

PROCEDURES WHEN AN ALLEGATION OF CHILD ABUSE IS MADE POLICY

[Standard 5]

Rationale

Legal Responsibilities

- While the child safe standards focus on organisations, every adult who reasonably believes that a child has been abused, whether in their school or not, has an obligation to report that belief to authorities.
- The **failure to disclose** criminal offence requires all adults (aged 18 and over) who hold a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 to disclose that information to police (unless they have a reasonable excuse not to, for example because they fear for their safety or the safety of another).
- While **failure to disclose** only covers child sexual abuse, all adults should report other forms of child abuse to authorities. Failure to disclose does not change mandatory reporting responsibilities.
- **Mandatory Reporters** (doctors, nurses, midwives, teachers, including early childhood teachers, principals and police) must report to child protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.
- The **failure to protect** criminal offence (commenced on 1 July 2015) applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently failed to do so.

Purpose

- To ensure Kew Primary School complies with the legislative requirements of MO 870.
- To ensure the school demonstrates its commitment to creating a child safe environment.
- To ensure the school has in place strategies to enhance Child Safe Standard 5.
- To ensure the promotion of:
 - the cultural safety of Aboriginal children
 - the cultural safety of children from culturally and/or linguistically diverse backgrounds
 - the safety of children with a disability
- To ensure the school discharges its duty of care to students.

Implementation

- This policy is intended for School Leadership, staff, School Council, visitors, volunteers and contractors.
- The safety of every child at the school is our highest priority.
- The school has a **zero tolerance of child abuse**.
- The school will ensure that all staff are aware of their responsibilities under the “failure to disclose” and “failure to protect” legislation including that failure to comply with the reporting obligations may be committing a criminal offence.

If a child discloses an incident of abuse to you:

- Try and separate them from the other children discreetly and listen to them carefully.
- Let the child use their own words to explain what has occurred.
- Reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
- Explain to them that this information may need to be shared with others, such as with their parent/carer, specific people in your organisation, or the police.
- Do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
- Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.

- Provide them with an incident report form to complete, or complete it together, if you think the child is able to do this.
- As soon as possible after the disclosure, record the information using the child's words and report the disclosure to the Principal and to the School Child Safety Officer, police or DHHS Child Protection services.
- Ensure the disclosure is recorded accurately, and that the record is stored securely.

If a parent/carer says their child has been abused in the school or raises a concern:

- Explain that the school has processes to ensure all abuse allegations are taken very seriously.
- Ask about the wellbeing of the child.
- Allow the parent/carer to talk through the incident in their own words.
- Advise the parent/carer that you will take notes during the discussion to capture all details.
- Explain to them the information may need to be repeated to authorities or others, such as the Principal and/or Child Safety Officer, the police or DHHS Child Protection services.
- Do not make promises at this early stage, except that you will do your best to keep the child safe.
- Provide them with an incident report form/s to complete, or complete it together.
- Ask them what action they would like to take and advise them of what the immediate next steps will be.
- Ensure the report is recorded accurately, and that the record is stored securely.

Staff need to be aware that some people from Culturally and/or Linguistically Diverse (CALD) backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. You need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member).

If an allegation of abuse involves an Aboriginal and Torres Strait Islander child, staff will need to ensure a culturally appropriate response. A way to help ensure this could include engaging with parents of Aboriginal and Torres Strait Islander children, local Aboriginal communities or an Aboriginal community controlled organisations to review policies and procedures.

Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters.

Advice on [communicating with people with a disability](http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities) can be found on the Department of Health and Human Services website <www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities>.

If you believe a child is at immediate risk of abuse phone the Victoria police on 000.

Inform the Principal as soon as practicable.

- Please refer also to the school's *Child Safety (Mandatory Reporting) Responding & Reporting Obligations, Duty of Care Policy, Police & DHHS Interviews Policy, Responding to Student Sexual Offending Policy, Information and Privacy Policy, Communication Procedures & Schedule* and the Child Safe Standards.

Evaluation

- This policy, first developed in this format in April 2019, will be reviewed every two years as part of the VRQA requirements, if an incident occurs or if guidelines change (latest PROTECT information 11 April 2018).

This policy was ratified by School Council 6 August 2019

References:
 Creating a Child Safe Organisation Guide
 Child Safe Standards Toolkit
www.education.vic.gov.au/school/Principals/spag/safety/Pages/childsafestandards.aspx
 and
 Protect – Identifying All Forms of Child Abuse in Victorian Schools 11 April 2018
www.vrqa.vic.gov.au/child-safe