



HS14	Healthy and Safe	Child Safe Policy and Procedures
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<b>What this policy aims to do</b>	<p>Ensure that children accessing MASS services are safe from child abuse. MASS has zero tolerance for child abuse and is committed to the safety of all children from all forms of child abuse.</p> <p>This policy is an overarching document that provides key elements of MASS's approach to protecting children from abuse and is linked to procedures, practices, decision-making processes, risk management and reporting processes.</p> <p>MASS's Child Safe Policy and Procedures set out the requirements, obligations and actions of MASS people to comply with the legal and moral requirement for child safety.</p>
<b>Who this policy applies to</b>	<p>Board members, managers, employees, contractors and volunteers and MASS clients.</p>
<b>Who is responsible for carrying out this policy</b>	<p>Board members, managers, employees, contractors and volunteers.</p>
<b>What words used in this policy mean</b>	<p><i>Child abuse</i> includes:</p> <ul style="list-style-type: none"> <li>• Sexual offences</li> <li>• Grooming</li> <li>• Physical violence</li> <li>• Serious emotional or psychological harm</li> <li>• Serious neglect, and</li> </ul>

	<ul style="list-style-type: none"> <li>• A child’s exposure to family violence.</li> </ul> <p>Other definitions relevant to the Child Safe Policy and Procedures are included in Section 1 Procedures.</p>
<b>Legislation this policy is based on</b>	<p>The Children, Youth and Families Act 2005          Child Wellbeing and Safety Act 2005          Education and Training Reform Act 2006          Working with Children Act 2005          Crimes Act 1958 (Vic)          Family Violence Protection Act 2008          Victorian Child Safe Standards</p>
<b>Other relevant policies</b>	<p>MBD4 Risk Management          MS3 Code of Conduct          MS1 Recruitment          HS12 Client Incident Reporting          A3 Involvement of Family and Advocates          HS5 Freedom from Abuse and Neglect          HS6 Record Keeping and confidentiality          HS7 Privacy and information sharing</p>

Version	Date	Author/Editor	File location	Approved by	Notes
1.0	5/11/18	D Stephenson	Sharepoint>Staff Resources>P&P>HS Health & Safety	S.Reeves	Review and update

## Child Safe Policy

### Commitment to Child Safety

MASS has zero tolerance for child abuse and is committed to acting in children's best interests and keeping them safe from harm. MASS regards its child safety responsibilities with the utmost importance and as such, is committed to providing the necessary resources to ensure compliance with all relevant child safety laws and regulations to maintain a child safe culture and environment.

MASS will comply with the seven compulsory Victorian Child Safe Standards (VCSS) through this Child Safe Policy and Procedures and this reflects our statement of commitment to child safety. (VCSS 2).

This Child Safe Policy provides the framework for MASS to:

- Develop and review work systems, practices and procedures that promote child safety
- Create a positive and robust child safety culture
- Promote the open discussion of child safety issues, and
- Comply with all laws, regulations and standards relevant to child safety in Victoria.

Child abuse includes sexual offences, grooming, physical violence, serious emotional or psychological harm, serious neglect and child's exposure to family violence.

### Participation and Empowerment of Children

MASS's clients are children with Autism Spectrum Disorder and may have intellectual, physical and emotional disabilities. MASS has developed its Policy and Procedures with this as a significant consideration as Autism is manifested in different ways and can limit the contribution of clients to the development of this policy and procedures. MASS has consulted with staff, clients and families to develop the Child Safe Policy. [Victorian Child Safe Principle (VCSP) 1].

MASS values diversity and does not tolerate discrimination (VCSS 7, VCSP 2 and 3). To achieve this we:

- support the cultural safety, participation and empowerment of Aboriginal children and their families
- support the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds and their families

- commit to ensuring our facilities promote inclusion of children of all abilities and are appropriate for children with ASD.

### Organisational Culture of Child Safety

MASS is committed to an organisational culture of child safety through the implementation of the Child Safe Policy and Procedures (VCSS 1). Effective leadership by the Board, the Director and all staff will strengthen and maintain a zero tolerance for child abuse. Several actions and services support ongoing culture of child safety and include:

- Child Safe program of education and support for all MASS staff
- Child Safe Code of Conduct
- Child Safety Officers
- Clear guidelines for reporting child abuse concerns
- Creating an environment supportive of children from Aboriginal and Torres Strait Islander, culturally diverse backgrounds and children with disabilities.

### Child Safe Code of Conduct

MASS has developed a plain English Child Safe Code of Conduct (MS3 Staff Code of Conduct) which specifies appropriate standards of behaviour for adults towards clients in all MASS environments, including out of normal hours activities (VCSS 3).

The Child Safe Code of Conduct is included in the MASS Codes of Conduct Policy (MS 3). All staff are required to read and understand their obligations and acknowledge this by signing the Code. The signed Code of Conduct will be kept on file by Human Resources.

Additional information related to the Child Safe Code of Conduct and the expected behaviours of staff are provided in additional policies listed in the title page.

### Recruiting Staff and Volunteers

MASS undertakes a rigorous process of screening, supervision, training and other human resource practices that reduce the risk of child abuse by new and existing personnel (VCSS 4).

Recruitment and selection strategies include:

- Assessing the level of contact and responsibility the role will have in regard to children

- National Police Checks and Working with Children Checks are required where roles have contact or responsibility for children and for roles that have influence or authority over children, such as leadership positions
- Assessing the qualifications and prerequisites required to ensure that staff are appropriately skilled for the role
- Assessing the training, guidance and supervision required for the position and the current resources available to meet these requirements
- Advertising for positions will state the responsibilities with regard to children and prerequisite checks for the position, for example National Police Checks, Working with Children Check, training and qualifications
- Interview questions that address the experience and previous engagement with children to gauge the applicant's attitudes and values towards children
- On commencement, staff will be required to sign a Child Safe Code of Conduct and undergo an induction session on the MASS Child Safe Policy and Procedures that includes roles and responsibilities to provide a Child Safe environment, obligations for responding and reporting actual or suspected child abuse and the consequences for non-compliance.

## Support and Training for Staff and Volunteers

MASS is committed to ensuring that all leaders, staff and volunteers receive training and support to ensure they understand their responsibilities in relation to child safety (VCSS 4). MASS assists its leaders, staff and volunteers to incorporate child safety consideration into decision making and to promote a culturally safe environment where children are empowered to speak up about issues that affect them.

Mandatory Child Safe training requirements for MASS leaders, staff and volunteers include:

- At induction, Child Safe Code of Conduct and Child Safe Policy
- Completion of elearning module on child safety and complete an assessment
- Annual refresher training for the Board, and staff that do not have direct contact with children
- Quarterly refreshers for all contact staff on the 4 critical actions for responding to incidents, disclosures and suspicions of child abuse
- 

## Board of Directors

Each director of the Board of Directors is required to ensure that appropriate resources are made available to allow MASS's Child Safe Policy and Procedures to be effectively implemented within MASS and are responsible for holding the Director and Senior Managers accountable for effective implementation.

### Director

The Director is responsible, and will be accountable for, taking all practical measures to ensure that this Child Safe Policy and Procedures is implemented effectively and that a strong and sustainable child safety culture is maintained within MASS.

### Child Safety Officers

A number of senior staff members are nominated as Child Safety Officers. MASS's Child Safety Officers are the first point of contact for raising child protection concerns within MASS. They are also responsible for championing child protection within MASS and assisting in coordinating responses to child safety/protection issues.

### Staff Members

All staff are required to be:

- familiar with the Child Safe Policy and Procedures and their legal obligations with respect to the reporting of child abuse
- 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 Child Safety Officers.

### Direct Contact Volunteers

All Direct Contact Volunteers, as defined for this policy, are required to be:

- familiar with the Child Safe Policy and Procedures and their legal obligations with respect to the reporting of child abuse
- 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 Child Safety Officers.

### Indirect Contact Volunteers

Indirect Contact Volunteers are those volunteers who are involved in providing support and services whilst not directly assisting a specific group of clients. Examples of Indirect Contact Volunteers could include activities such as assisting with a MASS function, catering or fundraising activities.

All Indirect Contact Volunteers are:

- contributing to the safety and protection of children in the MASS environment
- required to be familiar with the 4 Critical Actions for responding to incidents, disclosures and suspicions of child abuse.

### Third Party Contractors

All Third Party Contractors (service providers) engaged by MASS are responsible for contributing to the safety and protection of children in the MASS environment. All service providers engaged by MASS are required to be aware of MASS's Child Safe Policy and Procedures and the 4 Critical Actions for responding to incidents, disclosures and suspicions

of child abuse and MASS may include this requirement in the written agreement between MASS and the Contractor.

Third Party Contractors include maintenance and building personnel, consultants, casual teachers or aides, tutors, sports coaches and cleaners. This also includes music teachers and other extra-curricular teachers and instructors who are engaged by clients and their families directly, rather than by MASS directly, but have an agreement to use MASS facilities.

## Responding to and reporting allegations of child abuse

MASS has established simple and accessible procedures for anyone to report a child abuse concern internally to one of the MASS Child Safety Officers. The names and contact details for the Child Safety Officers is provided to all staff, displayed at all MASS premises, and available in the Child Safe Procedures online and hard copy. MASS has a Senior Child Safety Officer and two Child Safety Officers (VCSS 5).

Child Safety Officers have specific responsibilities for responding to any complaints made by staff, volunteers, parents or children. If a person is not comfortable making a report to a Child Safety Officer, they may report their concern to the Director or Chair of the MASS Board of Directors. An individual may also make a report to Child Protection (DHHS), Childfirst or the Police with concerns.

The Child Safe Procedures detail how to respond to an allegation or incident of child abuse and provide examples of the information to be noted and mechanisms for submitting a report. A summary document titled *Four Critical Actions for Responding to Incidents, Disclosures and Suspicions of Child Abuse* is the first page of the Procedures and provides a diagrammatic explanation of what to do if staff are concerned about a child's safety.

If a staff member, volunteer or contractor becomes aware of an incident of allegation of abuse, the first responsibility is to ensure that the child or children are safe and the risk of further abuse or harm are mitigated.

If the incident or allegation of abuse could involve criminal conduct, the matter must be immediately reported to Victoria Police. If there is any ongoing risk to a child or children, then the staff member or volunteer should immediately call 000.

It may also be appropriate to notify the Department of Health and Human Services if there is belief that a child is in need of immediate protection. This may involve notifications to the police or Child Protection.

All reports of child abuse received by MASS will be treated as serious, whether they are made by an adult or a child.

When an allegation of child abuse is received, all mandatory reporting requirements must be met, including reporting to:

- Police
- Department of Health and Human Services
- The Commission for Children and Young People if the allegation involves a MASS member of staff or volunteer under the reportable conduct scheme
- Other government department such as the Victorian Institute of Teachers or regulators as appropriate

## Record Keeping and Incident Monitoring

MASS has a Records Management Policy (HS6) and is committed to best practice record keeping. In accordance with the Records Management Policy and as required in the Incident Reporting Procedure (HS12), all reports of child abuse shall be recorded within the incident reporting system (VCSS 5).

MASS will ensure that records and reports of child abuse will be kept confidential and private for children and families in accordance with legislation. MASS staff and volunteers will be required to abide by the Code of Conduct Policy and maintain confidentiality and privacy of records and reports.

Reports of child abuse and complaints about child safety will be monitored by the Senior Child Safety Officer to ensure they are appropriately managed. Risks to child safety that are identified in complaints and reports of abuse will be reviewed and incorporated into the Child Safe risk management plan.

## Risk Management

MASS recognises the importance of a risk management approach to minimising the potential for child abuse or harm to occur and use this to inform our policies, procedures and activity planning (VCSS 6).

*The Commission's example of a Child Safe Policy states that the following should be included.*

MASS Child Safe Risk Management Plan includes the following elements:

- All existing and new activities and facilities will be assessed for risks of child abuse including:
  - Environmental risks (eg areas that might obscure a line of sight)
  - Vulnerability risks (such as activities that may foster personal relationships between staff/volunteers and children)

- All identified risk of child abuse are actively reduced by designing and implementing appropriate preventative measures
- Risk management plans are documented for all existing and new activities and facilities
- Staff, volunteers and contractors are made aware of their responsibility for identifying risks of child abuse and their obligation to work with management on reducing those risks.
- Families and children are made aware of how to report on identified risks of child abuse
- Risk management plans are living document that are updated as required, referred to regularly and reviewed periodically.

### Reviewing this Policy

MASS is committed to continuous improvement in all its operation including this Child Safe Policy and Procedures. It is the responsibility of the Senior Child Safety Officer to regularly review the Child Safe Policy and Procedures to ensure that it is working in practice and that the school is meeting its legal and regulatory obligations relating to child safety. Feedback from children, parents, carers, staff and volunteers will be also be sought on an annual basis.

### Implementation

The MASS Child Safe Policy and Procedures are implemented through a combination of:

- Staff training and development in professional conduct
- Client and parent/carer education and information
- Effective management of staff engaging in inappropriate relationships with clients
- Effective management of conflict of interest
- Effective communication and incident notification procedures
- Effective record keeping procedures
- Initiation of corrective actions where necessary.

### Non-compliance with this Policy and the Code of Conduct

Where a staff member breaches any obligation, duty or responsibility within the MASS Child Safe Policy and Procedures, MASS may take disciplinary action, including in the case of serious breaches, summary dismissal.

Where any other member of the MASS community breaches any obligation, duty or responsibility within the MASS Child Safe Policy and Procedures, MASS may take appropriate action.

# Child Safe Procedures

**FOUR CRITICAL ACTIONS FOR RESPONDING TO INCIDENTS, DISCLOSURES AND SUSPICIONS OF CHILD ABUSE – SUMMARY SHEET.....1**

**1. CHILD ABUSE - DEFINITIONS AND KEY RISK INDICATORS .....2**

DEFINITION OF CHILD ABUSE AND FAMILY VIOLENCE IN VICTORIA ..... 2

DEFINITION OF CARE, SUPERVISION OR AUTHORITY ..... 3

SEXUAL OFFENCES ..... 3

GROOMING ..... 6

PHYSICAL VIOLENCE ..... 9

SERIOUS EMOTIONAL OR PSYCHOLOGICAL HARM ..... 10

SERIOUS NEGLECT..... 11

FAMILY VIOLENCE ..... 11

**2. CHILD PROTECTION LAW AND REGULATION IN VICTORIA - AN OVERVIEW.....13**

VICTORIAN CHILD SAFE STANDARDS ..... 13

PRESCRIPTIVE LEGAL & REGULATORY REQUIREMENTS..... 13

THE VICTORIAN CHILD SAFE STANDARDS ..... 16

MASS CHILD SAFE POLICY AND PROCEDURES ..... 19

**3. CHILD SAFETY RESPONSIBILITIES – WHO IS RESPONSIBLE? .....20**

BOARD OF DIRECTORS RESPONSIBILITIES ..... 20

DIRECTOR’S RESPONSIBILITIES ..... 20

CHILD SAFETY OFFICERS’ RESPONSIBILITIES ..... 21

DIRECT CONTACT VOLUNTEERS..... 22

INDIRECT CONTACT VOLUNTEERS ..... 23

THIRD PARTY CONTRACTORS..... 23

**4. CREATING AND MAINTAINING A CHILD SAFE ENVIRONMENT .....25**

CHILD SAFE CODE OF CONDUCT..... 25

HR PRACTICES ..... 28

CHILD SAFETY RISK MANAGEMENT ..... 35

PARTICIPATION AND EMPOWERMENT OF CHILDREN..... 42

**5. RESPONDING TO AND REPORTING ALLEGATIONS OF CHILD ABUSE.....44**

RESPONDING TO AN EMERGENCY ..... 47

MANAGING YOUR INITIAL RESPONSE TO A CHILD SAFETY INCIDENT ..... 47

REPORTING A CHILD ABUSE CONCERN INTERNALLY..... 50

GENERAL LEGAL OBLIGATIONS TO REPORT CHILD SEXUAL ABUSE AND “ACT TO PROTECT” ..... 51

MANDATORY REPORTING ..... 57

RESPONDING TO OTHER CONCERNS ABOUT THE WELLBEING OF A CHILD ..... 71

CONDUCT THAT IS REPORTABLE TO THE VICTORIAN INSTITUTE OF TEACHING ..... 72

COMMUNICATION WITH PARENTS/CARERS ..... 74

SUPPORT FOR CLIENTS INTERVIEWED AT MASS ..... 75

MAKING ADDITIONAL REPORTS ..... 77

CHILD SAFETY COMPLAINTS MANAGEMENT ..... 77

## Child Safe Procedures

CONFIDENTIALITY & PRIVACY .....	78
CHILD SAFETY RECORD KEEPING .....	80
<b>ADDITIONAL RESOURCES .....</b>	<b>84</b>

## Four Critical Actions for Responding to Incidents, Disclosures and Suspicions of Child Abuse – Summary Sheet



### 4 Critical Actions Responding to Incidents, Disclosures and Suspicions of Child Abuse

**YOU MUST ACT:**

- By following the 4 Critical Actions as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.
- If you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).

More information is provided in MASS Childsafe Policy and Procedures

<b>1</b> <b>Responding to an Emergency</b>	<b>2</b> <b>Reporting to Authorities</b>	<b>3</b> <b>Contacting Parents / Carers</b>	<b>4</b> <b>Providing Ongoing Support</b>				
<p>If there is no immediate harm go to Action 2</p> <p>If a child is at immediate risk of harm you <b>MUST</b> ensure their safety by:</p> <ul style="list-style-type: none"> <li>• Separating alleged victims and others involved</li> <li>• Administer first aid</li> <li>• Call 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns</li> <li>• Contact a MASS Child Safety Officer</li> </ul> <p>Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence</p>	<p>As soon as immediate health and safety concerns are addressed you <b>MUST</b> report all incidents, suspicions or disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.</p> <table border="1" style="width: 100%;"> <tr> <td style="background-color: #4a86e8; color: white; text-align: center;"> <b>Source of Abuse Within MASS</b> </td> <td style="background-color: #4a86e8; color: white; text-align: center;"> <b>Source of Abuse Within Family or Community</b> </td> </tr> <tr> <td style="background-color: #d9e1f2;"> <p><b>VICTORIA POLICE</b> You <b>MUST</b> report all instances of suspected child abuse involving a MASS staff member, contractor or volunteer to Victoria Police.</p> <p><b>MASS</b> You must also report internally to a MASS Child Safety Office or the Director. MASS will report to the Commission for Children and Young People (CCYP) where a staff member is involved.</p> <p><b>Client</b> For suspected client/student abuse, contact a MASS Child Safety Officer.</p> </td> <td style="background-color: #d9e1f2;"> <p><b>DHHS Child Protection</b> You <b>MUST</b> report to DHHS Child Protection if a child is considered to be:</p> <ul style="list-style-type: none"> <li>• In need of protection from child abuse</li> <li>• At risk of being harmed (or has been harmed) and the harm has had, or is likely to have a serious impact on the child's safety, stability or development.</li> </ul> <p>You must also report to Victoria Police and MASS Child Safety Officer or Director.</p> </td> </tr> </table> <p style="text-align: center;">If you believe a child is not subject to abuse, but you still hold significant concerns for their wellbeing, you must still act. This may include making a referral or seeking advice from CHILD FIRST, or to DHHS Child Protection or Victoria Police.</p>	<b>Source of Abuse Within MASS</b>	<b>Source of Abuse Within Family or Community</b>	<p><b>VICTORIA POLICE</b> You <b>MUST</b> report all instances of suspected child abuse involving a MASS staff member, contractor or volunteer to Victoria Police.</p> <p><b>MASS</b> You must also report internally to a MASS Child Safety Office or the Director. MASS will report to the Commission for Children and Young People (CCYP) where a staff member is involved.</p> <p><b>Client</b> For suspected client/student abuse, contact a MASS Child Safety Officer.</p>	<p><b>DHHS Child Protection</b> You <b>MUST</b> report to DHHS Child Protection if a child is considered to be:</p> <ul style="list-style-type: none"> <li>• In need of protection from child abuse</li> <li>• At risk of being harmed (or has been harmed) and the harm has had, or is likely to have a serious impact on the child's safety, stability or development.</li> </ul> <p>You must also report to Victoria Police and MASS Child Safety Officer or Director.</p>	<p>The Director <b>MUST</b> consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:</p> <ul style="list-style-type: none"> <li>• <b>Not to contact the parents/carers</b> (e.g in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parents/carers to be contacted).</li> <li>• <b>To contact the parents/carers</b> and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).</li> </ul>	<p>MASS must provide support for children impacted by abuse. This should include the development of a Client Support Plan in consultation with support professionals. This is an essential part of the duty of care to clients.</p> <p style="text-align: center;">You must follow the <b>4 Critical Actions</b> every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.</p>
<b>Source of Abuse Within MASS</b>	<b>Source of Abuse Within Family or Community</b>						
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<p><b>MASS Child Safety Officers (03 5775 2876 Mansfield Office)</b></p> <p>Sophie Walker 0419 887 106 <a href="mailto:sophiew@autismmansfield.org.au">sophiew@autismmansfield.org.au</a>                  Mercia Nelson 0447 312 106 <a href="mailto:mercian@autismmansfield.org.au">mercian@autismmansfield.org.au</a>                  Katrine Ziemer 5828 6480 <a href="mailto:dookie@autismmansfield.org.au">dookie@autismmansfield.org.au</a></p>	<p>Source <i>PROTECT. The Department of Education and Training. 2016.</i></p>		<p><b>CONTACTS</b></p> <p>DHHS North Division 1300 664 977 AH 131278                  Victoria Police 000                  CCYP 03 8601 5281 <a href="mailto:contact@ccyp.vic.gov.au">contact@ccyp.vic.gov.au</a>                  CHILD FIRST <a href="http://www.dhs.vic.gov.au">www.dhs.vic.gov.au</a></p>				

## 1. 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
- 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 MASS 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
- 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
- a police officer acting in the course of their duty in respect of the child.

At MASS persons in positions of care, supervision or authority over a client will include all staff, volunteers, and other service providers working on behalf of MASS.

All members of the MASS community must be aware that if they engage in certain conduct in breach of the MASS Child Safe Policies and Procedures, 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 MS3 Staff Code of Conduct.

## 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.

The MASS Child Safe Policies and Procedures address 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 MASS staff and students means that staff must be aware that certain behaviours will not only breach Staff Code of Conduct but may also amount to a criminal offence.

Members of the 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 section **5. 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
- 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 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 MASS's Procedures section **5. 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):

1. section 49K: Encouraging a child under the age of 16 to engage in, or be involved in, sexual activity; and
2. 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
- 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
- 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 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
- 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
- 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 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
- 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
- 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
- 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
- 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 MASS or kindergarten/child care
- staying at MASS long hours
- self-destructive
- dropping out of MASS
- taking on an adult role of caring for a parent
- misusing alcohol or drugs
- 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
- 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
- alcohol and substance abuse.

## 2. 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.

### Victorian Child Safe Standards

The **Victorian Child Safe Standards (VCS)** 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.

### Prescriptive Legal & Regulatory Requirements

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
- promoting stability in care arrangements.

For the purpose of our Child Safe Policy and Procedures 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 the Child Safe Policy and Procedures, 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
- 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
- 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 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***

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 MASS’s risk management strategies in Child Safety 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 MASS 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.

## 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 (VCSS 1)
- Standard 2: A child safe policy or statement of commitment to child safety (VCSS 2).
- Standard 3: A code of conduct that establishes clear expectations for appropriate behaviour with children (VCSS 3).
- Standard 4: Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel (VCSS 4).
- Standard 5: Processes for responding to and reporting suspected child abuse (VCSS 5).
- Standard 6: Strategies to identify and reduce or remove risks of child abuse (VCSS 6).
- Standard 7: Strategies to promote the participation and empowerment of children (VCSS 7).

In addition to the seven (7) Standards, 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 (VCSP 1)
- Principle 2: promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds (VCSP 2)
- Principle 3: promoting the safety of children with a disability (VCSP 3).

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.

MASS has established and implemented our Child Safe Policy and Procedures 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.

## Child Safe Procedures

Standard	Short Description	How MASS Applies This Standard
1	Organisational culture of child safety, including through effective leadership arrangements	<p>MASS complies with this Standard in a number of ways including:</p> <ul style="list-style-type: none"> <li>• the development of the Child Safe Policy and Procedures and Child Safety Code of Conduct;</li> <li>• the appointment of senior staff members as MASS's Child Safety Officers who act as "Child Protection Champions" and are tasked with the overall responsibility for embedding an organisational culture of child protection in MASS</li> <li>• establishing clear guidelines for reporting child abuse concerns <b>“4 Critical Actions for Responding to incidents, disclosures and suspicions of child abuse”</b></li> <li>• creating an environment supportive of children from culturally diverse backgrounds and children with disabilities.</li> </ul>
2	A child safe policy or statement of commitment to child safety	MASS has developed and implemented a Child Safe Policy that describes the key elements of our approach to child safety as well as an overarching set of principles guiding the development of policies and procedures to protect children from child abuse.
3	A code of conduct that establishes clear expectations for appropriate behaviour with children	MASS has created a Child Safe Code of Conduct which specifies appropriate standards of behaviour for adults towards clients in all MASS environments, including outside of MASS standard hours. This is included in MS3 Staff Code of Conduct.
4	Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel	<p>MASS has created child safe human resources practices including those relating to:</p> <ul style="list-style-type: none"> <li>• Recruitment, Selection &amp; Screening</li> <li>• Our Working with Children Checks Policy</li> <li>• Child Safety Training (e-learning module and assessment)</li> <li>• Annual training for the Board and non contact staff and quarterly training for contact staff on the 4 Critical Actions</li> </ul>

## Child Safe Procedures

<b>5</b>	Procedures for responding to and reporting allegations of suspected child abuse	<p>MASS has established simple and accessible procedures for anyone to report a child abuse concern internally to one of the <b>MASS's Child Safety Officers</b>.</p> <p>MASS 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 4 Critical Actions. Reporting procedures for Third Party Contractors, External Education Providers, Indirect Contact Volunteers, parents/carers and other community members are included in our Child Safe Procedures and outlined in 4 Critical Actions.</p>
<b>6</b>	Strategies to identify and reduce or remove the risk of abuse	<p>MASS has adopted a risk management approach to child safety. Key risk indicators of child abuse are documented in our Child Safe Policy and Procedures and are also included in our Child Safe Training.</p> <p>MASS has developed a number of strategies, policies and procedures to create a risk-based approach to child safety. Refer to Child Safety Risk Management in MASS's Organisation Risk Management Plan.</p>
<b>7</b>	Strategies to promote the participation and empowerment of children	<p>MASS has developed strategies to promote the participation and empowerment of children including policies and procedures related to age appropriate care and supporting children with disabilities and children from culturally diverse backgrounds.</p>

### ***Principle of Inclusion***

MASS 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 MASS develops and implements its Child Safe Policy and Procedures.

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.

### **MASS Child Safe Policy and Procedures**

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, MASS has established its Child Safe Policy and Procedures which set out our work systems, practices, policies and procedures designed to not only ensure compliance, but also to develop a child safe culture.

### 3. Child Safety Responsibilities – Who is responsible?

Society shares responsibility for promoting the safety and protection of children from abuse. In the MASS context, teachers, staff, administrators, parents/carers, volunteers and clients have a role to play. The key roles and responsibilities are listed below.

#### Board of Directors Responsibilities

The Board of Directors is required to approve MASS's Child Safe Policy and Procedures and to ensure it is being effectively implemented. Each Director must:

- Acquire and keep up-to-date knowledge of child safety matters and participate in the annual briefing of Child Safe Policy and Procedures and discussion of any child safe issues that have arisen and appropriate measures for risk management
- Have an understanding of the nature of MASS's operation and the child protection risks associated with these operations
- Ensure MASS has appropriate resources to effectively implement its Child Safe Policy and Procedures
- Ensure that MASS has appropriate processes for receiving and considering information regarding child safety issues and is able to respond in a timely way to that information
- Ensure that MASS has appropriate processes to ensure it complies with its legal and regulatory obligations with respect to child safety
- Ensure that 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 the child safety issues within MASS and their effectiveness.

#### Director's Responsibilities

The Board of Directors delegate day-to-day management of MASS to the Director who is ultimately responsible, and will be accountable for, taking all practical measures to ensure that:

- MASS Child Safe Policy and Procedures are implemented effectively, and available resources deployed and annual training requirements are complied with
- Appropriate Child Safety Officers are appointed and supported
- A strong and sustainable child safety culture is maintained within MASS
- Any child safety incidents arising are dealt with professionally and in a timely manner
- MASS's Boards receives regular reports with respect to child safety matters
- MASS complies with its legal and regulatory obligations with respect to child safety.

### Child Safety Officers' Responsibilities

A number of senior staff members are nominated as MASS's Child Safety Officers. The senior Child Safety Officer is Sophie Walker and the contact details for all Child Safety Officers are available in the Child Safe folder which is stored at each setting and on a poster displayed in a common area.

#### ***Child Safety Officers***

Key responsibilities of the Child Safety Officers include:

- Having a good working knowledge of MASS's Child Safe Policy and Procedures
- Participate in an annual meeting to review the Child Safe Policy and Procedures, review any changes to legislation and other requirements, review the Child Safe training program and assessment requirements, review the risk management plan and any incidents reported over the recent period have been addressed appropriately
- Promptly manage MASS's responses to an allegation or disclosure of child abuse, and ensuring that the allegation or disclosure is taken seriously
- Ensuring that MASS's Child Safe Policy and Procedures is clearly communicated to all key stakeholders including clients, parents, staff and volunteers
- Undertaking an annual visit to all MASS sites to conduct refresher training for staff
- Ensuring that MASS's Child Safe Policy and Procedures are being implemented effectively
- Ensuring that there are clear procedures to allow people to report child safety concerns within MASS
- Promoting child safety issues within MASS and responding to general queries with respect to the MASS's Child Safe Policy and Procedures
- Acting as 'Child Safety Champions' and ensuring a strong and sustainable child safety culture is embedded within MASS
- Ensuring that all staff and Direct Contact Volunteers undertake child safety 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 MASS, raising child safety concerns within the school
- Assisting the Director, Senior Child Safety Officer and other senior staff members in coordinating appropriate responses to child safety 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

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

### ***Senior Child Safety Officer***

MASS has appointed Sophie Walker as the Senior Child Safety Officer and she has had an important role in the implementation and operation of our Child Safe Policy and Procedures.

Key responsibilities of the Senior Child Safety Officer include:

- Being the first point of contact for all child safety concerns or queries for the wider community
- Ensuring that other Child Safety Officers understand and comply with their key responsibilities
- Ensuring that all Child Safety Officers undergo appropriate training in MASS's Child Safe Policy and Procedures, their legal responsibilities, and how to appropriately respond to child safety concerns and incidents
- Coordinating MASS's response to child safety incidents in consultation with MASS's Director and other key senior staff
- Reviewing and assessing the effectiveness of MASS's response to a child safety incident
- Ensuring MASS's Child Safe Policy and Procedures are effectively implemented and communicated to all relevant stakeholders.

### **Direct Contact Volunteers**

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

DCVs may have:

- Limited supervision by MASS staff in their role
- Significant amounts of 1:1 time with clients
- Supervisory responsibility for a group of clients with only broad and indirect oversight of a MASS staff member, or
- Full supervisory responsibility for one or more clients, such as in sport coaching or a learning support role.

All DCVs:

- Are required to adhere to MASS's Child Safe Policy and Child Safe Code of Conduct
- Must be aware that they too have legal obligations with respect to the reporting of child abuse
- To be individually responsible to be aware of key risk indicators of child abuse, to be observant, and to raise any concerns with MASS's Child Safety Officers or with external agencies where required.

## Indirect Contact Volunteers

Indirect Contact Volunteers (ICV) are those volunteers who are involved in providing support and services whilst not directly assisting a specific group of clients. Examples of ICV activities may include assisting with MASS functions or camps or fundraising activities.

ALL ICVs:

- Are responsible for contributing to the safety and protection of children in MASS
- Are required to be familiar with MASS's Child Safety Policy and Child Safe Code of Conduct

## Third Party Contractors

All Third Party Contractors (TPC) engaged by MASS are responsible for contributing to the safety and protection of children in the MASS environment. TPCs include for example, maintenance and building personnel, consultants, casual teachers, recreation activity providers and cleaners. This also includes other extra-curricular teachers and instructors who are engaged by clients and their families directly, rather than by MASS, but have an agreement with MASS to use MASS's facilities.

TPCs can either be classified as "Direct Contact Contractors" or "Indirect Contact Contractors".

*Direct Contact Contractors* are:

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

*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 clients as part of their role or undertake roles where clients are not reasonably expected to be present. This type of contractor includes contractors who are engaged in emergencies where there is insufficient time to undertake relevant child safety checks.

All TPCs:

- Are required to be familiar with MASS's Child Safe Policy and Procedures
- May have a requirement of this in the written agreement between MASS and the TPC.

If a TPC is engaged at short notice and it is impractical for them to undertake the normal screening and briefing sessions, MASS staff will take reasonable steps to ensure the safety of children.

## 4. Creating and Maintaining a Child Safe Environment

Creating and maintaining a Child Safe environment is a key priority for MASS and the organisation endeavours to do this through a number of approaches that collectively minimise, and address risks associated with child abuse. The risk management approach includes enforcing a code of conduct and working with children checks, the provision of Child Safe training, the appointment of Child Safety Officers, and the empowerment of children.

### Child Safe Code of Conduct

The Child Safe 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. The Code serves to protect clients, reduce any opportunities for abuse or harm to occur, and promote child safety at MASS.

MASS has developed the Child Safe Code of Conduct as a component of the overall Code of Conduct requirements of all staff, Board members, volunteers and contractors. Clear expectations of behaviour are provided to enable appropriate and positive relationships and personal accountability.

#### **The MASS Child Safe Code of Conduct applies to:**

- All staff members, including non-teaching staff and temporary or casual staff
- Volunteers
- Clients
- Parents and carers
- TPCs and service providers, including EEPs
- Directors of the Board of Directors
- Visitors.

MASS revises this Code annually and MASS's Board of Directors has endorsed this Child Safe Code of Conduct.

MASS has the following expectations of behaviours and boundaries for all adults interacting with clients within the MASS environment. The acceptable behaviours relate to activities such as *Promote, Respect, Act and Report*.

Where a staff member breaches the Code of Conduct, MASS may take disciplinary action, including in the case of serious breaches, summary dismissal.

## Acceptable Behaviours

### **Promote**

- Promote safety, welfare and wellbeing of clients
- Promote safety, participation and empowerment of clients with a disability
- Promote cultural safety, participation and empowerment of linguistically and culturally diverse clients

### **Respect**

- Treat all clients with respect
- Encourage clients to 'have a say' and then listen to them with respect
- Respect cultural, religious and political differences
- Respect the privacy of clients and their families and only disclose information to people who have a need to know

### **Act**

- Behave as a positive role model to clients
- Be vigilant and proactive about client safety and child safety issues
- Provide appropriate supervision for clients
- Comply with guidelines published by MASS with respect to child safety
- Use positive and affirming language towards clients
- Help provide an open, safe and supportive environment for all clients to interact and socialise
- Intervene when clients are engaging in inappropriate bullying behaviour towards others or acting in a humiliating or vilifying way
- Where an allegation of child abuse is made, ensure as quickly as possible that the client involved is safe

### **Report**

- Report any breaches of the Child Safe Code of Conduct
- Report concerns about child safety to one of MASS's Child Safety Officers and ensure that your legal obligations to report allegations externally are met
- Call the Police on 000 if you have immediate concerns for a client's safety

## Unacceptable Behaviours

### **Communications**

#### **Do Not:**

- Use prejudice, oppressive behaviour or inappropriate language
- Express personal views on cultures, race or sexuality in the presence of clients
- Engage in open discussions of an adult nature in the presence of clients
- Engage in inappropriate personal communications with a client through any medium, including any online contact or interactions with a client
- Take or publish (including online) photos, movies or recordings of a client without parental/carers consent

- ☒ Post online any information about a client that may identify them such as their full name; age; email address; telephone number, residence, school, or details of a club or group they may attend.

### **Actions**

#### **Do Not:**

- ☒ Engage in any form of inappropriate behaviour towards clients or expose clients to such behaviour
- ☒ Engage in any form of sexual conduct with a client including making sexually suggestive comments and sharing sexually suggestive material
- ☒ Engage in any form of physical conduct or behaviours including doing things of a personal nature that a client can do for themselves, such as toileting or changing clothes
- ☒ Engage in any form of physical violence towards a client including inappropriately rough physical play
- ☒ Use physical means or corporal punishment to discipline or control a client
- ☒ Engage in any form of behaviour that has the potential to cause a client serious emotional or psychological harm
- ☒ Develop 'special' relationships clients that could be seen as favouritism (for example the offering of gifts or special treatment for specific clients)
- ☒ Engage in undisclosed private meetings with a client 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 Child Safety Officer and the child's parent.
- ☒ Ignore or disregard any suspected or disclosed child abuse.

MASS's Child Safe Procedures provides more detailed guidance for all staff and volunteers on how to maintain professional boundaries between clients and adults.

### **Reporting any concerns**

MASS's Child Safe Procedures includes information for directors of the Board of Directors, staff, and DCVs as to how to identify key risk indicators of child abuse and how to report child abuse concerns to one of MASS's nominated Child Safety Officers. The Procedures also include details on how to report child abuse incidents to relevant authorities. See also summary sheet of *Four Critical Actions for Responding to Incidents, Disclosures and Suspicions of Child Abuse* on page 1 of the Procedures.

TPCs, EEPs, ICVs, clients, parents of other community member who have concerns that a child may be subject to abuse are asked to contact a MASS Child Safety Officer. 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.**

### HR Practices

MASS makes every effort to engage people who are suitable to work with clients at MASS and has developed and implemented Child Safe human resource practices accordingly. All people who work with children are required to undertake a Working with Children Check and police check.

MASS is committed to ensure newly recruited and existing staff, Board Directors and DCVs 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:

- i. Child Safe Recruitment and Induction Practices
- ii. Working with Children Checks
- iii. Child Safe Training
- iv. Our Child Safe Culture.

### ***Child Safe Recruitment and Induction Practices***

MASS undertakes recruitment processes to ensure a safe environment for our clients. MASS has established policies and procedures for recruiting appropriate employees, Board Directors and DCVs and assess their suitability to work with children.

Each job description for staff involved in child-connected work has a clear statement that sets out the requirements, duties and responsibilities regarding child safety for those in that role and the occupant's essential qualifications, experience and attributes in relation to child safety. All applicants for child-connected work at MASS are informed about these requirements and MASS's Child Safe practices prior to commencing work.

All directors of the Board of Directors, employees and DCVs are subject to rigorous interview procedures.

MASS will screen all new staff and directors of the Board of Directors and this will include:

- 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.

DCVs (except parents/carers where their child is participating) will be subjected to the following screening:

- 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
- ☑ Reference checking that addresses the person's suitability for the job and working with children
- ☑ Parents volunteers involved at large scale off-site activities such as overnight excursion or camps will undergo a Working with Children Check clearance as a matter of best practice.

All new staff members and DCVs are regularly supervised to ensure their behaviour towards children is appropriate and to monitor their compliance with MASS's Child Safe Policy and Procedures.

Performance and development reviews are regularly undertaken for all staff and include consideration of performance against MASS's Child Safe Code of Conduct and the requirements of the Child Safe Policy and Procedures.

MASS's 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. (link to other MASS People policies)

### ***Working with Children Checks***

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.

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

Child related work is paid or unpaid work involving regular direct and unsupervised contact with a child or caring for children in any of the occupational categories list in the Act.

The following *is* considered to be child related work:

- Mentoring and counselling services for children
- Direct provision of child health services
- Clubs, association, movement, 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 bus services and taxi services for children with a disability and supervision of school 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
- Commercial entertainment or party services for children unless they are merely incidental to or in support of other business activities.

### *What is not child related work?*

The following types of work are *not* considered to be child related:

- Work as a referee, umpire, linesperson, other sporting official or grounds person is not child related work, if the work does not ordinarily involve contact with children for extended periods without other adults being present
- Providing food or equipment at or for a sporting, cultural or other entertainment venue.

### *Who needs a Working with Children Check?*

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

In line with MASS's risk-based approach to child safety, parents volunteering at large off-site activities such as overnight camps and excursions undergo a WWC Check clearance as a matter of best practice.

### *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
- Victorian or Australian Federal Police Officers
- Workers who usually live in another state or territory, visiting Victoria to engage in child related work
- All children under the age of 18.

### *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 another worker.

To apply:

1. Fill out an 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. MASS 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-size 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)
- 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 other employers or any other source considered relevant
- Formal finding of guilt
- Pending charges.

The 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)
- Offences linked to the safety of children.

### *Outcomes of the WWC Check*

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

*Clearance Outcome*

- ☑ 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*

- ☑ 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 on 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; 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 MASS 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 Victorian Department of Justice of the details of a new organisation they are starting child related work within 21 days.
- ☑ The work must stop working with children immediately if their WWC Check 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 the Card expires.

### **MASS Obligations**

MASS 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 with MASS
- 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 a Check is being processed.
- It is an offence to anyone to apply for or engage in child related work if they have been issued with a Negative Notice.
- The maximum penalty is two years imprisonment, a fine or both.

### **Record Keeping Obligations**

MASS's record keeping obligations relating to WWC Check is undertaken as part of the recruitment and induction process outlined in MS1 Recruitment Policy.

### ***Child Safe Training***

All new staff are required to understand and sign off on the Child Safe Code of Conduct and undertake an on-line training module on Child Safety. The module includes an assessment and this information is provided to the HR Manager.

Ongoing staff are required to participate in an annual refresher workshop conducted by a Child Safety Officer. All teaching and teaching support staff will have refresher training on the 4 Critical Actions for Responding to Incidents, Disclosures and Suspicions of Child Abuse at the beginning of each term.

The MASS Board is required to approve the Child Safe Policy and Procedures and will have an annual briefing on any changes impacting on the Child Safe Policy and Procedures, risk management and any reported incidents and outcomes.

All volunteers will receive a briefing on the Child Safe Policy and Procedures at the commencement of activities such as a camp.

A Child Safety Officer will undertake an annual visit to all MASS sites to conduct a refresher for all staff on child safety issues.

### ***Our Child Safe culture***

At MASS we believe that the safety of children is dependent on the existence of a Child Safe culture within the MASS community. We have developed the following work systems, practices, policies and procedures to create a child safe culture including:

- ☑ A holistic approach to child safety through the MASS Child Safe Policy and Procedures
- ☑ Establishing key child safety standards and principles in the Child Safe Policy
- ☑ Establishing clear expectations for appropriate behaviour with clients through the Child Safe Code of Conduct
- ☑ Educating our staff and DCVs through our Child Safe Training
- ☑ Clear procedures for reporting alleged or suspected incidents of child abuse
- ☑ Recognition that children from culturally diverse backgrounds have the right to special care and support including Aboriginal and Torres Strait Islander children
- ☑ Clearly defining the roles and responsibilities of personnel involved in protecting children.

## Child Safety Risk Management

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

- The nature of MASS’s school and facilities
- The activities clients undertake at MASS (including the provision of services by contractors or outside the MASS physical environment)
- Physical and online environments that exist at MASS
- The characteristics and needs of all clients.

MASS has implemented the following risk mitigation strategies to ensure MASS maintains a proactive approach to our duty of care to protect children from harm and comply with our legal obligations.

### **Risk Mitigation Strategies**

- ☑ The Child Safe Policy and Procedures and the Child Safe Code of Conduct
- ☑ A comprehensive Staff and Clients Boundaries statement included in the Child Safe Policy and Procedures and implemented through training and communicated publicly
- ☑ Induction and ongoing training provided to staff, Board directors, DCCs and DCVs, at least annually, about identifying risks of child abuse in MASS, their obligations and responsibilities for managing these risks, how to report and respond to child protection incidents
- ☑ The appointment of Child Safety Officers who are “Child Protection Champions” at MASS to ensure that they respond to any concerns about child safety and protection in MASS held by clients, staff, volunteers and parents and do so in a safe and supportive environment
- ☑ Extensive policies and procedures relating to excursions and camps ensuring that child safety risks specific to excursions and overnight stays are identified and controls are put in place
- ☑ Extensive policies and procedures in relation to work experience placements, including the completion of the Client Work Experience Checklist that outlines key child safety requirements,
- ☑ Ongoing periodic reviews of all physical 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 WWC Check status of people who may have direct unsupervised contact with clients, to ensure that clients remain safe in all MASS environments both internal and external to the MASS properties, including under a work experience placement
- ☑ Identifying and recording all risks of child abuse in all MASS environments in a child safety 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

### *Staff and Client Boundaries*

MASS staff hold a unique position of influence, authority, trust and power in relation to clients at MASS. As such, it is their duty, at all times, to maintain professional boundaries with clients. The following procedures are designed to raise awareness of situations where professional boundary violations may occur and how to minimise the risk of boundary violations.

MASS is committed to providing a safe physical and emotional environment where all clients 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.

#### **MASS expects that:**

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

### *Professional Boundaries*

Professional boundaries are parameters that describe the limits of a relationship in circumstances where one person (a client) entrusts their welfare and safety to another person (a staff member), in circumstances where a power imbalance exists. In most cases the power imbalance is clear, however sometimes it may be more difficult to recognise for younger staff members who may only be a few years older than their clients.

Staff should use their own good judgement, think very carefully about the implications and potential consequences of engaging in certain behaviours with clients, 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 client's benefit, or for my benefit?
- Am I dealing with this client differently from others in similar circumstances?
- Is my language or demeanour different from normal when dealing with this particular client?

### *Intimate Relationships*

Staff must not initiate or develop a relationship with any client 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 clients and colleagues, and may carry a serious reputational risk for the staff members and also for MASS.

**MASS expects that staff will not engage in:**

- Flirtatious behaviour or dating
- Development of an intimate personal relationship
- Sexual relations
- The use of sexual innuendo, inappropriate language and/or material with clients
- Unwarranted and inappropriate touching
- Unwarranted and inappropriate filming or photography
- Deliberate exposure to sexual behaviour or others (eg pornography)
- Having intimate contact without a valid context via written or electronic means (eg emails, letters, telephone, text messages, social media or chatrooms)
- Going out, whether alone or in company, to social events such as the movies or dinner
- Exchanging gifts of a personal nature that encourages formation of a relationship.

Staff should also be aware that developing or encouraging romantic or sexual relationships with recent former clients (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 staff/client relationships does not suddenly disappear after the client finishes their placement. Staff should not assume that they will be protected from disciplinary action by claiming that a relationship began only after the client left MASS as there may be a reasonable belief that the emotional intimacy of the relationship developed while the staff/client relationship existed.

### *Personal Relationships*

Staff must not initiate or develop a relationship with any client 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 client's **perception** of staff behaviour and not the intention of the staff member that is important.

MASS staff are expected to maintain a professional relationship with their clients and *should not*:

- Attend parties or socialise with clients outside of organised MASS events (without parental/carer permission)
- Share personal details about their private lives with clients
- Meet with clients outside of school hours with permission from MASS.

### *Fair Learning Opportunities*

MASS teachers provide appropriate and effective education services for their clients and are expected to support their clients with their professional expertise to optimise the learning experience. MASS teachers should demonstrate their commitment to client learning by:

- Maintaining a safe and challenging learning environment that promotes mutual respect
- Recognising and developing each client's abilities, skills and talents by catering to their individual abilities and respecting their individual differences
- Encouraging clients to develop and reflect on their own values
- Interacting with clients without bias
- Not engaging in preferential treatment
- Not discriminating against any client on the basis of race, sex, sexuality or religious or political conviction
- Always making decision in client's best interests.

### *Electronic Communications between Staff and Clients*

It is expected that staff at MASS will adhere to the following practices:

- All use of technology should be for educational purposes or for the organisation of co-curricular activities
- All email communication between staff and clients should be via MASS's email system and reflect a professional staff/client relationship
- Any client personal contact numbers or other personal contact details made available to MASS should only be used for MASS communications.

- Staff should not communicate with clients via text messages 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 clients as 'friends' on social media or otherwise use social media to communicate in any way that is not condoned or approved by MASS
- Staff should not exchange personal pictures with a client
- Staff are not expected or encouraged to respond to concerns of parents/carers or clients on holidays, weekends or in the evening

### *Physical Contact with Clients*

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 MASS should adhere to the following guidelines for contact with clients both in and outside of MASS campuses:

- ☑ Staff should avoid unnecessary physical contact with clients
- ☑ Minimal, non-lingering, non-gratuitous physical context of the situation is acceptable (eg congratulatory pat on the back or handshake)
- ☑ 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 client. Note that a client may withdraw consent for this contact either verbally or gesturally and staff must remain vigilant whilst engaging in necessary situations. Once consent has been withdrawn **no** further contact can 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 clients changing should be done, where possible, with another staff member present and always in a manner that respects client's privacy and personal space
- ☑ Always knock and advise of presence prior to entering a bedroom or dormitory
- ☑ Ensure that while in a bedroom or dormitory a strict staff/client relationship is upheld and that inappropriate, such as sitting on a client's bed, is not undertaken.

### *Managing Conflicts of Interest*

Where personal relationships with clients such as family relationships and close friendship networks exist, questions of conflict 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 more diligent in developing and maintaining these boundaries.

Where a staff member feels that a conflict of interest may exist, they should notify the Senior Child Safety Officer, or 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 clients by a staff member with a conflict should be avoided. Any significant decisions relating to these clients should be referred to another staff member and endorsed by a supervisor.

### *Disclosure of Staff/Client Interactions*

All MASS staff should declare any significant interactions with clients outside of normal service hours. These interactions may include instances where the staff member is:

- Related to the client
- Friends with the client's parents of family
- Given parental consent to interact with the client for professional purposes outside of normal service hours and has notified MASS.

### *Staff Responsibilities*

All staff are to:

- Follow the procedures set out in MASS Child Safe Policy and Procedures
- Immediately report any conflicts of interest
- Remove themselves from decision making where a conflict has been identified.

**Where a staff member breaches the MASS Child Safe Policy and Procedures, MASS may take disciplinary action, including in the case of serious breaches, summary dismissal.**

### *Child Safety Officers*

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

The role of Senior Child Safety Officer and Child Safety Officer are detailed in *Section 3 – Who is Responsible*.

Each Child Safety Officer is available to answer any questions with respect to the MASS Child Safe Policy and Procedures.

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-judgemental, calm, resilient and demonstrates a high degree of integrity and respect for confidentiality
- Their role within MASS, for example, a person who has seniority and experience working with complex clients and family issues at MASS and someone who is readily accessible and available to all members of MASS community
- Their personal profile within MASS, for example a person who is approachable, who clients and staff trust and who is willing and able to respond to issues personally and sensitively.

MASS's Child Safety Officers are the first point of contact for reporting child safety issues/child abuse.

'Child Abuse' includes:

- Sexual offences
- Grooming
- Physical violence
- Serious emotional or psychological harm
- Serious neglect
- Family violence, or exposure to family violence.

If there is 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 of the MASS Child Safety Officers (CSO).

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 Number	Email Address
Sophie Walker	Senior Child Safety Officer	0419 887 106 or 5775 2876	sophiew@austismmansfield.org.au
Mercia Nelson	Mansfield Campus CSO	0447 312 106 5775 2876	mercian@autismmansfield.org.au
Katrine Ziemer	Dookie Campus CSO	5828 6480	dookie@autismmansfield.org.au

## 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

MASS recognises that in order to achieve a child safe environment at MASS which meets client's intellectual, physical, social, emotional and moral needs, clients need to be involved in the creation and maintenance of such an environment.

MASS has developed policies that have simple and accessible processes in place to assist children with Autism Spectrum Disorder (ASD) to develop appropriate knowledge and skills to identify and communicate when they do not feel safe. 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 that include:

- Pastoral Care – Child Safety
- Clients with a Disability
- Cultural Diversity

### ***Clients with a Disability***

All of MASS clients have Autism and as such MASS's policies and procedures are appropriate for clients with a disability. MASS is committed to ensuring that we fulfil our legal obligations including those related to discrimination and disability standards.

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

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

- The chronological age, developmental age and cognitive function of the client in order to tailor developmentally appropriate support strategies
- The client'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.

MASS values and respects the racial and cultural diversity of our clients and is committed to ensuring that the backgrounds of all clients are sensitively recognised, catered for, celebrated and valued so that racial and cultural differences do not compromise a client's safety and wellbeing.

MASS:

- Identifies children from culturally diverse backgrounds when they are enrolled at MASS
- Employs appropriate strategies to ensure the safety of these children as required
- Encourages participation and empowerment of these children in the development of these strategies
- Considers these children when developing and implementing policies and procedures related to child protection at MASS
- Educates staff about these cultural differences and the strategies and procedures as required.

When supporting children from culturally diverse backgrounds, including Aboriginal or Torres Strait Islander clients, or those who identify as Aboriginal and Torres Strait Islander, it is critical that MASS provides culturally appropriate support. Where possible, MASS will:

- work with relevant cultural support groups,
- ensure that the confidentiality of the family is maintained
- engage an interpreter when communicating with the client's family.

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

## 5. Responding to and Reporting Allegations of Child Abuse

A summary sheet has been developed to provide all staff and people who are involved with MASS to understand the Four Critical Actions for Responding to Incidents, Disclosures and Suspicions of Child Abuse. The sheet is provided below and is available online and as a poster at all MASS facilities.

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.

MASS will take appropriate, prompt action in response to all allegation or disclosure of abuse, neglect, inappropriate behaviour or concerns about child safety by reporting all matters to the Victorian Child Protection Service or the Police, depending on the allegation or disclosure made.

MASS has established simple and accessible procedures for anyone to report a child abuse concern internally to one of the **Child Safety Officers**.

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

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

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

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
- securing and retaining records of the allegation and the MASS's response to it.



## 4 Critical Actions Responding to Incidents, Disclosures and Suspicions of Child Abuse

**YOU MUST ACT:**

- By following the 4 Critical Actions as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.
- If you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).

More information is provided in MASS Childsafe Policy and Procedures

### 1 Responding to an Emergency

If there is no immediate harm go to Action 2

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

- Separating alleged victims and others involved
- Administer first aid
- Call 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns
- Contact a MASS Child Safety Officer

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence

**MASS Child Safety Officers (03 5775 2876 Mansfield Office)**

Sophie Walker 0419 887 106 [sophiew@autismmansfield.org.au](mailto:sophiew@autismmansfield.org.au)  
 Mercia Nelson 0447 312 106 [mercian@autismmansfield.org.au](mailto:mercian@autismmansfield.org.au)  
 Katrine Ziemer 5828 6480 [dookie@autismmansfield.org.au](mailto:dookie@autismmansfield.org.au)

### 2 Reporting to Authorities

As soon as immediate health and safety concerns are addressed you **MUST** report all incidents, suspicions or disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

#### Source of Abuse Within MASS

**VICTORIA POLICE**  
 You **MUST** report all instances of suspected child abuse involving a MASS staff member, contractor or volunteer to Victoria Police.

**MASS**  
 You must also report internally to a MASS Child Safety Office or the Director. MASS will report to the Commission for Children and Young People (CCYP) where a staff member is involved.

**Client**  
 For suspected client/student abuse, contact a MASS Child Safety Officer.

#### Source of Abuse Within Family or Community

**DHHS Child Protection**  
 You **MUST** report to DHHS Child Protection if a child is considered to be:

- In need of protection from child abuse
- At risk of being harmed (or has been harmed) and the harm has had, or is likely to have a serious impact on the child's safety, stability or development.

You must also report to Victoria Police and MASS Child Safety Officer or Director.

If you believe a child is not subject to abuse, but you still hold significant concerns for their wellbeing, you must still act. This may include making a referral or seeking advice from CHILD FIRST, or to DHHS Child Protection or Victoria Police.

Source *PROTECT. The Department of Education and Training. 2016.*

### 3 Contacting Parents / Carers

The Director **MUST** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- Not to contact the parents/carers (e.g in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parents/carers to be contacted).
- To contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

### 4 Providing Ongoing Support

MASS must provide support for children impacted by abuse. This should include the development of a Client Support Plan in consultation with support professionals. This is an essential part of the duty of care to clients.

You must follow the **4 Critical Actions** every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

**CONTACTS**

DHHS North Division 1300 664 977 AH 131278  
 Victoria Police 000  
 CCYP 03 8601 5281 [contact@ccyp.vic.gov.au](mailto:contact@ccyp.vic.gov.au)  
 CHILD FIRST [www.dhs.vic.gov.au](http://www.dhs.vic.gov.au)

### ***Documenting 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. These notes may also assist if you're required to provide evidence to support your decisions regarding the handling of child protection incidents at a later date. For more information about how to record observations, disclosures or allegations refer to the Child Safety Record Keeping section.

### ***Preserving Evidence***

When an incident of suspected child abuse occurs at 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
- potential witnesses: reasonable precautions must be taken to prevent discussion of the incident between those involved in the alleged incident.

More detailed information on Responding to Incidents, Disclosures and Suspicions of Child Abuse is provided in the following listed sections.

- ❖ Responding to an emergency
- ❖ Managing your initial response to a child safety incident
- ❖ Reporting a child abuse concern internally
- ❖ General obligation to "Act to Protect" and to report child sexual abuse
- ❖ Mandatory reporting
- ❖ Responding to other concerns about the wellbeing of a child
- ❖ Conduct that is reportable to the Victorian Institute of Teachers
- ❖ Communication with parents/carers
- ❖ Support for clients interviewed at MASS
- ❖ Making additional reports
- ❖ Child safety complaints management
- ❖ Confidentiality and privacy
- ❖ Child safety record keeping.

## 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 safety 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
- briefing the Senior Child Safety Officer to be the future liaison with the Police on the matter.

## Managing your initial response to a child safety incident

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.

- i. Witnessing a Child Safety Incident
- ii. Observation of Risk Indicators
- iii. Private Disclosure by a Child
- iv. Public Disclosure by a Child
- v. Third Party Disclosure
- vi. Disclosure by a Former Client
- vii. Support Following Disclosure

### ***i. Witnessing a Child Safety 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.
- 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.

### ***ii. Observation of Risk Indicators***

The different types of child abuse and their key risk indicators are set out in detail in the section one of the Procedures, 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 especially those related to Autism.

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 immediately to a MASS Child Safety Officer.

### *iii. Private Disclosure by a Child*

If a client 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
  - 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 client 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 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 client, staff should follow the steps set out in MASS's Support Following Disclosure policy

### *iv. 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

- ☑ moving the child away from the other clients to a quiet space
- ☑ then follow the guidelines with respect to managing a private disclosure
- ☑ Following a disclosure of abuse or neglect by a client, staff should follow the steps set out in the section *Support for Clients Interviewed by MASS*.

**v. 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
- ☑ advise the person that you will discuss their concerns with the relevant authorities.
- ☑ reassure and support the person providing the information.
- ☑ make written notes of the circumstances of the disclosure recording both dates and times.

You **must**:

- ☒ not promise to not tell anyone about the allegation, as you are responsible for reporting the matter
- ☒ not interrogate the third party and pressure them to tell you more than they want to
- ☒ report the matter internally to a MASS Child Safety Officer as soon as possible.

**vi. Disclosure by a Former Client**

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

If the former client 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 particular, the processes detailed in:

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

If the former client 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 MASS, this may trigger obligations under the Obligation to Act to Protect policy to remove the risk of abuse to other clients.

### **vii. 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
- 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 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. MASS provides support to impacted staff and Volunteers to access necessary support.

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

It is important to remember 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 MASS' Child Safety Officers.

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 below.

Name	Position	Contact Number	Email Address
Sophie Walker	Senior Child Safety Officer	0419 887 106 or 5775 2876	sophiew@austismmansfield.org.au
Mercia Nelson	Mansfield Campus CSO	0447 312 106 5775 2876	mercian@autismmansfield.org.au
Katrine Ziemer	Dookie Campus CSO	5828 6480	dookie@autismmansfield.org.au

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
- 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.

### 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)
- 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:

- i. The Obligation to Report a Sexual Offence
- ii. The Obligation to Act to Protect

#### ***i. 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 clients 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
- 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 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.

### *Record Keeping Obligations*

For MASS' record keeping obligations relating to child safety incidents, refer to Section M. - *Child Safety Record Keeping*.

## **ii. The Obligation to Act to Protect**

### *Source of Obligation*

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

MASS has a duty of care which entails protecting all clients from foreseeable risks while at MASS or engaging in MASS activities.

In addition, under section 49C of the Crimes Act 1958 (Vic) (Crimes Act) a person who:

- a) by reason of the position they occupy within or in relation to 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 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 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 Client/s?*

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

Examples of people in a position of authority include:

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

### *When Should Action be Taken?*

A person in a position of authority at MASS is required to act if they know that there is a substantial risk that a client or clients may become the victim of a sexual offence, and the risk is caused by a person associated with MASS.

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

If a person in authority has a suspicion or belief that clients 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 MASS Child Safety Officer.

The duty to act extends to situations where the clients 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 client 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 client 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

- 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
- an attempted sexual offence or an assault with intent to commit a sexual offence.

*Who is “a Person Associated with MASS”?*

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

- Member of the Board of Directors
- Teacher
- Residential supervisor
- Employee
- Volunteer (including parents)
- Third Party Contractor.

A person will not be considered to be associated with MASS purely because they receive services from 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 client or clients under their care, they should immediately:

- take reasonable steps which would remove or reduce the risk to the client or clients, which may include immediately removing the person from contact with the client or clients
- report the matter to a MASS Child Safety Officer and the Director, as soon as practicable;
- conduct an investigation unless this relates to a Mandatory Reporting situation
- 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 client or clients should be immediately removed from contact with clients 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 MASS' record keeping obligations relating to child safety incidents, refer to Section M. - *Child Safety 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 section 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
- nurses.

It is the responsibility of other staff, Volunteers or members of 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 MASS staff who have concerns that a client may be in need of protection or may have been the victim of a sexual offence, should notify a 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 MASS Child Safety Officer 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 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)
- 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.

<https://providers.dhhs.vic.gov.au/sites/dhhsproviders/files/2017-06/stpe-by-step-guide-making-report-child-protection-child-first.pdf>

## A step-by-step guide to making a report to Child Protection or Child FIRST

### Protective concerns

You are concerned about a child because you have:

- received a disclosure from a child about abuse or neglect
- observed indicators of abuse or neglect
- been made aware of possible harm via your involvement in the community external to your professional role.

### At all times remember to:

- record your observations
- follow appropriate protocols
- consult notes and records
- consult with appropriate colleagues if necessary
- consult with other support agencies if necessary

STEP 1	RESPONDING TO CONCERNS	STEP 2	FORMING A BELIEF ON REASONABLE GROUNDS	STEP 3	STEP 4	MAKE A REPORT TO CHILD PROTECTION
	<p>1. If your concerns relate to a child in need of immediate protection; or you have formed a belief that a child is at significant risk of harm*.</p> <p><b>Go to Step 4</b></p> <p>2. If you have significant concerns that a child and their family need a referral to Child FIRST for family services.</p> <p><b>Go to Step 3</b></p> <p>3. In all other situations.</p> <p><b>Go to Step 2.</b></p> <p>* Refer to Appendix 2: Definitions of child abuse and indicators of harm in the Protocol – <i>Protecting the safety and wellbeing of children and young people</i></p>	<p>1. Consider the level of immediate danger to the child.</p> <p>Ask yourself:</p> <p>a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm?</p> <p><b>YES / NO</b></p> <p>and</p> <p>b) Am I in doubt about the child's safety and the parent's ability to protect the child?</p> <p><b>YES / NO</b></p> <p>2. If you answered yes to a) or b)</p> <p><b>Go to Step 4</b></p> <p>3. If you have significant concerns that a child and their family need a referral to Child FIRST for family services.</p> <p><b>Go to Step 3</b></p>	<p><b>Child Wellbeing Referral</b></p> <p>1. Contact your local Child FIRST provider:</p> <ul style="list-style-type: none"> <li>• See over for contact list for local Child FIRST phone numbers.</li> </ul> <p>2. Have notes ready with your observations and child and family details.</p>	<p><b>Mandatory/ Protective Report*</b></p> <p>1. Contact your local Child Protection Intake provider immediately.</p> <ul style="list-style-type: none"> <li>• See over for contact list for local Child Protection phone numbers.</li> <li>• For <b>After Hours Child Protection</b> Emergency Services, call <b>131 278</b>.</li> </ul> <p>2. Have notes ready with your observations and child and family details.</p> <p>* <i>Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection</i></p>		

For further information refer to *Protecting the safety and wellbeing of children and young people – A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools*

## WHAT INFORMATION SHOULD BE PROVIDED IN A REPORT?

When making a report to Child FIRST, DHHS Child Protection or Victoria Police, you should aim to provide as much information as possible. This may include specific information about the child and other members of the child's family, or people living with the child whose behaviour has an impact on the child, as outlined in the table below.

Child	Family	Alleged Abuse	Notifier (person making the report)
<p>Name / gender / age                      Any disabilities, mental or physical health issues                      Current location and safety status (e.g. is the child safe now or in immediate danger?)                      Social and economic background                      Previous history or indicators of abuse                      Cultural status                      Language(s) spoken                      Religion                      Any other significant factors                      Positive relationships with family member or carer</p>	<p>Composition (e.g. parenting or care arrangements)                      Parent / carer information                      Presence of extended family                      Siblings - names / ages                      Disability or illness in family                      Language(s) spoken at home                      Other people living with the child                      History of school involvement with family                      Other agencies involved                      Likely reaction to DHHS Child Protection                      Family awareness of report</p>	<p>Times / dates                      Nature of incident                      Any patterns of behaviour or prior concerns leading up to the alleged abuse                      History of violence                      Previous incidents                      Previous agency involvement</p>	<p>Name                      Occupation                      Location                      Contact details                      Relationship to child                      Grounds for belief                      Present / prior concerns</p>

### *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 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
- 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.

### *Record Keeping Obligations*

For MASS' record keeping obligations relating to child safety incidents, refer to *Child Safety Record Keeping*.

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

#### *Source of Obligation*

The **Child Wellbeing and Safety Act 2005** (Vic) (the Act) requires 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.

MASS has developed the following *Reportable Conduct of Staff, Volunteers and Others Procedures* 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 clients via our public website and staff intranet.

The Commission's website provides additional guidance and materials which assist 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 MASS whether or not that person is employed in connection with any work or activities of MASS that relate to children; or engaged by MASS to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to children. A minister of religion or a religious leader is also an employee.

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

- Board Directors
- The Director
- Staff members
- Volunteers
- Third Party Contractors
- 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 mean:

- a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded
- 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 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.

"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
- voyeurism.

"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.

The Commission has provided guidance on how to identify physical violence, behaviour that causes emotional or psychological harm to a child and neglect.

"Physical violence" includes an act that causes physical injury or pain. Examples of physical violence can include:

- hitting/kicking/punching;
- pushing/shoving/grabbing/throwing/shaking;
- using an object to hit or strike; and
- using inappropriate restraint/excessive force.

Physical violence **does not** include:

- reasonable steps taken to protect a child from immediate harm, such as taking a child's arm to stop them from going into oncoming traffic, or
- medical treatment given in good faith by an appropriately qualified person, such as a first aid officer administering first aid.

Behaviour that causes emotional or psychological harm to a child requires a clear link between the alleged conduct and the significant harm suffered (significant is defined above).

Signs that a child may have been emotionally or psychologically harmed may include:

- patterns of out-of-character behaviour
- regression in behaviour
- distress and anxious behaviours
- other physical symptoms, such as self-harm.

The exacerbation or aggravation of an existing mental health disorder may also cause emotional or psychological harm.

Examples of emotional or psychological harm may include:

- exposure to violence or threats of violence
- self-destructive behaviour
- antisocial behaviour
- persistent hostility/rejection; humiliation/belittling
- and scapegoating.

It will not be reportable conduct if:

- a person takes reasonable steps to protect a child from immediate harm
- a person with responsibility for discipline takes lawful and reasonable disciplinary action, such as sending a child to sit in 'time out' for a period of time (refer to Client Discipline Policy)
- or an appropriately qualified person, gives medical treatment in good faith such as a first aid officer administering first aid.

"Neglect" occurs when a person does not meet their obligations and responsibilities to keep a child safe and well. The neglect:

- must be more than minor and insignificant
- does not need to have a lasting or permanent effect
- may be an ongoing situation or a one-off incident, as long as it is not minor in nature.

Examples of different types of neglect include:

- supervisory neglect, which is the absence or inattention of a person which places the child at risk of physical harm or injury, sexual abuse or allows other criminal behaviours towards the child
- physical neglect, which is the failure to provide basic physical necessities for a child, such as adequate food, clothing and housing
- medical neglect, which is the failure to provide for appropriate medical care for a child, including a failure to acknowledge the seriousness of an illness or condition, or deliberately withholding appropriate care.

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 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 **Code of Conduct Policy** explains the importance of staff members maintaining professional boundaries with clients. If a professional boundary is crossed, the conduct involved will constitute reportable conduct under this policy.

### *What Must be Notified?*

Under the Act, 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 MASS.

Guidance from the Commission states that reasonable belief is more than a suspicion. There must be some objective basis for the belief. However, it is not the same as proof and does not require certainty.

### *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 MASS, the Director (“head”) must notify the Commission (section 16M). It is a criminal offence if the Director fails, without reasonable excuse, to comply with this obligation.

The Act does not define what would be a "reasonable excuse" however section 16M(5) provides an exemption if the Director honestly and reasonably believed that another person had notified the Commission.

The "head" is defined in the Act to include the chief executive officer or principal officer of the entity. The definition of an "entity" in the Act requires MASS to consider its governance structure and operations to determine who the "head" will be. The head of the 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 MASS's compliance with the reportable conduct obligations under the Act. Guidance from the DHHS states that a school principal may be a head. At MASS, the head is the Director.

### *The Director and Delegation Obligations under the Act*

The Director is responsible for ensuring MASS complies with the reportable conduct obligations under the Act however the Director may delegate parts of their responsibility to facilitate the implementation of this policy. Guidance from the Commission supports the introduction of systems to assist the Director to fulfil their obligations under the Act.

It is important to note that while the Child Safety Officer does not have a formal role under the Act (unless they are the 'head' of the school) the Director may seek their assistance in the administration of the procedures in this policy. For example, the Child Safety Officer may assist the Director to compile the information required to report to the Commission.

The Director must ensure that delegation procedures are in place if the Director knows they will be absent or is unexpectedly absent from MASS. If a person has information supporting a reportable allegation while the Director is away, MASS must be able to notify the Director to ensure that the Director is made aware of the reportable allegation so that they can respond as soon as practicable. Despite any delegation which may occur, the Director will remain responsible and accountable for their responsibilities under the Act.

### *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 those of 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. A Police investigation will take priority over any investigation conducted by MASS under this policy.

### *Internal Reporting of Reportable Allegations*

As soon as a person, including a staff member, forms a reasonable belief that a staff member at MASS has engaged in reportable conduct or misconduct that may involve reportable conduct (the reportable allegation), the person must notify the Director.

The report may be made verbally or in written form using the Responding to Suspected Child Abuse Template available

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT\\_Responding\\_TemplateSchools.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf).

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 Chair of the Board or the Commission using an online form available from the Commission's website, by phone or by letter.

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 to the Chair of the Board of Directors or the Commission using an online form available on the Commission's website, by phone or by letter.

*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, they **must notify the Commission within three business days**.

Where the reportable allegation involves the Director, the person must notify the Chair of the Board who will become the 'head of MASS' for the purposes of reporting the reportable allegation.

There are two stages of reporting. The Commission must be notified by the Director in writing of:

1. the reportable allegation as soon as possible, and in any event **within three business days** of the Director being notified of the reportable allegation (Stage One Report)
2. 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 within 3 business days*

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 MASS
- 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, 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 within 30 business days*

The report to the Commission must state:

- detailed information about the reportable allegation
- whether or not 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
- 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. A Police investigation will take priority over any investigation conducted by MASS under this policy.

*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 MASS can appoint a regulator (for example the Victorian Institute of Teaching) or an independent investigator. A regulator engaged by 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 procedural fairness and 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.

Refer to the Commission's Information Sheet 4 Investigation Overview for more information on what to consider when conducting an investigation.

A Police investigation into any matter takes priority over an investigation by MASS. On becoming aware that the Police are investigating a reportable allegation, the Director should consult with the Police before commencing a MASS investigation. If the Police are, or

will be, conducting an investigation then MASS's investigation should be put on hold until the Police investigation is complete.

The 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
- the reasons why if the Director (or Chair) does not propose to take any disciplinary or other action in relation to the staff member.

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*

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

- a person 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 MASS. The Commission may visit MASS, inspect documents and interview staff members or children involved in the reportable allegation. MASS must assist the Commission in all reasonable aspects of its investigation.

### *Record Keeping*

MASS must maintain records of these reportable allegations, written reports and reportable conduct investigation findings indefinitely. Records relating to a child safety incident are only disposed of in accordance with MASS's 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. 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 clients at MASS to ensure that they feel safe and are supported at 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 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
- you or 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
- significant social or economic disadvantage.

### **Victoria Police**

In addition to reporting suspected abuse to the appropriate authorities in accordance with 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
- 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 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 MASS' record keeping obligations relating to child protection incidents or child wellbeing concerns, refer to **Child Safety Record Keeping**.

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

### *Reportable Conduct*

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.

Under the Education and Training Reform Act 2006 (Vic), MASS must notify the Victorian Institute of Teaching (VIT) once MASS has taken action against a registered teacher. The VIT then has powers to investigate and take further action.

### *VIT Reporting, Mandatory Reporting & Reporting to the Commission*

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 **Mandatory Reporting**) and the Reportable Conduct obligation under the Child Wellbeing and Safety Act 2005 (Vic) refer to (**Reportable Conduct of Staff, Volunteers and Others**).

### *Internal Reporting of Allegations of Staff Misconduct*

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.

### *Internal Investigation of Allegations of Misconduct*

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 Mandatory Reporting obligations) 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.

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).

### *Reporting Obligation to the VIT*

MASS must immediately notify the VIT if MASS has taken action against a registered teacher in response to:

- allegations of serious misconduct
- serious incompetence
- fitness to teach (which relates to character, reputation and conduct, and whether the teacher is physically and mentally able to teach)
- a registered teacher's ability to practice as a teacher is seriously detrimentally affected or likely to be seriously affected because of an impairment.

MASS must also notify the VIT if MASS becomes aware that a teacher:

- has been charged with or committed for trial for a sexual offence, (including grooming, encouragement and child pornography offences)
- 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).

MASS should also notify the VIT if a teacher takes action against them in another forum such as the Fair Work Commission.

### *What "Action" Must Be Reported*

"Actions" which will be reported by MASS to the VIT include (but are not limited to):

- disciplinary action taken by MASS;

- where a teacher resigns after being advised by MASS that it is inquiring into allegations.

### *When to Notify the VIT*

The VIT should be notified of the action taken against a teacher once the process by MASS has been initiated.

### *VIT Response*

On receiving the notification, the VIT has the power to:

- ensure that it has obtained all relevant information from MASS, and may request further information
- decide whether the matter does not reach the threshold required for it to proceed;
- conduct an investigation, an informal hearing, or a formal hearing
- or 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.

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.

### *Impact on Working with Children Check*

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.

### *Record Keeping Obligations*

For MASS' record keeping obligations relating to child protection incidents, refer to **Child Safety Record Keeping**.

## 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
- ensure that their child receives the support that is needed.

It is 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** 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 Clients Interviewed at MASS

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

#### *Support for Clients*

All clients interviewed by the Police or DHHS Child Protection at MASS must be supported. Where possible, the client's parents/carers should be present for any interview. Where this is not practicable, one of the following persons may provide support to the client 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 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 client 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 client is a family member, or the Director or Child Safety Officer may be the perpetrator.

### ***General Protocols***

MASS's Director must:

- facilitate interviews requested by the Police or DHHS Child Protection workers
- advise clients of their right to have an independent supportive adult, parent or carer present at such an interview
- arrange for the client to choose an independent supportive adult to be present
- balance their obligation to protect the rights of clients 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 clients interviewed at School/MASS by the Police or DHHS Child Protection workers
- observe confidentiality at all times in the management of a mandatory reporting or criminal case.

### ***Contacting Parents/Carers***

Before contacting a client'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 clients without parental/carers knowledge or consent in exceptional circumstances.

### ***Client as a Victim/Witness***

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

- support and encourage the client to provide as much information as possible
- inform the client 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.

### ***Client as a Suspect***

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

### ***Complying with Court Orders***

A subpoena or witness summons is a court order that compels 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 MASS, the Director or a staff member has information or documents that are relevant to the proceeding. MASS will seek external legal advice and support relating to complying with subpoenas or witness summons.

## 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 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.

## Child Safety Complaints Management

MASS has developed a Complaints and Disputes Policy (HS11) to ensure that any child safety-related feedback, comments or complaints from 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 MASS' Child Safe Program.

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

All Board directors, staff including the Director, Volunteers, Third Party Contractors and External Education Providers must follow 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 client may be subject to, or at risk of, any unreported abuse.

### Confidentiality & Privacy

#### *Confidentiality of Information Relating to Child Safety 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 MASS' Child Protection Program. In particular, you must not promise a client that you will not tell anyone about the client's disclosure.

Clients and any other parties who become involved in the investigation (this may include other clients) 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 them self 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*

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 MASS.

### *Protection of Personal Information*

How MASS handles the information collected about individuals (referred to in the Privacy Act 1988 (Cth) as personal information) is very important, as the people we deal with expect their personal information to be handled properly and MASS has 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
- 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 client who has been impacted (or is suspected to have been impacted) by child abuse, you should:

- obtain the request for information in writing
- 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
  - 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 MASS Community*

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

MASS community because even the confirmation of an incident or allegation can lead to the identification of a victim.

### *Record Keeping Obligations*

For MASS' record keeping obligations relating to child protection incidents, refer to **Child Safety Record Keeping**.

### Child Safety Record Keeping

Effective child safety record keeping is one of MASS's key strategies in the management of its child safety obligations, including the fulfilment of our duty of care. It is through such record keeping that MASS can ensure that, should there ever be a need for evidence of MASS's child safe culture or precautions and preventative measures taken in response to the risk of child abuse, 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 MASS community forms the belief on reasonable grounds that a client 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, client 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 client's disclosure.

The records of child protection must be stored securely. Refer to our *Records Management Policy* for information on how we store records.

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

MASS requires all members of 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.

## WHAT INFORMATION SHOULD BE PROVIDED IN A REPORT?

When making a report to Child FIRST, DHHS Child Protection or Victoria Police, you should aim to provide as much information as possible. This may include specific information about the child and other members of the child's family, or people living with the child whose behaviour has an impact on the child, as outlined in the table below.

Child	Family	Alleged Abuse	Notifier (person making the report)
<p>Name / gender / age Any disabilities, mental or physical health issues Current location and safety status (e.g. is the child safe now or in immediate danger?) Social and economic background Previous history or indicators of abuse Cultural status Language(s) spoken Religion Any other significant factors Positive relationships with family member or carer</p>	<p>Composition (e.g. parenting or care arrangements) Parent / carer information Presence of extended family Siblings - names / ages Disability or illness in family Language(s) spoken at home Other people living with the child History of school involvement with family Other agencies involved Likely reaction to DHHS Child Protection Family awareness of report</p>	<p>Times / dates Nature of incident Any patterns of behaviour or prior concerns leading up to the alleged abuse History of violence Previous incidents Previous agency involvement</p>	<p>Name Occupation Location Contact details Relationship to child Grounds for belief Present / prior concerns</p>

The Template is provided by the DET and DHHS Child Protection for all Victorian schools and is made available on MASS's public website, internal intranet, and in hard copy at MASS.

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT\\_Schoolstemplate.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Schoolstemplate.pdf) (link copied 6/9/2018)

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 MASS' Director, a Child Safety Officer or a senior member of staff.

All completed Template reporting forms are to be given to MASS's Director, a Child Safety Officer or a senior member of staff. 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 MASS's HR Manager to verify the status of all staff and non-parent volunteers' Working with Children Checks (WWC Checks).

In line with 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, MASS requires that these parent volunteers undergo a Working with Children Check clearance as a matter of best practice. MASS 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 MASS's risk management strategies in Child Safe Risk Management is an example of taking reasonable precautions to prevent the physical or sexual abuse of a child. It is critical that 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 MASS for damages in respect of child abuse.

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

### *Disciplinary Procedures*

Where a staff member breaches any obligation, duty or responsibility in relation to the Child Safe Policy and Procedures, MASS may take disciplinary action, including in the case of serious breaches, summary dismissal. Where any other member of MASS community breaches any obligation, duty or responsibility MASS may also take appropriate action.

## **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 Client 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 Clients 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