Indicators](#)

[Public Disclosure by a Child >](#)

## Private Disclosure by a Child

If a student discloses a situation of abuse or neglect to you privately, you should stay calm and not display expressions of panic or shock.

You should reassure and support the child. You can do this by:

- stating clearly that the abuse is not the child's fault;
- reassuring the child that you believe them; and
- telling the child that disclosing the matter is the right thing to do.

You should be patient, and allow the child to talk at their own pace. When responding you should use the child's language and vocabulary.

Sometimes a student may try to elicit a promise from you that you will not tell anyone about the allegation. You **must not** make this promise, as you are responsible for reporting the matter.

Finally remember that your role is not to investigate the allegation. You should not interrogate the child and pressure them to tell you more than they want to.

Once a disclosure is made you must report the matter internally to a School/MASS **Child Safety Officer** as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.

Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the School/MASS's **Support Following Disclosure** policy.

Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > [Procedures for Responding to and Reporting Allegations of Child Abuse](#) > [Managing Your Initial Response to a Child Protection Incident](#) > **Public Disclosure by a Child**

[< Private Disclosure by a Child](#)

[Third Party Disclosure >](#)

## Public Disclosure by a Child

Public disclosure occurs where you observe a child disclosing abuse to another child, or group of children.

In this circumstance you should use a strategy of “protective interrupting”.

The aim of “protective interrupting” is to prevent a child from disclosing details of abuse in front of other children, whilst at the same time providing the child with the opportunity to disclose later, in a safe and confidential manner.

You can do this by:

- asking the child if you can talk privately; and
- moving the child away from the other students to a quiet space,

and then following the guidelines with respect to **managing a private disclosure**.

Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the School/MASS's **Support Following Disclosure** policy.

## Third Party Disclosure

A third party such as a friend of the child, a relative or another parent may provide you with information relating to child abuse.

In this situation you should:

- listen to the person's concerns seeking clarification where required;
- thank the person for raising their concern;
- advise the person that we have procedures for dealing with situations like this; and
- advise the person that you will discuss their concerns with the relevant authorities.

As with **Private Disclosure**, you should reassure and support the person providing the information.

Sometimes a person may try to elicit a promise from you that you will not tell anyone about the allegation. You **must not** make this promise, as you are responsible for reporting the matter.

Finally remember that your role is not to investigate the allegation. You should not interrogate the third party and pressure them to tell you more than they want to.

Once a third party disclosure is made you must report the matter internally to a School/MASS **Child Safety Officer** as soon as possible. You should also make written notes of the circumstances of the disclosure recording both dates and times.

Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > [Procedures for Responding to and Reporting Allegations of Child Abuse](#) > [Managing Your Initial Response to a Child Protection Incident](#) > [Disclosure by a Former Student](#)

[< Third Party Disclosure](#)

[Support Following Disclosure >](#)

## Disclosure by a Former Student

A former student of the School/MASS may come forward to a current staff member, or volunteer, and disclose past abuse from their time at the School/MASS. If you receive a disclosure from a former student about historical abuse, you must act.

If the former student is still of schooling age in Victoria and currently attending a Victorian school, you must follow the **Procedures for Responding to and Reporting Allegations of Child Abuse** in this Program, specifically the obligations you may have under the following policies:

- the **Obligation to Act to Protect**;
- the **Obligation to Report Child Sexual Abuse**;
- **Mandatory Reporting**; and
- **Conduct That is Reportable to the Victorian Institute of Teaching**.

If the former student is no longer of schooling age or attending a school in Victoria, you must still act. For example, if the disclosure includes an allegation against a current staff member or teacher at the School/MASS this may trigger obligations under the **Obligation to Act to Protect** policy to remove the risk of abuse to other students.

## Support Following Disclosure

You should take the following steps to support and assist a child after a disclosure of child abuse or neglect is made.

The range of measures employed will depend on:

- the degree of severity of the situation;
- the risk of harm to the child; and
- the capability and willingness of the parent to protect the child from harm.

### After a disclosure is made:

- do not promise the child that you will not tell anyone about the allegation;
- reassure the child that it was the right thing to do to tell an adult;
- tell the child what you plan to do next;
- do not confront the person believed to be the perpetrator;
- report the matter to one of the School/MASS' **Child Safety Officers** who will be able to assist you in developing additional support strategies; and
- whenever there are concerns that a child is in immediate danger the Police should be called on 000.

### Support for Staff and Volunteers

Witnessing a child protection incident or receiving a disclosure or allegation of abuse can be a stressful experience for staff and Volunteers involved. The School/MASS provides support to impacted staff and Volunteers to access necessary support.

Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > [Procedures for Responding to and Reporting Allegations of Child Abuse](#) > **Reporting a Child Abuse Concern Internally**

[< Support Following Disclosure](#)

[General Legal Obligation to 'Act to Protect' and to Report Child Abuse >](#)

## Reporting a Child Abuse Concern Internally

Child abuse situations can be very complex, not only from the perspective of ascertaining whether abuse has occurred but also in understanding what steps to take to protect a child.

It is important to remember at all times that the safety and welfare of the child are paramount.

Therefore, if you have a concern that a child may be experiencing abuse, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with one of the School/MASS' **Child Safety Officers**. The School/MASS's Child Safety Officers will be able to assist you in clarifying your concerns and managing the next steps.

Contact details for our Child Safety Officers, including for our Senior Child Safety Officer, are set out [here](#).

**Please note that reporting the matter internally does not release you from other legal and regulatory reporting obligations you may have, namely:**

- **The Obligation to Report a Sexual Offence;**
- **The Obligation to Act to Protect;**
- **The Obligation to Make a Mandatory Report;** and
- **The Obligation to Notify Reportable Conduct.**

**In addition, these reporting obligations apply even if the Director, a Board director or a Child Safety Officers advises you not to proceed with reporting suspected abuse.**

Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > [Procedures for Responding to and Reporting Allegations of Child Abuse](#) > **General Legal Obligation to 'Act to Protect' and to Report Child Abuse**

[< Reporting a Child Abuse Concern Internally](#)

[The Obligation to Report a Sexual Offence >](#)

## **General Legal Obligations to Report Child Sexual Abuse and “Act to Protect”**

In Victoria there are specific criminal offences which impose general obligations on persons:

- aged 18 years or over to report any belief that a sexual offence has been committed, against a child under the age of 16 years, by a person over the age of 18 years (Crimes Act 1958 (Vic) s327); and
- in authority within a school to act to remove or reduce a substantial risk that a sexual offence will be committed against a child (Crimes Act 1958 (Vic) s490).

Details of these obligations are set out in the following sections:

### **The Obligation to Report a Sexual Offence**

### **The Obligation to Act to Protect**

## The Obligation to Report a Sexual Offence

### Source of Obligation

Under the Crimes Act 1958 (Vic) (s 327), anyone aged 18 years or over must make a report to the Police if they form a reasonable belief that a sexual offence has been committed against a child under the age of 16 years, by a person aged 18 years or over. Failure to make a report without reasonable excuse is an offence and carries a prison term.

If a report is made to the Department of Health and Human Services (DHHS) in accordance with **mandatory reporting requirements**, an additional report to the Police will not usually be required unless further information is obtained.

This obligation applies to anyone aged 18 years or over, including all non-teaching staff, Volunteers, and students aged 18 and over. The legislation also applies to teaching staff if not already covered by the mandatory reporting obligation.

### What Must Be Reported?

Any person aged 18 or over who forms a reasonable belief that a sexual offence has been committed by an adult (a person aged 18 years or over) against a child under 16 has an obligation to report that information to the Police.

### What is a Sexual Offence?

The Crimes Act sets out what constitutes a "sexual offence". This includes:

- rape;
- indecent assault;
- incest;
- sexual penetration;
- grooming a child for sexual conduct; and
- encouraging a child to engage in, or be involved in, sexual activity.

A "sexual offence" includes an attempted sexual offence.



## What is a Reasonable Belief?

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 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 the child states that the child has been sexually abused; or
- signs of sexual abuse lead to a belief that the child has been sexually abused.

## Exceptions - Failure to Disclose

If you fail to disclose a sexual offence against a child to the Police, you will not be held liable where your reason for not reporting is that:

- you fear on reasonable grounds for the safety of any person (other than the offender), and a failure to report is reasonable;
- the victim told you about the sexual offence (directly or indirectly), the victim was over 16 years old when he or she told you about the sexual offence, and the victim requested that the information not be disclosed (unless the victim has an intellectual disability and does not have the capacity to make an informed decision about this); or
- you believe on reasonable grounds that the information has already been disclosed to the Police by another person (such as to the DHHS as part of mandatory reporting) and you have no further information.

Unacceptable reasons for not reporting include if you are concerned with the interests (including the reputation, legal liability or financial status) of:

- the person involved in the sexual offence; or
- any organisation (such as the School/MASS).

A report made under the Children, Youth and Families Act 2005 (Vic) **mandatory reporting** obligations may constitute a 'reasonable excuse' if you believe that you have no further information to provide to the Police.

## International Students

The School/MASS must notify the VRQA if the alleged sexual offence relates to an international student and the School/MASS has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter in relation to that student thereby assuming responsibility for approving the student's accommodation, support and general welfare.

## Record Keeping Obligations

For the School/MASS' record keeping obligations relating to child protection incidents, refer to **Child Protection Record Keeping**.

## The Obligation to Act to Protect

### Source of Obligation

Where a person in a position of authority at the School/MASS knows that a staff member, Volunteer, Third Party Contractor, or other person associated with the School/MASS poses a substantial risk of committing a sexual offence against a student or students, the person has a duty to take immediate action to ensure that the student or students are protected from that risk.

The School/MASS has a duty of care which entails protecting all students from foreseeable risks while at school or engaging in School/MASS activities.

In addition, under section 490 of the Crimes Act 1958 (Vic) (Crimes Act) a person who:

- a) by reason of the position they occupy within or in relation to the School/MASS, has the power or responsibility **to reduce or remove a substantial risk** that a relevant child (under the age of 16 who is, or may come under the care, supervision or authority of the School/MASS) will become the victim of a sexual offence committed by a person of or over the age of 18 years who is **associated with the School/MASS**; and
- b) **knows that there is a substantial risk** that the person will commit a sexual offence against a relevant child,

**must not negligently fail to reduce or remove that risk.**

### Who is Responsible for Acting to Protect the Student/s?

The person responsible for taking steps to remove or reduce the risk to the student will depend upon the source of the risk. In a normal school context usually a member of the school leadership team would have the necessary degree of supervision, power and authority to remove or reduce the risk. On tours, excursions, or camps a teacher or a volunteer coach could have the requisite power and responsibility.

Examples of people in a position of authority include:

- Board of Directors directors;
- the Director;
- members of the School/MASS leadership team;
- teachers; and
- Volunteers where they are in a position of supervision.

### **When Should Action be Taken?**

A person in a position of authority at Mansfield Autism Statewide Services is required to act if they know that there is a substantial risk that a student or students may become the victim of a sexual offence, and the risk is caused by a person associated with the School/MASS.

*Knowledge* is more than holding a tentative belief or mere suspicion.

If a person in authority has a suspicion or belief that students are at risk of harm they must take steps to follow up on that suspicion or belief by investigating further and should raise the issue with a School/MASS Child Safety Officer.

The duty to act extends to situations where the students at risk or the person in authority is outside of Victoria.

### **What is a Substantial Risk?**

A risk will be a substantial risk if a reasonable person would have judged the risk of a sexual offence being committed against the student as being substantial.

It is not necessary to prove that a sexual offence was committed in order for the substantial risk to exist i.e. a person in a position of authority should not wait for a student to be harmed before acting.

A number of factors will contribute to determining if a risk is a substantial risk, including:

- the likelihood or probability that a 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; and
- any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.

### **What is a Sexual Offence?**

Action must be taken where there is a substantial risk of sexual offences occurring, including:

- rape;
- indecent assault;
- incest;
- sexual penetration;
- grooming a child for sexual conduct;
- encouraging a child to engage in, or be involved in, sexual activity; and
- an attempted sexual offence or an assault with intent to commit a sexual offence.

**Who is “a Person Associated with the School”?**

A person associated with the School/MASS is an adult and can be a:

- Board of Directors
- Director;
- Teacher;
- Residential supervisor;
- employee;
- volunteer (including parents); or
- Third Party Contractor.

A person will not be considered to be associated with the School/MASS purely because they receive services from the School/MASS.

**Procedure to Reduce or Remove a Substantial Risk**

Where any staff member, Volunteer, or other person in a position of authority at the time, becomes aware of a risk of a sexual offence against a student or students under their care, they should immediately:

- take reasonable steps which would remove or reduce the risk to the student or students, which may include immediately removing the person from contact with the student or students;
- report the matter to a School/MASS **Child Safety Officer**, and the Director, as soon as practicable;
- conduct an investigation unless this relates to a Mandatory Reporting situation; and
- make the appropriate report.

Appropriate action to be taken may include, for example:

- a current employee who is known to pose a risk to a student or students should be immediately removed from contact with students and reported to authorities and investigated; or
- a parent who is known to pose a risk of sexual abuse to children in a school should not be allowed to attend overnight school camps as a parent helper.

**Whenever there are concerns that a child is in immediate danger call the Police on 000.**

**Record Keeping Obligations**

For the School/MASS’ record keeping obligations relating to child protection incidents, refer to **Child Protection Record Keeping**.

## Mandatory Reporting

### Source of Obligation

The Children, Youth and Families Act 2005 (Vic) (CYFA) requires that mandatory reporters must make a report to the Department of Health and Human Services (DHHS) Child Protection when they believe that a child (aged under 17) is in need of protection from significant harm from physical injury or sexual abuse.

If a report is made by mandatory reporters in accordance with CYFA mandatory reporting obligations, an additional report to the Police under s 327 Crimes Act 1958 (Vic) may not be required unless you have further information.

This policy must be read in conjunction with the **Child Abuse Key Risk Indicators** and **The Obligation to Report a Sexual Offence**.

### Who Must Make a Mandatory Report?

Mandatory reporters are defined by the CYFA and include:

- teachers;
- the Director;
- medical practitioners; and
- nurses.

It is the responsibility of other staff, Volunteers or members of the School/MASS community to check whether they are Mandatory Reporters under child protection legislation.

### Reporting by Non-Mandated Staff

If you are not a Mandatory Reporter, you still have the option of making a report to DHHS under the CYFA if you believe on reasonable grounds that a child is in need of protection.

The CYFA states that any person who believes on reasonable grounds that a child is at risk of harm should report their concerns to DHHS Child Protection.

All School/MASS staff who have concerns that a student may be in need of protection or may have been the victim of a sexual offence, should notify a School/MASS Child Safety Officer as soon as possible to discuss their concerns. Also refer to **The Obligation to Report a Sexual Offence**.

A Mandatory Reporter must make a report even if the \*Insert Child Protection officer Title\* does not share their belief that a report must be made.

## What Gives Rise to a Mandatory Report?

A mandatory report must be made when you form a belief on **reasonable grounds** that a child is in need of protection where the child has suffered, or is likely to suffer, **significant** harm as a result of:

- **physical injury**; or
- **sexual abuse**;

and the child's **parents have not protected, or are unlikely to protect**, the child from harm of that type.

### ***Reasonable Grounds***

The concept of 'reasonable grounds' requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well founded and based on information from a reliable source. There may be reasonable grounds for forming such a belief if:

- a child states they have been physically or sexually abused;
- a child states that they know someone who has been physically or sexually abused;
- someone who knows the child states that the child has been physically or sexually abused;
- a child shows signs of being physically or sexually abused;
- the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a child's safety, stability or development;
- the staff member observes signs of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision; or
- a child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child.

Grounds for belief include matters of which a person has become aware and any opinions based on those matters.

### ***Significant***

'Significant' means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is 'significant' is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare or wellbeing.

Significant harm can result from a single act or omission or an accumulation of these.

### ***Physical Injury or Sexual Abuse***

To assist in identifying physical injury or sexual abuse, refer to the School/MASS's information relating to **Child Abuse - Definitions and Key Risk Indicators**.

***Parents Have Not Protected, or Are  
Unlikely to Protect, the Child from  
Harm of That Type***

The meaning of this phrase is not defined by legislation, but some examples may assist.

A parent who 'has not protected, or is unlikely to protect that child from harm of that type' includes a parent who wants to protect his or her child from harm, but lacks the means to.

It also includes a parent who has the means to protect his or her child from harm, but does not want to.

A parent may be rendered 'unlikely to protect' that child for many reasons. For example:

- that parent does not, or refuses to recognise that harm is occurring;
- that parent or child may be subject to domestic violence; or
- that parent's partner may be abusive or harmful to the child.

**'Parent'** includes:

- the child's father;
- the child's mother;
- the spouse of the mother or father of the child;
- the domestic partner of the father or mother of the child;
- a person who has custody of the child;
- a person who is named as the father on the child's birth certificate;
- a person who acknowledges that he is the father of the child by an instrument under the Status of Children Act 1974 (Vic); and
- a person in respect of whom a court has made a declaration or a finding or order that the person is the father of the child.

**What to Report and When**

A report becomes mandatory as soon as is practicable after forming the belief.

A report must include details of the belief, and the reasonable grounds of that belief.

Additional reports must be made on each occasion where you become aware of any further reasonable grounds for the belief.

Refer to the Victorian Department of Education's Guide to **Making a Report to Child Protection or Child FIRST** (Child and Family Information, Referral and Support Team) for guidance on making a decision on whether to report.

## How is a Report/Referral Made?

Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

A report to DHHS Child Protection should be considered if the staff member forms the view the child is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development;
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability and development; or
- the child's parents cannot or will not protect the child from harm.

To report concerns about the immediate safety of a child within their family unit, call the 24 hour Child Protection Crisis Line 13 12 78.

Concerns that require immediate attention should be made to the local or regional Human Services Child Protection office, or the After Hours Child Protection Emergency Services on 131 278.

## What If I Don't Have a Reasonable Belief?

If you don't have a reasonable belief about a child, but still have concerns, you can refer the matter to a School/MASS **Child Safety Officer**.

There is also the option to refer the matter to Child FIRST.

A referral to Child FIRST should be considered if a staff member forms the view that the concerns have a low-to-moderate impact on the child and the immediate safety of the child is not compromised.

A referral can be made when the following factors may affect a child:

- significant parenting problems;
- family conflict;
- a family member's physical or mental illness, substance abuse, disability or bereavement;
- isolated or unsupported families; and
- significant social or economic disadvantage.

For more information, refer to Responding to **Other Concerns About the Wellbeing of a Child**.



### **What Happens After a Report/Referral is Made?**

After receiving a report, DHHS Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required. In most cases, DHHS Child Protection will inform the reporter of the outcome of the report.

After receiving a referral, Child FIRST may consult an experienced community-based Child Protection practitioner in their assessment. The assessment may lead to the involvement of a local family services organisation.

In most cases, Child FIRST will inform the referrer of the outcome of the referral.

Child FIRST must report the matter to DHHS Child Protection if they form the view the child is in need of protection.

Reports made to the Police will be dealt with in accordance with Police practice.

### **International Students**

The School/MASS must notify the VRQA if the alleged abuse relates to an international student and the School/MASS has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter in relation to that student thereby assuming responsibility for approving the student's accommodation, support and general welfare.

### **Record Keeping Obligations**

For the School/MASS' record keeping obligations relating to child protection incidents, refer to **Child Protection Record Keeping**.

## Reportable Conduct of Staff, Volunteers and Others

### Source of Obligation

The Child Wellbeing and Safety Act 2005 (Vic) (the Act) requires School/MASS to investigate and report to the Commission for Children and Young People (Commission) allegations of 'employee' reportable conduct or misconduct that may involve reportable conduct.

The School/MASS has developed the following Reportable Conduct of Staff, Volunteers and Others Policy which sets out our systems for enabling persons to report reportable conduct and for such reports to be investigated and responded to. This policy is made available to all staff, Volunteers, Contractors, members of the Board, families and students via our public website and staff intranet. A PDF of our Reportable Conduct of Staff, Volunteers and Others Policy is available [here](#).

The Commission's [website](#) provides additional guidance and materials which assist the School/MASS to understand and meet their obligations under the Act.

### Who is an Employee?

For the purposes of the Act, 'employee' is defined as a person aged 18 years or over who is:

- employed by the School/MASS whether or not that person is employed in connection with any work or activities of the School/MASS that relate to children; or
- engaged by the School/MASS to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to children.

A minister or religion or a religious leader is also an employee.

Of relevance to the School/MASS, the following people are considered to be employees:

- Board of Directors Directors;
- The Director;
- Staff members;
- Volunteers;
- Third Party Contractors; and
- External Education Providers.

**For the purposes of this policy, all of the above are referred to collectively as "staff" or "staff members".**

## What is Reportable Conduct?

Reportable conduct is defined in the Act to include:

- a sexual offence committed against, with or in the presence of, a child;
- sexual misconduct committed against, with or in the presence of, a child;
- physical violence committed against, with or in the presence of, a child;
- any behaviour that causes significant emotional or psychological harm to a child; or
- significant neglect of a child.

"Sexual misconduct" includes:

- behaviour, physical contact or speech or other communication of a sexual nature, for example 'sexting';
- inappropriate touching or physical contact;
- grooming behaviour; and
- voyeurism.

"Sexual offence" for the purposes of the Reportable Conduct Scheme means a serious sexual offence as set out in clause 1 of Schedule 1 of the Sentencing Act 1991 (Vic), which includes rape, attempted rape, sexual assault, incest, indecent act with a child, persistent sexual abuse of a child, grooming and the production or possession of child pornography.

"Significant" means in relation to emotional or psychological harm or neglect, that the harm is more than trivial or insignificant, but need not be as high as serious and need not have a lasting permanent effect.

Refer to **Child Abuse - Definitions and Key Risk Indicators** for more information about sexual offences, grooming, physical violence, emotional or psychological harm and neglect.

Our **Child Safety Code of Conduct** outlines expected standards of behaviour of staff members at the School/MASS when interacting with children and young people. The commission of conduct which breaches the Child Safety Code of Conduct will constitute reportable conduct under this policy.

Our **Staff and Students Professional Boundaries Policy** explains the importance of staff members maintaining professional boundaries with students. If a professional boundary is crossed, the conduct involved will constitute reportable conduct under this policy.

## What Must be Notified?

Under the Act, the School/MASS must notify the Commission of a **reportable allegation** against a staff member.

**Reportable allegation** is defined in the Act to mean any information that leads a person to form a reasonable belief that an employee (member of staff) has committed:

- reportable conduct; or
- misconduct that may involve reportable conduct –

whether or not the conduct/misconduct is alleged to have occurred in the course of the person's employment at the School/MASS.

## Who Must Notify?

Under the Act, any person may disclose a reportable allegation to the Commission (section 16L). A disclosure can be made using an online form available from the Commission's [website](#), by phone or by letter.

At the School/MASS, the "head" of the School/MASS must also notify the Commission (section 16M). The "head" is defined in the Act to include the chief executive officer or principal officer of the entity. The head of the School/MASS must make a report using an online form available from the Commission's [website](#).

In practice, the head is the person who is primarily responsible for the School/MASS's compliance with the reportable conduct obligations under the Act. Guidance from the DHHS states that a school principal will be a head.

At the School/MASS, the head is the Director.

## Reportable Conduct and Other Reporting Obligations

The Reportable Conduct obligation covered in this policy is separate and distinct from the:

- **Mandatory Reporting** obligation under the Children, Youth and Families Act 2005 (Vic);
- **Obligation to Report a Sexual Offence** obligation under the Crimes Act 1958 (Vic); and
- **Conduct that is Reportable to the Victorian Institute of Teaching** under the Education and Training Reform Act 2006 (Vic).

The threshold for reporting allegations of reportable conduct is much lower than these other reporting obligations.

**Any allegations of criminal conduct, including physical violence, significant emotional or psychological abuse, sexual offences and significant neglect must be reported to the Victorian Police as the first priority.**

## **Internal Reporting of Reportable Allegations**

As soon as a person, including a staff member, forms a reasonable belief that a staff member at the School/MASS has engaged in reportable conduct or misconduct that may involve reportable conduct (the reportable allegation), the person must notify the Child Safety Officer who must then notify the Director. The report may be made verbally or in written form using the Responding to Suspected Child Abuse Template available [here](#).

While this Template was created for reporting abuse, rather than reportable conduct, it is an excellent way to record as much information about the incident/s as is available.

Where the reportable allegation involves the Director, the staff member must notify the Child Safety Officer who must then notify the Chair of the Board.

It is important to note that the Child Safety Officer does not have a formal role under the Act (unless they are the 'head' of the school). However, it is the School/MASS's policy that the Child Safety Officer is notified first.

Where a verbal report is made by a staff member, it should be followed up with a written report provided to the Director within 48 hours of the verbal report.

Where a staff member has a reasonable belief that the Director has engaged in reportable conduct, verbal and written reports should be given by the Child Safety Officer to the Chair of the Board of Directors.

## **Reporting to the Commission: The Director or Chair of the Board**

Where the Director receives a reportable allegation from any person, including a staff member or Child Safety Officer, they must notify the Commission.

Where the reportable allegation involves the Director, the person must notify the Child Safety Officer who must then notify the Chair of the Board who will become the 'head of the School/MASS' for the purposes of reporting the reportable allegation.

There are two stages of reporting.

The Commission must be notified in writing of:

- the reportable allegation as soon as possible, and in any event within three business days being notified (**Stage One Report**); and
- the proposed next course of action (see below), as soon as practicable, and within 30 days of becoming aware of the reportable allegation (**Stage Two Report**).

### ***Stage One Report***

The report to the Commission must state:

- that a reportable allegation has been made against a staff member;
- the name (including any former name and alias, if known) and date of birth, if known, of the staff member;
- whether the Victoria Police has been contacted about the reportable allegation;
- the name, address and telephone number of the School/MASS; and
- the name of the Director.

An online form available on the Commission's [website](#) must be used for the Stage One Report.

If the staff member is a registered teacher and the misconduct involves a charge, conviction or finding of guilt of a sexual offence, the School/MASS must notify the Victorian Institute of Teaching (VIT) immediately under **Conduct that is Reportable to the Victorian Institute of Teaching**. The timing of making a Stage One Report to the Commission under this policy will coincide with the timing of a report made to the VIT.

### ***Stage Two Report***

The report to the Commission must state:

- detailed information about the reportable allegation;
- whether or not the School/MASS proposes to take any disciplinary or other action in relation to the staff member and the reasons why it intends to take, or not to take, that action; and
- any written submissions made to the Director concerning the reportable allegation that an employee wished to have considered in determining what, if any disciplinary or other action should be taken in relation to the staff member.

**Any allegation of child abuse, including physical violence, significant emotional or psychological abuse, sexual offences or significant neglect, must be reported to the Victorian Police.**

**What Happens After a Report to the Commission is Made?**

After the Director or the Chair of the Board has made a report to the Commission, they must ensure that an appropriate investigation of the reportable allegation is conducted.

The investigation can be conducted by the Director or the Chair of the Board (if the allegation involves the Director) or the School/MASS can appoint a regulator (for example the Victorian Institute of Teaching) or an independent investigator. A regulator engaged by the School/MASS for the purposes of an investigation may also appoint an independent investigator.

The Director must notify the Commission of who will be conducting the investigation.

The investigation must be conducted in accordance with the rules of natural justice. For example, the investigation should be conducted without bias and the person against whom the allegation is made should be given the right to respond.

Upon the conclusion of the investigation, the Director or Chair must give the Commission:

- a copy of the findings of the investigation and the reasons for those findings;
- details of any disciplinary or other action that the Director (or Chair) proposes to take in relation to the staff member and the reasons for that action; and
- if the Director (or Chair) does not propose to take any disciplinary or other action in relation to the staff member, the reasons why no action is to be taken.

Under the Act, a staff member may seek a review by the Commission of a finding made at the conclusion of an investigation.

**Information Sharing: Children and Parents/Carers**

Under the Act, the Director may disclose:

- information about the progress of the investigation;
- the findings, reasons for the findings and the recommendations made at the conclusion of the investigation;
- an action taken in response to those findings;

to:

- the child who is the subject of the reporting allegation;
- a parent
- a carer; or
- the DHHS if the child is under its care.

**Information Sharing: Schools, the Commission and Others**

Under the Act, the Director may disclose information in relation to:

- a reportable allegation;
- a concern that reportable conduct has been committed;
- the investigation of a reportable allegation or concern about reportable conduct;
- the findings of an investigation and the reasons or recommendations made at the conclusion of the investigation; or
- any action taken in response to those findings;

to:

- the Commission;
- the head of another entity governed by the Act, such as another school;
- a regulator;
- the Chief Commissioner of Police;
- if necessary for the purposes of an investigation, an independent investigator;
- if necessary for the purposes of a Working with Children Check, the Secretary to the Department of Justice and Regulation; and
- a relevant Minister.

**Publication of Information**

The School/MASS must not publish information that would enable the identification of:

- a person or who notified the Commission;
- a child in relation to whom a reportable allegation was made or a finding of reportable conduct was made.

The Act provides more information on the meaning of 'publish', which includes making the information publicly available in writing or email.

**Powers of the Commission**

The Commission has broad powers under the Act in relation to investigating a reportable allegation at the School/MASS. The Commission may visit the School/MASS, inspect documents and interview staff members or children involved in the reportable allegation.

The School/MASS must assist the Commission in all reasonable aspects of its investigation.



## **Record Keeping**

The School/MASS maintains records of these reportable allegations, written reports and reportable conduct investigation findings indefinitely.

Records relating to a child protection incident are only disposed of in accordance with our [\*\*Records Management Policy\*\*](#).

## Responding to Other Concerns About the Wellbeing of a Child

If you have any concern about the wellbeing of a child or young person, regardless of whether or not it has been caused by abuse or neglect, your concern should be taken seriously and acted upon.

The School/MASS and its teaching staff, non-teaching staff, Board directors, Director, Volunteers, Third Party Contractors and External Education Providers **(together, known as "staff" for the purposes of this policy only)** owe a duty of care to all students at the School/MASS to ensure that they feel safe and are supported at School/MASS.

Concerns about the wellbeing of a child, that do not appear to be the result of abuse or neglect, may be reported to:

- Child FIRST; and
- the Victorian Police.

DHHS Child Protection should also be contacted if you believe a child is in need of protection.

### Child FIRST

Child FIRST is a community-based referral point to Family Services in Victoria. In addition to reporting suspected abuse to the appropriate authorities in accordance with the School/MASS' [Procedures for Responding to and Reporting Allegations of Child Abuse](#), all staff should make a referral to Child FIRST if:

- you have significant concern for a child's wellbeing;
- your concerns have a low-to-moderate impact on the child;
- the child's *immediate* safety is not compromised; and
- you, or the School/MASS, have discussed the referral with the child's family and they are supportive of it.

Examples of concerns that staff should refer to Child FIRST include instances where a child's care or development is significantly impacted by:

- parenting problems;
- family conflict or breakdown;
- pressure due to a family member's physical/mental illness; or
- significant social or economic disadvantage.

### Victoria Police

In addition to reporting suspected abuse to the appropriate authorities in accordance with the School/MASS' **Procedures for Responding to and Reporting Allegations of Child Abuse**, all staff **must contact Victoria Police on 000 if:**

- a child's immediate safety is compromised; or
- a child is partaking in any risk taking activity that is illegal or extreme in nature or poses a high risk to the child.

### **DHHS Child Protection**

In addition to reporting suspected abuse to Child FIRST or the Police in accordance with the School/MASS' **Procedures for Responding to and Reporting Allegations of Child Abuse**, all staff should contact DHHS Child Protection if you believe a child is in need of protection.

Common grounds for protection include instances where:

- a child's parents have abandoned the child and after reasonable inquiries, the parents cannot be found and no other suitable person can be found who is willing and able to care for the child;
- a child's parents are dead or incapacitated and there is no other suitable person willing and able to care for the child;
- a child is displaying extreme risk-taking behaviour, which has potentially severe or life-threatening consequences. For example: severe alcohol or drug use, unsafe sexual activity including prostitution, or violent or dangerous peer group activity. Staff should also report extreme risk-taking behaviour that is illegal to the Police; or
- there is a threat of harm to an unborn child, including circumstances where a parent has previously demonstrated an inability to safely parent.

### **Record Keeping Obligations**

For the School/MASS' record keeping obligations relating to child protection incidents or child wellbeing concerns, refer to **Child Protection Record Keeping**.

## Conduct that is Reportable to the Victorian Institute of Teaching

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|---|--|
| <b>Reportable Conduct</b>   | <p>The School/MASS has a duty of care to investigate and act on allegations of employee misconduct or conviction which relate to their ability to perform their functions.</p> <p>Under the Education and Training Reform Act 2006 (Vic), the School/MASS must notify the Victorian Institute of Teaching (VIT) once the School/MASS has taken action against a registered teacher. The VIT then has powers to investigate and take further action.</p>  |
| <b>VIT Reporting, Mandatory Reporting &amp; Reporting to the Commission</b> | <p>The reportable conduct obligation covered in this policy is separate and distinct from the Mandatory Reporting obligation under the Children, Youth and Families Act 2005 (Vic) (refer to <b>Mandatory Reporting</b>) and the Reportable Conduct obligation under the Child Wellbeing and Safety Act 2005 (Vic) refer to (<b>Reportable Conduct of Staff, Volunteers and Others</b>).</p>   |
| <b>Internal Reporting of Allegations of Staff Misconduct</b>                | <p>Any allegation of staff misconduct must be immediately reported to the Director, or the Chair of the Board of Directors should the allegation involve the Director.</p>   |
| <b>Internal Investigation of Allegations of Misconduct</b>                  | <p>Once an allegation of misconduct has been made (which does not require reporting to Department of Health and Human Services (DHHS) Child Protection under the <b>Mandatory Reporting obligations</b>) an internal investigation, led by the Director, or the Chair of the Board if the allegation relates to the Director, will be conducted in such a manner as the particular circumstances demand.</p> <p>It is important to note that an internal investigation must not be conducted in relation to an allegation that is the subject of Mandatory Reporting until clearance is given by the relevant authorities (Police or DHHS Child Protection).</p> |

|  |   |
|--|---|
| <b>Reporting Obligation to the VIT</b>       | <p>The School/MASS must immediately notify the VIT if the School/MASS has taken action against a registered teacher in response to:</p> <ul style="list-style-type: none"> <li>• allegations of serious misconduct;</li> <li>• serious incompetence;</li> <li>• fitness to teach (which relates to character, reputation and conduct, and whether the teacher is physically and mentally able to teach); or</li> <li>• a registered teacher's ability to practice as a teacher is seriously detrimentally affected or likely to be seriously affected because of an impairment.</li> </ul> <p>The School/MASS must also notify the VIT if the School/MASS becomes aware that a teacher:</p> <ul style="list-style-type: none"> <li>• has been charged with or committed for trial for a sexual offence, (including grooming, encouragement and child pornography offences);</li> <li>• has been convicted or found guilty of an indictable offence (offences detailed in the Crimes Act 1958 (Vic) and the Wrongs Act 1958 (Vic), including offences which carry prison sentences of 5 years or more or penalties over a threshold level).</li> </ul> <p>The School/MASS should also notify the VIT if a teacher takes action against them in another forum such as the Fair Work Commission.</p> |
| <b>What "Action" Must Be Reported</b>        | <p>"Actions" which will be reported by the School/MASS to the VIT include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• disciplinary action taken by the School/MASS; or</li> <li>• where a teacher resigns after being advised by the School/MASS that it is inquiring into allegations.</li> </ul>   |
| <b>When to Notify the VIT</b>                | <p>The VIT should be notified of the action taken against a teacher once the process initiated by the School/MASS has been initiated.</p>   |
| <b>VIT Response</b>                          | <p>On receiving the notification, the VIT has the power to:</p> <ul style="list-style-type: none"> <li>• ensure that it has obtained all relevant information from the School/MASS, and may request further information;</li> <li>• decide whether the matter does not reach the threshold required for it to proceed;</li> <li>• conduct an investigation, an informal hearing, or a formal hearing; or</li> <li>• summarily suspend the teacher on an interim basis pending an investigation, if the VIT forms a reasonable belief that the teacher poses an unacceptable risk of harm to children and believes that suspension is necessary to protect children.</li> </ul> <p>A formal hearing may result in findings which can result in cautions, reprimands, conditions imposed including counselling and further education, suspension, cancellation of registration and/or a period of disqualification.</p>   |
| <b>Impact on Working with Children Check</b> | <p>Where an employee, volunteer, or contractor has been charged with or found guilty of a serious sexual, violent or drug-related offence (including grooming and child pornography offences) (Category 1 or Category 2 offence in the Working with Children Act 2005) their Working with Children card will be revoked and they will not be able to work, or volunteer to work with children.</p>  |

|                                   |  |
|-----------------------------------|--|
| <b>International Students</b>     | The School/MASS must notify the VRQA if an alleged child protection incident, suspicion or disclosure relates to an international student and the School/MASS has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter in relation to that student thereby assuming responsibility for approving the student's accommodation, support and general welfare. |
| <b>Record Keeping Obligations</b> | For the School/MASS' record keeping obligations relating to child protection incidents, refer to <b>Child Protection Record Keeping</b> .  |

## Communication with Parents/Carers

In many cases of suspected child abuse, or where it is suspected that a child is at risk of being abused, it is critical that the child's parents/carers are notified as soon as is practicable after a notification has been made to the appropriate external authority. This enables the child's parents/carers to take steps to:

- prevent or limit their child's exposure to further abuse; and
- ensure that their child receives the support that is needed.

It is the School/MASS's policy that any notification made to parents/carers of a child suspected to have been abused, or is at risk of being abused, is made by the Director or a Child Safety Officer after a notification to either DHHS Child Protection or the Police has been made.

**Before contacting parents/carers** the School/MASS' Director or a Child Safety Officer must seek advice from DHHS Child Protection or the Police, depending on who the report was made to. The Director or a Child Safety Officer will be advised by an external authority not to contact the parents in circumstances where:

- the parents/carers are alleged to have engaged in the abuse;
- a disclosure to the parents/carers may subject the child to further abuse;
- the child is a mature minor (assessed to be sufficiently intelligent and mature to make such decisions on their own behalf) and has requested that the parents/carers not be contacted; or
- the notification is likely to have an adverse effect on an ongoing investigation into the incident.

The Director may disclose information about an investigation into a reportable allegation to a parent or carer of the child in relation to which a reportable allegation has been made. Refer to [Reportable Conduct of Staff, Volunteers and Others](#).

## Support for Students Interviewed at the School/MASS

The School/MASS has certain legal requirements when a request is made by the Police or DHHS Child Protection workers to interview students regarding child protection incidents at the School/MASS. Students to be interviewed may include victims, witnesses or those alleged to have perpetrated abuse.

### Support for Students

All students interview by the Police or DHHS Child Protection at the School/MASS must be supported. Where possible, the student's parents/carers should be present for any interview. Where this is not practicable, one of the following persons may provide support to the student during the interview, as appropriate:

- the Director;
- a Child Safety Officer; or
- in the case of Police interviews, an **independent support person** over the age of 18 who is not connected with the School/MASS, for example a social worker or nurse (independent supportive adult).

Consideration should be given as to whether there may be a conflict of interest between the independent supportive adult and the student being interviewed. For example, a situation may arise where the Director or Child Safety Officer is related to the perpetrator of the child protection incident, the student is a family member, or the Director or Child Safety Officer may be the perpetrator.

### General Protocols

The School/MASS's Director must:

- facilitate interviews requested by the Police or DHHS Child Protection workers;
- advise students of their right to have an independent supportive adult, parent or carer present at such an interview;
- arrange for the student to choose an independent supportive adult to be present;
- balance their obligation to protect the rights of students with their obligation to assist the Police and DHHS Child Protection in their exercise of duty;
- ensure there is someone acting as an independent supportive adult for students interviewed at School/MASS by the Police or DHHS Child Protection workers; and
- observe confidentiality at all times in the management of a mandatory reporting or criminal case.

### Contacting Parents/Carers



Before contacting a student's parents/carers, the Director **must** seek advice from the Police or DHHS Child Protection to determine if parents/carers should be present at the interview.

Where appropriate, parents/carers must be advised of the scheduling of an interview with the Police. Parents/carers should also be advised of interviews that have been scheduled with DHHS Child Protection where it is deemed to be appropriate, however DHHS Child Protection may conduct interviews with students without parental/carer knowledge or consent in exceptional circumstances.

### **Student as a Victim/Witness**

When the Director allows interviews involving students who may be victims or witnesses, they should:

- support and encourage the student to provide as much information as possible; and
- inform the student that a note of the circumstances and the content of the interview will be made and communicated to their parents/carers as soon as possible, unless doing so causes a risk of abuse.

### **Student as a Suspect**

If Police need to speak with a student who has allegedly abused another child, or student at the School/MASS, this should preferably be done in the presence of the student's parents/carers, or another **independent supportive adult**.

### **Complying with Court Orders**

A subpoena or witness summons is a court order that compels the School/MASS to produce documents or attend court and give evidence, or both. The Director or a staff member will usually be issued with a subpoena or witness summons because a party to legal proceedings believes that the School/MASS, the Director or a staff member has information or documents that are relevant to the proceeding.

The School/MASS will seek external legal advice and support relating to complying with subpoenas or witness summons.

Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > [Procedures for Responding to and Reporting Allegations of Child Abuse](#) > **Making Additional Reports**

[< Support for Students Interviewed at the School](#)

[Child Protection Complaints Management >](#)

## Making Additional Reports

There are some circumstances in which you will be required to make an additional report to an appropriate external authority.

### Reporting Further Grounds for Belief or Suspicion

If you hold a reasonable belief that a child has been, or is at risk of being abused, you must still make a report to the relevant external authority about a child even if:

- DHHS Child Protection or the Police have previously been involved or are currently involved with the child and/or their family; or
- you are aware that another party, such as another staff member, Volunteer, or family member, has raised concerns with the relevant authorities.

Every report is critical to protecting a child by building evidence and enabling external authorities to gain a clear understanding of the risks posed to the child.

### Another Person Has Made a Report

There may be times when two or more staff members at the School/MASS (for example the Director and a Child Safety Officer) has formed a belief about the same child on the same occasion and based on the same information.

In this situation, it is sufficient that only one of the staff members make a report to the relevant external authority, as the belief is based on the same information. However, the other staff member, who does not make the report, is obliged to ensure that the report has been made and that all grounds for their own belief were included in the report made to the authority.

If staff members do not agree on what should be reported, for example a staff member does not agree with the Director's decision to make a report to an external authority, the staff member is legally obliged to make a report anyway.

### Other Concerns About the Wellbeing of a Child

If you believe that a child has not been subjected to abuse or neglect but still hold significant concerns about the child's wellbeing, you still may be required to report your concerns to DHHS Child Protection, the Police or Child FIRST. For more information about reporting wellbeing concerns refer to the **Responding to Other Concerns About the Wellbeing of a Child** section of this Program.

Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > [Procedures for Responding to and Reporting Allegations of Child Abuse](#) > [Child Protection Complaints Management](#)

[< Making Additional Reports](#)

[Confidentiality & Privacy >](#)

## Child Protection Complaints Management

The School/MASS has developed a **Complaints and Disputes Policy** to ensure that any child protection-related feedback, comments or complaints from School/MASS community members and relevant stakeholders are captured, analysed and acted upon where appropriate.

This may include feedback about certain staff members or volunteers, or the School/MASS' Child Protection Program.

When a complaint is made to the School/MASS it is important for the School/MASS to consider whether the complaint raises any concerns about unreported abuse and/or risk of abuse at the School/MASS.

All Board directors, staff including the Director, Volunteers, Third Party Contractors and External Education Providers must follow the School/MASS' **Procedures for Responding to and Reporting Allegations of Child Abuse** if any information received with a complaint leads to new grounds for a reasonable belief or suspicion that a student may be subject to, or at risk of, any unreported abuse.

## Confidentiality & Privacy

### Confidentiality of Information Relating to Child Protection Matters

Anyone who has access to information regarding a case of suspected child abuse must keep such information confidential and secure and must only disclose or discuss this information with those involved in managing the situation.

You must not provide undertakings that are inconsistent with their reporting obligations in the School/MASS' Child Protection Program. In particular, you must not promise a student that you will not tell anyone about the student's disclosure.

Students and any other parties who become involved in the investigation (this may include other students) should be informed of the reporting process and be required to maintain confidentiality.

Inappropriate disclosure will be subject to disciplinary action.

### Protection of Reporter's Identity

Reports or referrals made to DHHS Child Protection or Child FIRST are confidential and the reporter's identity is generally protected by law. Exceptions include if:

- the reporter chooses to inform the child or family of the report;
- the reporter consents in writing to their identity being disclosed;
- a court or tribunal decides it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child; or
- a court or tribunal decides the reporter is required to attend court to provide evidence.

The identity of the person who makes a report to the Police, including reports under s 327 of the Crimes Act 1958 (Vic) (Obligation to Report a Sexual Offence), will remain confidential unless:

- the person themselves discloses their identity or they consent in writing to their identity being disclosed; or
- a court or tribunal decides that it is necessary in the interests of justice for the person's identity to be disclosed.

### Reporter Liability

A person who makes a mandatory report in accordance with the Children, Youth and Families Act 2005 (Vic), or a report under the Child Wellbeing and Safety Act 2005 (Vic) (reportable conduct scheme) will not be held liable for the eventual outcome of any investigation.

If a report is made in good faith, it does not constitute a breach of professional ethics on the part of the reporter and the reporter cannot be held legally liable in respect of the report.

### Protection of Staff's WWCC Status

The School/MASS will only be informed of whether an individual passes or fails the Check. None of the information gathered for the Check, such as criminal or professional records, will be passed on to Mansfield Autism Statewide Services.

## Protection of Personal Information

How Mansfield Autism Statewide Services handles the information we collect about individuals (referred to in the Privacy Act 1988 (Cth) as personal information) is very important, as the people we deal with expect us to handle their personal information properly and we have a legal obligation to do so. Personal information is information, or an opinion, about an identified individual, or an individual who is reasonably identifiable:

- whether the information, or opinion, is true or not; and
- whether the information, or opinion, is recorded in a material form or not.

The Privacy Act 1988 (Cth) only applies to personal information that is captured in a record.

## Requests for Information

If you receive a request from the Police, the Commission for Children and Young People or DHHS Child Protection for information relating to a student who has been impacted (or is suspected to have been impacted) by child abuse, you should:

- obtain the request for information in writing; and
- ensure that the written request includes:
  - the name of the Police, representative of the Commission or DHHS Child Protection officer, the organisation they work for and their contact details;
  - a description of the information and/or documents being sought;
  - the reasons why the information and/or documents are being sought; and
  - what authority the officer or the organisation believes that they have to access the requested information and documents.

When information and/or documents are requested in this way, you may be permitted to share the information. However, **you are not compelled** to do so.

## Information Sharing with the School/MASS Community

The School/MASS takes great care to assess the relevance and appropriateness of sharing information about a child protection incident before providing any information about child abuse to the School/MASS community because even the confirmation of an incident or allegation can lead to the identification of a victim.

## Record Keeping Obligations

For the School/MASS' record keeping obligations relating to child protection incidents, refer to [\*\*Child Protection Record Keeping\*\*](#).

Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > [Procedures for Responding to and Reporting Allegations of Child Abuse](#) > [Child Protection Record Keeping](#)

[< Confidentiality & Privacy](#)

[Disciplinary Procedures >](#)

## Child Protection Record Keeping

Effective child protection record keeping is one of the School/MASS's key strategies in the management of its child protection obligations, including the fulfillment of our duty of care.

It is through such record keeping that the School/MASS can ensure that, should there ever be a need for evidence of the School/MASS's child safe culture or precautions and preventative measures taken in response to the risk of child abuse, the School/MASS has well-documented and easily-accessible records.

### Documenting a suspicion or belief of abuse

Where a staff member, Board director, Direct Contact Volunteer or other member of the School/MASS community forms the belief on reasonable grounds that a student is in need of protection, written and dated notes of their observations and concerns should be recorded to assist in a referral/report of child abuse.

All verbal and written communications regarding child protection matters (including notes of observations, student disclosures, meetings and telephone calls) must be properly documented. The documented records should include dates and times and enough detail to record key conversations, especially those relating to the student's disclosure.

The records of child protection must be stored securely. Refer to our [Records Management Policy](#) (available on the School/MASS' public website and internal intranet) for information on how we store records.

### How to Record Observations, Disclosures or Allegations of Abuse

The School/MASS requires all members of the School/MASS community, including Board directors, staff, Volunteers, Third Party Contractors and External Education Providers to use the [Responding to Suspected Child Abuse Template form](#) to record all observations, beliefs, suspicions, disclosures or allegations of abuse.

The Template is provided by the DET and DHHS Child Protection for all Victorian schools and is made available on the School/MASS's public website, internal intranet, and in hard copy at the School/MASS. Copies of the Template are also available in the [Additional Resources](#) section of this Program.

The 'Process of Review' section of the Template must be completed between 4-6 weeks after an incident, suspicion or disclosure of abuse in conjunction with the School/MASS' Director, a [Child Safety Officer](#) or a senior member of staff.

All completed Template reporting forms are to be given to the School/MASS's Director, a [Child Safety Officer](#) or a senior member of staff. The School/MASS maintains records of all child abuse observations, disclosures, allegations, incidents and subsequent investigations in electronic form indefinitely. Records relating to a child protection incident are only disposed of in accordance with our [Records Management Policy](#).

### Working with Children Check Documentation

It is the responsibility of Sophie Walker, Senior CSO to verify the status of all School staff and non-parent volunteers' Working with Children Checks (WWC Checks).

In line with the School/MASS' risk-based approach to child safety and protection, where parent volunteers are volunteering at large off-site activities, such as overnight excursions or camps, the School/MASS requires that these parent volunteers undergo a Working with Children Check clearance as a matter of best practice.

Mansfield Autism Statewide Services maintains records (electronic or hard copy format) of child-related workers including:

- Full name;
- WWC Check Application Receipt Number;
- WWC Check Card Number;
- Date and outcome of WWC Check clearance;
- Notices sent by the Department of Justice; and
- Expiry date.

Records must be readily available if required for audit and monitoring purposes.

### **Recording Child Protection Actions**

Section 91 of the Wrongs Act imposes a duty of care on schools to take reasonable precautions to prevent the physical or sexual abuse of a child under its care, supervision or authority, by an individual associated with the school. If the school is involved in a proceeding under the Wrongs Act, the school is presumed to have breached its duty of care unless it can prove, on the balance of probabilities, that it took reasonable precautions to prevent the abuse.

Whether or not a school took reasonable precautions will be assessed by a court in accordance with considerations set out in the Wrongs Act and case law. The effective implementation of the School/MASS's risk management strategies in **Child Protection Risk Management** is an example of taking reasonable precautions to prevent the physical or sexual abuse of a child.

It is critical that the School/MASS maintains accurate and comprehensive records of these policies, procedures, work systems and strategies should the courts ever call on such evidence in relation to a claim against the School/MASS for damages in respect of child abuse.

For more information about the School/MASS's record keeping procedures refer to our **Records Management Policy**.

Document current as at 8 August 2017. Updates to content may have been made since this date. Refer to your Fundamentals site for the latest version.

[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > [Disciplinary Procedures](#)

[< Child Protection Record Keeping](#)

[Continuous Improvement and Review >](#)

## Disciplinary Procedures

Where a staff member breaches any obligation, duty or responsibility within this Program, Mansfield Autism Statewide Services may take disciplinary action, including in the case of serious breaches, summary dismissal.

Where any other member of the School/MASS community breaches any obligation, duty or responsibility within this Program, Mansfield Autism Statewide Services may take appropriate action.



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**[Mansfield Autism Statewide Services](#) > [Child Protection Program](#) > Continuous Improvement and Review**

[< Disciplinary Procedures](#)

[Additional Resources >](#)

## Continuous Review and Improvement

Mansfield Autism Statewide Services is committed to continuous improvement in all its operations including this Child Protection Program.

It is the responsibility of the Senior CSO to regularly review our Child Protection Program to ensure that it is working in practice and that the School/MASS is meeting its legal and regulatory obligations relating to child protection.

## Additional Resources

The following resources provide further information on Child Protection matters.

### The Victorian Child Safe Standards

- Department of Health & Human Services, [Child Safe Standards Home Page](#), 2017
- Department of Health & Human Services, [Child Safe Standards Resources Page](#), 2017
- Minister for Education, Child Safe Standards – Managing the Risk of Child Abuse in Schools, [Ministerial Order No. 870](#), Victorian Government Gazette, 7 January 2016

### Mandatory Reporting

- Department of Education and Early Childhood Development and Department of Human Services protocol, [Protecting the safety and wellbeing of children and young people](#)
- Department of Education and Training, [Understand Your Obligations to Protect Children](#)
- Victorian Institute of Teaching, [Resources and support for principals](#)
- Victorian Institute of Teaching, [The Victorian Teaching Profession Code of Conduct](#)

### Responding to Child Protection Incidents

- Department of Education and Training and Department of Health and Human Services Child Protection, [Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools](#), 2016
- Department of Education and Training and Department of Health and Human Services Child Protection, [Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse](#), 2016
- Department of Education and Training and Department of Health and Human Services Child Protection, [Responding to Suspected Child Abuse: A Template for all Victorian Schools](#), 2016
- Department of Education and Training and Department of Health and Human Services Child Protection, [Responding to Student Sexual Offending](#).

### Working with Children Checks

- Department of Justice and Regulation, [Working with Children Check website](#)

### Reportable Conduct Scheme

- Commission for Children and Young People, **Reportable Conduct Scheme**, 2016.

#### **General Obligation to Report**

- Department of Justice and Regulation, **Failure to Disclose Offence Fact Sheet**, 2015

#### **Duty to Protect Students from Abuse**

- Department of Justice and Regulation, **Failure to protect: a new criminal offence to protect children from sexual abuse**, 2015

#### **Child Related HR Practices**

- Department of Health & Human Services, **Human resources practices for child safe organisations**, 2016
- Department of Health & Human Services, **Recruitment practices for child safe organisations**, 2016