



Section One – Introduction

The King David School is committed to providing an environment that promotes the safety, wellbeing and inclusion of children with diverse needs and/or backgrounds, and protects them from abuse, harm, neglect, and the threat of harm. The School has a zero tolerance of child abuse (in any form)

This Child Protection Policy (**Policy**) covers duty of care obligations, all types of reporting (including Mandatory Reporting), Code of Conduct and other related guidelines.

This Policy does not form part of an employee's contract of employment with the School. Where it places obligation upon them, employees must comply with those obligations as directions of the School. The School reserves the right to modify, alter or depart from this Policy in whole or in part as it sees fit, without notice.

If a staff member, volunteer or contractor requires further explanation of any aspects of this Policy, it is expected that they shall seek clarification from Principal or a member of the School Leadership Team.

Objectives

1. To ensure that all staff, volunteers, contractors and School Council members understand and fulfil their obligations to proactively ensure the safety of children at all times.
2. To ensure that students are protected at all times and in all School environments (on and off-campus, and online).
3. To ensure that all staff fulfil their Mandatory Reporting obligations and disclosure obligations by reporting abuse or suspected abuse.
4. To ensure that students receive comprehensive education about personal safety.

Related Legislation

- *Children, Youth and Families Act 2005* (Vic)
- *Crimes Act 1958* (Vic)
- *Wrongs Act 1958* (Vic)
- *Crimes Amendment (Grooming) Act 2014* (Vic)
- *Crimes Amendment (Protection of Children) Act 2014* (Vic)
- *Education and Training Reform Act 2006* (Vic)
- *Victorian Institute of Teaching Act 2001* (Vic)
- *Children Wellbeing and Safety Act 2005*

Application of this Policy

The King David School has zero tolerance for any breach of this Policy or any inappropriate conduct relating to the care and safety of our students. This is a collective responsibility of our community. As such our Policy applies without exception to: School Council Members; the School Principal and Senior Management; all Teaching and Non-Teaching Staff; Contractors; Volunteers; Parents; Guests and Visitors.

This policy is to be reviewed following each incident to ensure that it meets the requirements of the situation.

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	1 of 27
Signature of Principal:		Dated:		

Section Two –Duty of Care

Duty of Care

School staff have a duty of care to protect the safety, health and wellbeing of children in their care.

Examples of where a child may be taken to be under the care, supervision or authority of a person, include, but are not limited to, where they are the child's:

- Parent or legal guardian
- Teacher
- Minister of religion with pastoral responsibility
- Employer
- Youth worker
- Sports coach or Outdoor Education provider
- Counsellor or Health Professional

If a staff member has concerns about the safety, health and wellbeing of children in their care they must take immediate action.

In addition to the Mandatory Reporting obligations set out in Section 3, in the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, School staff are required to discharge this duty of care by taking action which includes the following:

- reporting their concerns to the Department of Human Services Child Protection Unit (**DHS Child Protection**), Victoria Police or Child FIRST; **and**
- notifying the Principal or a member of the School Leadership Team of their concerns and the reasons for those concerns.

Any person that has a duty of care in respect of a child, must not intentionally fail to protect the child from significant harm arising from a physical injury or sexual abuse which may harm the child's physical development or health. It is a criminal offence to fail to comply with this obligation.

Definition of abuse

Child abuse refers to an act by parents or caregivers which endangers a child or young person's physical or emotional health or development. It can be a single act but usually takes place over time (Department of Human Services).

Child abuse also refers to any non-accidental behaviour by parents, caregivers, teachers, other adults, younger adolescents or older adolescents that is outside the norms of conduct and entails a substantial risk of causing physical or emotional harm to a child or young person. Such behaviours may be intentional or unintentional and can include acts of omission (i.e., neglect) and commission (i.e., abuse). (Australian Institute of Family Studies)

Physical abuse

Physical abuse occurs when a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. The injury may take the form of bruises, cuts, burns or fractures.

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	2 of 27
Signature of Principal:		Dated:		

Sexual abuse

Sexual abuse occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity. It includes fondling of the child's genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or other object, or exposure of the child to pornography. Sexual abuse can also occur without physical contact.

Emotional abuse

Emotional abuse occurs when a child's parent or caregiver repeatedly rejects the child or uses threats to frighten the child. This may involve name calling, put downs or continual coldness from the parent or caregiver, to the extent that it significantly damages the child's physical, social, intellectual or emotional development.

Neglect

Neglect is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed

Indicators of Abuse

There are many indicators of child abuse and neglect. Some general indicators of child abuse may include, but are not limited to, the following:

- showing wariness and distrust of adults
- rocking, sucking or biting excessively
- bedwetting or soiling
- demanding or aggressive behaviour
- sleeping difficulties, often being tired and falling asleep
- low self-esteem
- difficulty relating to adults and peers
- abusing alcohol or drugs
- being seemingly accident prone
- poor hygiene
- constant hunger
- having broken bones or unexplained bruising, burns or welts in different stages of healing
- being unable to explain an injury, or providing explanations that are inconsistent, vague or unbelievable
- feeling suicidal or attempting suicide
- having difficulty concentrating
- being withdrawn or overly obedient
- being reluctant to go home
- creating stories, poems or artwork about abuse

The presence of a single indicator of abuse, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert School staff to the possibility of child abuse and neglect. It should also be noted that a single incident of abuse may be enough to cause these effects.

Sexual Misconduct

The law is always the minimum standard for behaviour within The King David School. Any sexual act (contact or non-contact) with a child or young person under the age of 17 by an adult is a criminal offence, and will be dealt with and reported in the same manner as any other criminal offence. For example, exposing children or young people to pornographic material through any medium (a non-contact act of sexual abuse) will be treated with equal seriousness as 'contact' acts of sexual abuse.

Any sexual behaviour is prohibited even if the student is over the relevant age of consent. This is because the relationship is formed under circumstances of authority of power. Sexual conduct, involving a person placed in a position of authority, whether consensual or not may be perceived to be exploitative because there is usually a disparity between adults and children in terms of authority, maturity, status, influence and dependence.

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	3 of 27
Signature of Principal:		Dated:		

Section Three - Staff Code of Conduct

All staff, volunteers and Council members of The King David School are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children as noted below. As a community school we recognise that staff, volunteers and Council members may also be parents, family members or friends with students and their families. The School acknowledges that there will be occasions when there is a distinction between a person acting in an official school role and when they are acting as a parent/friend. The proscribed list of unacceptable behaviours below relate to professional engagements in an official school role. Nonetheless, staff, volunteers, and Council members must be circumspect in their behaviour in social situations where school students are present.

Acceptable Behaviours

All staff, volunteers and Council members are responsible for supporting the safety of children by:

- adhering to The King David School Child Protection Policy at all times
- taking all reasonable steps to protect children from abuse
- treating everyone in the School community with respect, by being honest, courteous and helpful
- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another
- promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander Aboriginal children (for example, by never questioning an Aboriginal and Torres Strait Islander child's self-identification)
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination)
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities)
- ensuring as far as practicable that adults are not left alone with a child
- reporting any allegations of child abuse to the School Principal or Leadership Team,
- reporting any child safety concerns to the School Principal or Leadership Team
- if an allegation of child abuse is made, ensuring as quickly as possible that the child(ren) are safe
- understanding and complying with all legislative obligations, including mandatory reporting obligations as they relate to their role
- maintaining a smoke-free workplace
- encouraging children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them.

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	4 of 27
Signature of Principal:		Dated:		

Unacceptable Behaviours

Staff and volunteers must not:

- ignore or disregard any suspected or disclosed child abuse
- develop any 'special' relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children)
- exhibit behaviours with children which may be construed as unnecessarily physical (refer to Section 3 of the Child Protection Policy)
- put children at risk of abuse (for example, by locking doors)
- initiate unnecessary physical contact with children or do things of a personal nature that a child can do for themselves, such as toileting or changing clothes
- engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities)
- use inappropriate language or gestures or images in the presence of children
- express personal views on cultures, race or sexuality in the presence of children
- discriminate against any child, including because of age, gender, culture, race, vulnerability, sexuality, ethnicity or disability
- have contact with a child or their family outside of the School without knowledge of the School Principal or member of the Leadership Team. Accidental contact, such as seeing people in the street is appropriate. (Refer Section 4 - 9 of the Child Protection Policy).
- have any communication with students using any social media or personal phone/email contacts. The only communication should be via School email accounts. (Refer Section 4 - 6 of the Child Protection Policy).
- photograph or video a child without the consent of the parent or guardian
- attend work or work with children whilst under the influence of alcohol or illicit drugs
- attend work or work with children under the side effects of prescription drugs

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	5 of 27
Signature of Principal:		Dated:		

Further Guidelines:

The following guidelines will assist staff with understanding the appropriateness of physical contact with students.

- Preschool – Staff may have physical contact with students to assist with changing clothes, toileting or to comfort a distressed child.
- Junior School – Staff may have physical contact with students to assist with changing clothes, or to comfort a distressed child.
- Years 3-4 – Staff may have physical contact with students to comfort a distressed child. It is advisable to ask the student (for example, do you want a hug?).
- Years 5-12 – Staff should not normally have physical contact with students.
- Handshakes ‘high fives’ or similar hand to hand contact is acceptable at any age.
- If a student is to be hugged this should only occur when other students or staff are present.
- The King David School specifically prohibits the use of any physical punishment of students.
- Tickling students and ‘rough housing’ is specifically prohibited.

There are some circumstances where exceptions can be made to these guidelines:

- In Physical Education, Dance, Drama and Instrumental Music some physical contact may be required to assist with a particular movement.
- The staff member should only do so with the agreement of the student and be very careful that any touching is done in a professional manner, and not near the student’s private areas.
- Touching should only occur when other students or staff are present and/or in physical spaces that are clearly observable at all times. If touch can be replaced by verbal instructions, then this is preferable.
- Staff may touch students to administer first aid. If an intimate area must be touched or viewed then another staff member should be present.
- If a student must be physically restrained as they are trying to run away, hurt themselves or others reasonable physical contact is allowed. This may mean firmly holding a student by the hand or in the case of younger students holding them in a hug to help them to calm down. Staff are advised to only use a minimal level of force required to ensure that the problematic behaviour stops. If this occurs parents should be advised that this has occurred on the same day.

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	6 of 27
Signature of Principal:		Dated:		

Section Four - Procedures to ensure the safety of children

The following procedures cover all staff and volunteers of the School.

1. Recruitment

The following recruitment practices are in place to manage and reduce the risk of child abuse:

- Position Descriptions for child connected work include the job's requirements, duties and responsibilities regarding child safety and the relevant qualifications, experience and attributes in relation to child safety.
- All short-listed applicants are sent the KDS Child Protection Policy and an Application Form that includes questions about any past performance or conduct issues; any allegations of misconduct with students; and the applicant's understanding of professional boundaries and accountability.
- All short-listed applicants are subject to rigorous reference and background checks, including identity checks, proof of qualifications, Working With Children Check and/or Police Check and/or VIT Check; and personal interviews.
- All successful applicants must sign the KDS Code of Conduct and provide a Statutory Declaration regarding their suitability to perform child-connected work.
- All letters of appointment include the following statement:
By signing this letter of offer I agree that I have never been charged or convicted of an offence in relation to children, dishonesty or violence under Commonwealth, State or Territory laws, or laws of a foreign jurisdiction. Furthermore by signing this letter I have agreed that I have read and understood the School's Child Protection Policy and commit to ensuring the safety of all children in my care at all times.

2. Victorian Institute of Teaching Registration and Working with Children Checks

The School must ensure that all people who come in contact with children have a current Working with Children Check, and that all teachers are registered with the Victorian Institute of Teaching (**VIT**).

- Teachers must ensure that their VIT registration (including police check) is kept current.

All non-teaching staff in the School, whether employed, contractors, or volunteers (including members of School Council), must have a current Working with Children Check.

3. Individual Music Lessons, Counselling, Learning Support and Individual meetings

Situations where students can be alone with staff members are potentially problematic for both staff and students. The following guidelines are in place to ensure that students and staff feel safe and comfortable.

When an adult is alone with a child or young person they should only do so in a room where there is a window in the door or alternatively the door is left open.

- Staff should not be in a room alone with a student where there is no window or they cannot be seen through the window or door.
- The student should be positioned in the room so that they can be seen through the window.
- If privacy is required, a second staff member should be present.

The exception to this rule is counselling conducted by a School psychologist. It is accepted that greater privacy is required in these situations.

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	7 of 27
Signature of Principal:		Dated:		

4. Camps/Interstate or Overseas Trips

In the case of camps/interstate or overseas trips the following procedures should be adhered to at all times. These guidelines should be taken into account when planning activities as well as during the conduct of activities.

- Staff may not sleep in a room alone with a student or students. If the accommodation is such that students and staff must sleep in the same area, there should be a minimum of 2 staff members and 2 students in the room at all times.
- Staff must not use the same bathroom as a student if there are students present. Staff should not enter a student bathroom without another staff member being present.
- External providers all have Working With Children Check (or equivalent) and have signed the KDS Child Protection Agreement

- Camps and informality.

It is appropriate and inevitable that there is a higher degree of informality on camps between staff and students. Nevertheless teachers should remain circumspect with regard to their language and discussions. Teachers should make sure that all their comments are appropriate. Specifically comments about appearance should not be made.

Students can be somewhat more emotional on camps and want to discuss personal information. Discussions about highly personal matters should not occur. Whilst we should be supportive we should ensure that we do not begin counselling students, they should be directed toward the appropriate assistance following the camp.

If anything of concern is raised at camp that should be immediately reported to the head of the camp and/or the Head of School

5. Change Rooms/ Public Toilets

Staff should not enter an area where students are getting changed alone. If entry is required, a second staff member should be present. Male staff should only go into male change areas and female staff should only go into female change areas. Furthermore staff should monitor the area when non- School staff or members of the public are present. Specifically staff should be vigilant to protect against anyone improperly using a recording device whether they are adults or children.

When students need to use a public toilet on a camp or excursion please follow the procedure below

- escort the student(s) to the toilet (Junior School students should be in a pair)
- ask the students to wait outside, quickly check the bathroom for strange individuals or dangerous items
- if you are comfortable with the situation please ask the students to enter and wait outside. Boys should be told to use cubicles if available.
- staff members must not access the toilets at the same time as students. If only one toilet block is available, they must wait until students have left before entering

6. Social Media and Electronic Communication

The following procedures must be adhered to at all times in respect of social media.

- Staff should not communicate with students using any social media (e.g. Facebook, Instagram, Twitter, Skype, etc.)
- Staff must only communicate with students via email using School email accounts. Communication between Staff and students via private email is unacceptable.
- Staff should not give students their mobile numbers and they should not SMS students. A School mobile is available for Staff to use on excursions and camps.
- Staff should not be on social media with former students of the School for 2 years after they have left School.

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	8 of 27
Signature of Principal:		Dated:		

7. Travel with students

Staff should not travel alone with a student even when parental permission has been given. Other students or staff should always be in attendance. If this is not practicable then the parents of the student must be contacted prior to travel and permission from the principal or Head of School must be sought.

8. Billeting

When students are billeted outside of the School they should be briefed about what to do if they feel uncomfortable. They should be provided with a phone number to ring. Students may not sleep in the same room as an adult or significantly older peer.

9. After Hours Contact

Staff should not have any unofficial contact with students outside of School hours. This specifically precludes meeting students in café/restaurants or in private homes. Teachers are reminded that they are not permitted to tutor students of the School. There may be exceptional circumstances where a staff member may visit a private home; written permission to do so should be sought from the Principal or a member of the School Leadership Team.

Staff are also advised to be circumspect in their behaviour if they attend a social function where School students are present (e.g. Bar/Bat Mitzvahs, weddings etc.).

Staff often have friendships with parents of the School. Staff should be very mindful of when they are acting as an official of the School and when they are acting as a friend. For example teachers should be very clear about when they may offer lifts to students of the School.

10. Gifts

Staff should never give individual students gifts of any type. This does not preclude a reward for a whole class or team.

11. Alcohol and Drugs

It is illegal to give or sell alcohol and drugs to students.

10. Photography

Any photograph a staff member takes of a student should be put into the photo drop and not retained by the staff member on any device or their own computer. When photographs are taken of students, whether by a professional photographer or a staff member, every effort must be made to ensure that the student's modesty is maintained. This means that students should be appropriately clothed and not in a suggestive pose.

11. Students left at School

If a student has not been collected at the conclusion of a School day or School activity and no parent or emergency contact can be contacted, then the student should be attended to by two staff members. Staff members may not be alone with a student under these circumstances.

12. Language

Staff must use appropriate language with students. Suggestive or lewd comments or gestures should never be made inside or outside the classroom. Staff should also refrain from commenting on a student's appearance. Specifically comments that are profane, demeaning, sarcastic are prohibited. Staff are specifically warned about making jokes of a sexual nature.

13. Access to Student Files

Staff may access student files either online or on paper to gain information relevant to their work. Staff may not access personal information for any other reason.

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	9 of 27
Signature of Principal:		Dated:		

14. Parent Volunteers

A Working With Children Check is required for any 'child-related work', regardless of whether contact with children is supervised or not. Although parents may be doing this in a voluntary capacity, the changes in legislation make it prudent to require all volunteers to have a WWCC. For instance, parents who volunteer at school canteens or on stalls at school fetes are now required by law to obtain a Volunteer WWCC.

15. Raising Concerns

In addition to the Mandatory Reporting obligations in Section 3, teachers are required to lodge any concerns that they have about another staff member's conduct with the Principal or a member of the School Leadership Team. School Leaders are required to document any concerns that are raised and follow the procedures described in this document or the staff manual. Senior Management must inform the Principal of all concerns that have been brought to their attention. Parents are also asked to lodge any concerns that they have about a staff member's conduct with their Principal or a member of the School Leadership Team.

It should be noted that under the *Crimes Act 1958 (Vic)*, *Crimes Amendment (Grooming) Act 2014 (Vic)* and *Crimes Amendment (Protection of Children) Act 2014 (Vic)* it is an offence to fail to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence. It is also an offence to fail to report such suspicions.

Students who feel concerned about the behaviour of any adult with regard to their safety should report the matter to a staff member as soon as practicable. This will be emphasised in the School's child protection curriculum. If a staff member receives a concern from a student they are required to inform the Principal or a member of the School Leadership Team **as soon as practicable** after receiving the concern.

If a member of the school community becomes concerned about the conduct of the Principal or a direct report of the Principal that they are not comfortable raising with the Principal, the concern must be raised with the School Council President and in his or her absence, the School Council Vice President.

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	10 of 27
Signature of Principal:		Dated:		

Section Five - When to Report

OVERVIEW

Mandatory Reporters, who believe on reasonable grounds that a child or young person is in need of protection as a result of physical injury or sexual abuse, **must** report their concerns to DHS Child Protection or Victoria Police. All teachers and principals are defined as Mandatory Reporters. The King David School believes that all people covered by this policy should make a report for other forms of abuse (i.e. emotional abuse and neglect).

In addition, all School staff who believe on reasonable grounds that a child or young person is in need of:

- protection, should report their concerns to DHS Child Protection or Victoria Police; or
- therapeutic treatment, should report their concerns to DHS Child Protection.

Finally, all staff members who have significant concerns for the wellbeing of a child or young person are encouraged to report their concerns to DHS Child Protection or Child First.

In all cases above, where staff have concerns about a child or young person, they should discuss their concerns with the Principal or a member of the School Leadership Team.

For further information about DHS Child Protection and Child FIRST see Appendix A.

TYPES OF REPORTING

1. Mandatory Reporting

Mandatory Reporters must make a report to DHS Child Protection **as soon as practicable** if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.

Failure to report that a child is in need of protection may be a criminal offence.

Mandatory Reporters are defined as:

- Teachers registered to teach or who have permission to teach pursuant to the *Education and Training Reform Act 2006* (Vic) and the *Victorian Institute of Teaching Act 2001* (Vic)
- Principals or head teachers
- Registered medical practitioners
- Nurses
- Registered psychologists
- All members of the police force

2. Child in need of protection

All staff members, whether a Mandatory Reporter or not, person may make a report to DHS Child Protection and Victoria Police if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:

- The child has been abandoned and there is no other suitable person who is willing and able to care for the child.
- The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.
- The child has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse or emotional or psychological harm and the parents are unable or unwilling to protect the child.
- The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	11 of 27
Signature of Principal:		Dated:		

3. Child in need of therapeutic treatment

Any person may make a report to DHS Child Protection if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually abusive behaviours.

A child will have exhibited sexually abusive behaviours when they have used their power, authority or status to engage another person, or child, in sexual activity that is either unwanted or where, due to the nature of the situation, the other person or child is not capable of giving consent (for example animals, or children who are younger or who have a cognitive impairment) (Therapeutic Treatment Board).

4. Obligations regarding reporting suspected child sexual abuse

Every adult who reasonably believes that a child has been abused, whether in their organisation 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.

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 DHS 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 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.

5. Significant concerns about wellbeing of a child

In addition to the reporting obligations set out at 1 - 4 above, **any person** may make a report to DHS Child Protection or Child FIRST if they have significant concerns for the wellbeing of a child.

6. Report to Commission for Children and Young People (CCYP)

Notification:

The Principal must make a report within three business days of becoming aware of a reportable allegation against a worker/volunteer, providing:

- Initial advice on the nature of the allegation
- Name of the worker or volunteer
- Date of birth
- Whether Victoria Police have been contacted and if so, copy of report
- School contact details
- Principal's name

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	12 of 27
Signature of Principal:		Dated:		

Follow Up To Initial Report To CCYP:

The Principal must, within 30 business days, provide the following information to the CCYP:

- Detailed information about the reportable allegation
- Details of your response to the allegation
- Information about proposed disciplinary or other action to be taken in response to the allegation
- Any written submissions/responses made by the worker/volunteer about the allegation and the proposed disciplinary or other action

Information about the Investigation to be provided to CCYP:

As soon as practicable after the investigation, the Principal must:

- Provide CCYP with a copy of the investigation findings, including the name and contact details of the investigator.
- Details about any disciplinary or other action proposed
- Reasons for taking or not taking action

It is an offence to fail to notify and update the Commission about reportable allegations.

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	13 of 27
Signature of Principal:		Dated:		

Section Six – What To Do When An Allegation Is Made

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 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 or member of the School Leadership Team, police or child protection.
- 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 to talk through the incident in their own words.
- Advise the parent 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 a member of the School Leadership Team, the police or DHS.
- 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 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.

You need to be aware that some people from culturally and/or linguistically diverse 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 child, you will need to ensure a culturally appropriate response. A way to help ensure this could include engaging with parents of Aboriginal 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

If you believe a child is at immediate risk of abuse phone 000.

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	14 of 27
Signature of Principal:		Dated:		

Section Seven - Making a Report

Reports can be made to DHS Child Protection, Victorian Police or Child FIRST.

The table below describes how to make a report, including a mandatory report.

Step	Description
1	School staff should keep comprehensive notes that are dated and include the following information: <ul style="list-style-type: none"> • Description of the concerns (e.g. physical injuries, student behaviour) • Source of those concerns (e.g. observation, report from child or another person) • Actions taken as a result of the concerns (e.g. consultation with principal, report to DHS Child Protection etc)
2	School staff should immediately discuss any concerns about the safety and wellbeing of students with the Principal or a member of the School Leadership Team. The individual staff member should then make their own assessment about whether they must or may make a report about the child or young person
3	School staff should gather the relevant information necessary to make the report. This should include the following information: <ul style="list-style-type: none"> • Full name, date of birth, and residential address of the child or young person • Details of the concerns and the reasons for those concerns • The individual staff member's involvement with the child and young person • Details of any other agencies who may be involved with the child or young person
4	Make a report to the relevant agency (ie, DHS Child Protection, Victoria Police, Child FIRST)
5	Make a written record of the report which includes the following information: <ul style="list-style-type: none"> • The date and time of the report and a summary of what was reported • The name and position of the person who made the report and the person who received the report
6	Notify relevant School staff and/or staff from the Department of Education and Training (Department) of the report. <ul style="list-style-type: none"> • School staff should advise the principal or a member of the Board if they have made a report • In the case of international students, the principal must notify the International Education Division of the Department on (03) 9637 2990 to ensure that appropriate support is arranged for the student • In the case of Koorie students, the principal must notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student.
7	Notify Victoria Police if there is concern that a criminal offence may have been committed

In circumstances where two or more Mandatory Reporters have formed a belief about the same child on the same occasion, and one person reports the belief to DHS Child Protection, **each individual** Mandatory Reporter retains the legal and personal obligation to ensure that their own report is made, and their concerns are reported.

In the case where one Mandatory Reporter directs another Mandatory Reporter NOT to make a report, and that Mandatory Reporter continues to hold a belief that a child is in need of protection, then that professional remains legally obliged to make a report to DHS Child Protection or Victoria Police.

Refer to "A step-by-step guide to making a report to DHS Child Protection or Child FIRST available on The King David School Staff Portal (Policies) or the Department website:

<http://www.education.vic.gov.au/Documents/school/principals/spag/safety/makingareportchild.pdf>

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	15 of 27
Signature of Principal:		Dated:		

Potential consequences of making a mandatory report

The table below describes the potential consequences of making a mandatory report.

Potential consequence	Description
Confidentiality	<p>The identity of a Mandatory Reporter must remain confidential unless:</p> <ul style="list-style-type: none"> the reporter chooses to inform the child, young person or parent of the report the reporter consents in writing to their identity being disclosed a Court or Tribunal decides that it 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 that, in the interests of justice, the reporter is required to provide evidence
Professional Protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter the reporter cannot be held legally liable in respect of the report.
Interviews	<ul style="list-style-type: none"> DHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the School without the parent's knowledge or consent Interviewing children and young people at School should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner DHS Child Protection and/or Victoria Police will notify the Principal or a member of the Leadership Team of their intention to interview the child or young person on the School premises When DHS Child Protection practitioners/Victoria Police officers come to the School premises, the principal or a member of the Leadership Team should request to see identification before permitting them to have access to the child or young person When a child or young person is being interviewed by DHS Child Protection and/or Victoria Police, School staff must arrange to have a supportive adult present with the child or young person
Support for the child or young person	<p>The roles and responsibilities of staff members in supporting children who are involved with DHS Child Protection may include the following:</p> <ul style="list-style-type: none"> Acting as a support person for the child or young person Attending DHS Child Protection case planning meetings Observing and monitoring the child's behaviour Liaising with professionals
Requests for Information	<p>DHS Child Protection, Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.</p> <p>In certain circumstances, DHS Child Protection can also direct School staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHS Child Protection.</p>
Witness Summons	<p>If DHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings.</p>

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	16 of 27
Signature of Principal:		Dated:		

Section Eight – Curriculum and Professional Development

Curriculum

The Student Wellbeing Framework defines when protective behaviours are taught to students. They need to be discussed on a regular basis as part of wellbeing lessons. Please refer to the Student Wellbeing Framework for further information.

Professional development for staff

All staff should receive professional development in the area of child abuse and Mandatory Reporting on a regular basis. This training will be organised annually by Heads of School.

Section Nine - Breach

The School has zero tolerance for any breach of this Policy.

Breach of this Policy shall be considered either misconduct, serious misconduct or gross misconduct and may result in disciplinary action which may lead, but not limited to:

- suspension or termination of employment (including but not limited to summary dismissal)
- requiring a verbal and/or written apology
- requiring counselling to address behaviour
- any other form of discipline that the School considers reasonable and appropriate
- acts that are potentially illegal will be reported to police

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	17 of 27
Signature of Principal:		Dated:		

Further Information about DHS Child Protection and Child FIRST

DHS Child Protection

DHS Child Protection provides services to children, young people and their families in order to protect children and young people from significant harm within their families. A broad range of services are provided or funded by the Department of Human Services, on the principle that children and young people are best cared for and protected by their families.

When a child or young person is assessed as being 'at risk' within the family, Child Protection will – in the first instance and in accordance with the law – take every reasonable step to enable the child to remain in the care of their family by strengthening the family's capacity to protect them. When, even with support, a child is not safe within the family, Child Protection will intervene to remove the child and bring the matter before the Children's Court. Until the parents are able to resume their custodial responsibilities, adequate care and protection will be provided as determined by the Children's Court. If the resumption of care by the parents is not possible, Child Protection will work towards an alternative permanent family care arrangement, or an independent living arrangement, depending on the age and circumstances of the child or young person.

Contact Number: 1300 655 795

AH:13 12 78

Child FIRST

Child FIRST ensures that vulnerable children, young people and their families are linked effectively into relevant services and may be the best way of connecting children, young people and their families to the services they need.

A referral to Child FIRST (Child and Family Information, Referral and Support Team) should be considered if, after taking into account the available information, the staff member forms a 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 to Child FIRST can connect children, young people and their families to the services they need, when the following factors may affect a child's safety, stability or development:

- significant parenting problems that may be affecting the child's development
- family conflict, including family breakdown
- families under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- young, isolated and/or unsupported families
- significant social or economic disadvantage that may adversely impact on a child's care or development.

Upon receiving a referral from a staff or community member, the Child FIRST team will conduct further assessment of the family and may consult an experienced community-based Child Protection practitioner. This assessment may lead to the involvement of a local family services organisation. In most circumstances, Child FIRST will inform the referrer of the outcome of the referral. If a Child FIRST team or a registered family services organisation forms a view that a child or young person is in need of protection, they must report the matter to Child Protection. The staff member of a licensed children's service or School does not need to make a second report to Child Protection.

Contact Number: 1300 367 441

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	18 of 27
Signature of Principal:		Dated:		

Record of a Child Abuse Allegation, Disclosure or Concern Outside the School

SECTION 1

Child or young person who is the subject of the concern or report

Full name _____ Age _____

Possible communication barriers

Parent(s)/caregiver(s)

1. Name _____

Address _____

Telephone numbers

Home _____ Work _____ Mobile _____

Possible communication barriers

2. Name _____

Address _____

Telephone numbers

Home _____ Work _____ Mobile _____

Possible communication barriers

The report is based on

a disclosure by the child or young person Yes No

a disclosure/admission by a parent/guardian Yes No

an allegation by a parent/guardian Yes No

concerns or observations by staff or a volunteer Yes No

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	19 of 27
Signature of Principal:		Dated:		

Person(s) making this report, disclosure or allegation

Name _____

Relationship to the child or young person (where applicable)

Contact details

Name _____

Relationship to the child or young person (where applicable)

Contact details

Representative(s) receiving and coordinating our organisation’s response to the allegation

Name _____

Title/role(s) _____

Date _____ Time _____

Name _____

Title/role(s) _____

Date _____ Time _____

SECTION 2

Report or allegation of child abuse

Allegation Disclosure Report or concern

Name(s) of alleged perpetrator(s) (if known) _____

Connection of alleged perpetrator(s) to the child or young person (if known)

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	20 of 27
Signature of Principal:		Dated:		

Details of the alleged abuse – dates, times, location, a description of behaviour of the perpetrator, indicators of abuse, possible injuries:

Witness details (if applicable)

Other observations or comments by person making the report:

SECTION 3

Discussion(s) with the child's family/guardians

Details of any discussions with family in relation to this report – information provided, reactions, concerns and admissions:

Family/guardian advised that notification will be made to child protection authorities? Yes No

Other relevant information:

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	21 of 27
Signature of Principal:		Dated:		

SECTION 4

Report to child protection authorities

Child protection authority notified: Yes No

Date _____ Time _____

Name of person notified _____

Department/region _____

Person's position _____

Contact details _____

Advice provided:

Interim action taken (if any) to ensure the child or young person's safety:

Interim action taken to address the support needs of the child or young person and their family (where appropriate):

Interim action taken to address the support needs of other personnel involved:

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	22 of 27
Signature of Principal:		Dated:		

Record of a Child Abuse Allegation, Disclosure or Concern Within the School

SECTION 1

Child or young person who is the subject of the concern or report

Full name _____ Age _____

Possible communication barriers

Parent(s)/caregiver(s)

Name _____

Address _____

Telephone numbers

Home _____ Mobile _____

Work _____

Possible communication barriers

Name _____

Address _____

Telephone numbers

Home _____ Mobile _____

Work _____

Possible communication barriers

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	23 of 27
Signature of Principal:		Dated:		

The report is based on

a disclosure by the child or young person Yes No

an allegation by a parent/guardian Yes No

concerns or observations by staff or a volunteer Yes No

Person(s) making this report, disclosure or allegation

Name _____

Relationship to the child or young person (where applicable)

Contact details

Name _____

Relationship to the child or young person (where applicable)

Contact details

Representative(s) receiving and coordinating our organisation's response to the allegation

Name _____

Title/role(s) _____

Date _____ Time _____

Name _____

Title/role(s) _____

Date _____ Time _____

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	24 of 27
Signature of Principal:		Dated:		

SECTION 2

Report or allegation of child abuse

Allegation Disclosure Report or concern

Name(s) of alleged perpetrator(s) (if known)

Connection of alleged perpetrator(s) to the child or young person (if known)

Details of the alleged abuse – dates, times, location, a description of behaviour of the perpetrator, indicators of abuse, possible injuries:

Witness details (if applicable)

Other observations or comments by person making the report:

SECTION 3

Discussion(s) with the child's family/guardians

Details of any discussions with family in relation to this report – information provided, reactions, concerns and admissions:

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	25 of 27
Signature of Principal:		Dated:		

Family/guardian advised that notification will be made to child protection authorities? Yes No

Other relevant information:

SECTION 4

Report to police

Is police notification required? Yes No

Date _____ Time _____

Name of officer notified _____

Station/department _____

Officer's position _____

Contact details _____

Advice provided:

If the matter does not require police intervention – for instance, if it is a 'less serious' concern – it will be dealt with internally via our organisation's complaints resolution process.

Interim action taken (if any) to ensure the child or young person's safety:

Interim action taken to address the support needs of the child or young person and their family (where appropriate):

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	26 of 27
Signature of Principal:		Dated:		

Interim action taken in relation to the alleged perpetrator (including support needs):

Interim action taken to address the support needs of other personnel involved:

FILENAME	CREATED BY	REVIEWED/UPDATED	REVIEW DUE	PAGE
Child Protection Policy	DO/CK	March 2019	Mar 2020	27 of 27
Signature of Principal:		Dated:		