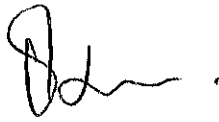
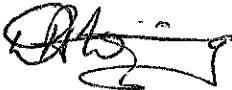




Mandatory Reporting Policy and Procedure

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Version number	3.0		
Drafted by	Veronica Kioria		
Responsible person CEO	Veronica Kioria	Signature 	Date: 22/05/19
Approved by the Board:			
On behalf of the Board	David Ling President	Signature 	Date: 22/05/19
Scheduled review date	December 2021		

Basic Beliefs/Purpose

Diamond Valley Learning Centre (DVLC) is committed to ensuring the safety of children, and that each child enrolled at DVLC is protected against physical and sexual abuse, and neglect. This policy documents DVLC staff legal and other responsibilities related to child protection, and the processes to be followed when reporting suspected abuse. This policy must be read in conjunction with the Child Safe Policy.

Scope

This Policy and Procedure applies to DVLC staff, volunteers and other stakeholders, and in particular to:

- any person designated as a mandatory reporter, including anyone registered under the Education and Training Reform Act 2006, or who has been granted permission to teach under the Act;
- any VCAL staff providing advocacy and support to VCAL students;
- any staff member in a position of authority, who becomes aware that an adult associated with DVLC (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under 16 who is under DVLC care (Failure to Protect offense); and
- any adult (over the age of 18 years) who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 (Failure to Disclose offense).

Please refer to the summary table in Appendix 1 for further information.

Policy Guidelines

DVLC recognises that all children have the right to be safe and to feel safe, and is committed to providing a child safe environment for education and training purposes.

DVLC acknowledges that it has a range of legal obligations and responsibilities in relation to child safety, and has embedded adherence to them in policies and procedures which provide guidelines for staff, volunteers and other stakeholders. These responsibilities include:

- compliance with the Child Safe Standards;
- responsibilities related to protecting children from abuse;
- mandatory reporting requirements for relevant staff;
- disclosure responsibilities for all Victorian adults;
- reporting allegations of child abuse under the Reportable Conduct Scheme;
- and
- raising awareness of child safety within the DVLC community.

DVLC requires any staff member who is a mandatory reporter to make a report (as soon as practicable) to Victoria Police and/or the Department of Health and Human Services (DHHS) Child Protection if, due to their work, they have formed a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect the child from harm of that type; and
- a child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect the child from harm of that type.

DVLC assists and supports its teaching and other staff to meet their obligations under mandatory reporting requirements.

DVLC expects that any adult over the age of 18 who works or volunteers at DVLC will be cognisant of their shared responsibility to prevent child abuse. Anyone who forms a reasonable belief that a child's safety is at risk, is required to report this risk to Victoria Police and other authorities. They are advised to speak to their supervisor for support during the reporting process.

If the source of suspected abuse is from the family / community, DVLC will notify DHHS Child Protection.

If the source of the suspected abuse is from within DVLC, the Chief Executive Officer (CEO) or Board must be notified **immediately**, so that a report can be made under the Reportable Conduct Scheme. The CEO (or Board) is obligated to notify the Commission for Children and Young People of an allegation of reportable conduct within three (3) business days. The Commission will support DVLC in an investigation of the allegation, and share information with Victoria Police, the Department of Justice and Regulation (Working with Children Check Unit), and regulators. The CEO is obligated to provide further detailed information, including actions taken, within 30 days.

DVLC staff or volunteers who suspect child abuse should be aware that:

- they do not have to prove that abuse has taken place;
- they do not need permission from parents or caregivers to make the report (or need to inform them that a report is being made);
- their identity will remain confidential (unless the matter goes to court and their evidence is required).

Anyone intending to report child abuse, including suspected grooming, to police, is advised to speak to their DVLC supervisor for support during the reporting process.

All staff and volunteers are expected to maintain confidentiality after reporting suspected child abuse.

Procedure Guidelines

DVLC staff and volunteers should note that:

- other procedures (such as the critical incident procedure) may apply and additional actions may be required;
 - clarification of reporting responsibilities is provided in Appendix 1;
 - legal responsibilities to report a reasonable belief to authorities and within DVLC override any privacy obligations;
 - suspicions should always be discussed with a supervisor, and the CEO notified, to ensure that you are supported during your work and any potential reporting, and to confirm or clarify reporting and referral requirements for action.
1. If a child is at immediate risk of harm, you must ensure their safety and:
 - a. separate alleged victims and others (do not leave children unsupervised);
 - b. administer first aid;
 - c. call 000 for urgent medical and/or police assistance;
 - d. identify the person in your organisation for further contact; and
 - e. quarantine the potential crime scene to preserve integrity.
 2. You must report the incident, your suspicions and any disclosures, as soon as possible after the child's immediate health and safety needs have been met.
 3. If the source of the suspected abuse (including grooming) is within DVLC:
 - a. call police on 000;
 - b. report the matter immediately to your supervisor and the CEO (you may report directly to the Board if the CEO is implicated in the allegation);
 - c. record details, including dates; and
 - d. assist the CEO or Board in reporting the matter to the Commission for Children and Young People at <https://ccyp.vic.gov.au/reportable-conduct-scheme/notify-and-update/>
 4. If the source of the suspected abuse is from within the family or wider community:
 - a. call DHHS Child Protection North Division on 1300 664 977 (8.45 am – 5 pm) or 13 12 78 (after hours);
 - b. call police on 000 if you suspect child sexual abuse or grooming;
 - c. record details, including dates; and
 - d. report the matter to your supervisor and the CEO.
 5. DO NOT contact parents / guardians / carers unless advised to do so by DHHS or Victoria Police. If contacting parents / guardians / carers, you must:
 - a. only provide agreed information;
 - b. make contact as soon as possible, preferably on the same day;
 - c. document your actions; and
 - d. maintain confidentiality.
 6. Wellbeing staff and counsellors must provide ongoing support to the child by developing a Student Support Plan that includes direct support and referrals to wellbeing professionals.
 7. If you hold significant concerns for a child's wellbeing, but their immediate safety is not at risk, and you do not believe that they are subject to abuse, you must:
 - a. refer the child and their family to The Orange Door on 1800 319 355 (find further information at <https://orangedoor.vic.gov.au/>); and

- b. report the matter to your supervisor and the CEO.
8. All staff and volunteers must ensure that privacy requirements have been met and:
- keep all documentation in a secure cabinet or the CEO's office; and
 - only discuss the matter with authorised staff.

Appendix 1: Summary of reporting Requirements

Scheme	Who must report	What must be reported	Report to	Age of child	Further information
Mandatory reporting	Mandatory reporters	Child physical and sexual abuse, actual or likely, parents who have not protected or are unlikely to protect	Child protection	Under 17 years	DHHS Child Protection https://services.dhhs.vic.gov.au/child-protection
Reportable Conduct	Head of organisation	Child abuse and neglect by a DVLC worker or volunteer	Commission for Children and Young People	Under 18 years	CCYP reportable Conduct Scheme https://ccyp.vic.gov.au/reportable-conduct-scheme/
Failure to protect	Head of organisation	Risk of sexual abuse by an adult associated with DVLC	Police	Under 16 years	Department of Justice and Regulation fact sheet on failure to protect https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to
Failure to disclose	All adults	Child sexual abuse by an adult	Police	Under 16 years	Department of Justice and Regulation fact sheet on failure to disclose https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence

Source: DHHS FAQ -Expansion of mandatory reporting to child protection in Victoria, 1 March 2019

Definitions

Child means anyone under the age of 18 years, unless otherwise stated in legislation.

Child abuse refers to all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, and commercial or other child exploitation that may result in actual or potential harm to a child.

Child protection means any responsibility, measure or activity that safeguards a child from harm.

The **Child Safe Standards** are a set of seven compulsory (minimum) standards that must be met by Victorian schools, registered training providers, non-school senior secondary providers, TAFEs universities, and other organisations that deliver services to children. The standards aim to promote the safety of children, prevent child abuse, and ensure organisations and businesses have effective processes in place to respond to and report all allegations of child abuse. The seven standards are:

Standard 1: Governance and leadership

Standard 2: Clear commitment to child safety
Standard 3: Code of conduct
Standard 4: Human resource practices
Standard 5: Responding and reporting
Standard 6: Risk management and mitigation
Standard 7: Empowering children.

The Commission for Children and Young People oversees organisational compliance of the Child Safe Standards.

The **Commission for Children and Young People (CCYP)** is an independent statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people, with a particular focus on vulnerable children and young people.

Duty of Care is a non-delegable, legal duty to take reasonable steps to minimise the risk of reasonably foreseeable harm including:

- ensuring that the school / organisation complies with the Child Safe Standards;
- providing suitable and safe premises and equipment;
- providing adequate supervision systems;
- implementing strategies to prevent bullying;
- ensuring that sick or injured students receive medical assistance; and
- managing employee recruitment, performance and conduct.

Failure to Disclose Offense is an offense under the Crimes Act 1958 in which an adult in Victoria fails to disclose to police any reasonable belief that a sex offence has been committed by an adult (someone over the age of 18) against a child under the age of 16.

Failure to Protect Offense is an offense under the Crimes Act 1958 in which a person in authority in an organisation negligently fails to protect a child from sexual abuse perpetrated by someone associated with the organisation.

A **Grooming Offense** refers to predatory conduct by a person over the age of 18 years who purposely creates a relationship with a child and/or his/her family or carers in order to create a situation where sexual activity could occur at a later time.

A **Mandatory Reporter** is a legally designated role under the Children, Youth and Families Act 2005 (Vic) in which teachers, school principals, registered medical practitioners, nurses, registered psychologists, youth justice workers and others are responsible for reporting a reasonable belief of child physical or sexual abuse to child protection authorities in Victoria. A mandatory reporter who fails to report child abuse may be guilty of committing a criminal offence. The penalty for failing to report is 10 penalty points.

Reasonable Belief means that a reasonable person, doing the same work, would have formed the same belief on those grounds, based on the same information. Grounds for forming a belief are matters that the person has become aware of, and any opinions in relation to those matters. A reasonable belief does not require proof, and may be formed by:

- professional observations of the child's physical condition and/or behaviour or development;
- disclosure by a child that they have been physically or sexually abused;
- observations of physical or sexual abuse;
- allegations of child abuse from a third party who knows the child; and
- other circumstances that may lead to the belief that the child has been abused.

Reportable conduct includes:

- a sexual offense committed against, with, or in the presence of a child, whether or not a criminal proceeding in relation to the offense 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; and
- significant neglect of a child.

The **Reportable Conduct Scheme** is a legal responsibility under the Child Wellbeing and Safety Act 2005 (Vic) for the head of the organisation to report allegations of child abuse and child related misconduct made against one of their employees, volunteers or contractors, to the Commission for Children and Young People.

Related Policies

P-1 Risk identification and Management Policy and Procedure
 P-8 Student Welfare and Duty of Care Policy and Procedure
 P-24 Critical Incident and Emergency Management Policy and Procedure
 P-26 Access, Anti-Discrimination, Equity, Diversity and Empowerment Policy
 P-40 Child Safe Policy and Procedure
 P-43 Privacy Policy
 P-54 Excursions Policy and Procedure
 P-61 VCAL Student Behaviour Management Policy

Related Documents

D-009 Child Safety Statement of Commitment
 D-028 Student Handbook
 Student Support Plan

Legislation

Charter of Human Rights and Responsibilities Act 2006 (Vic)
 Child Wellbeing and Safety Act 2005
 Children, Youth and Families Act 2005 (Vic)
 Crimes Act 1958 (Vic)
 Disability Act 2006 (Vic)
 Education and Training Reform Act 2006 (Vic)
 Health Records Act 2001 (Vic)
 Human Rights and Equal Opportunity Commission Act 1986
 Privacy Act 1988
 Privacy and Data Protection Act 2014 (Vic)
 Working With Children Act 2005 (Vic)
 Working with Children Regulations 2016

Mapping Information

VRQA Guidelines for Non-school Senior Secondary Education Providers: Minimum Standards for Registration to Provide an Accredited Senior Secondary Course, Standard 3
 AQTF Standard 2.3, 3.2