



Reporting and Responding to Child Safety Concerns Policy Statement

This Reporting and Responding to Child Safety Concerns Policy Statement (**Policy Statement**) sets out the process for raising student safety concerns with the College, and the procedures that the College and staff will (and in some cases must) follow to address those concerns, both internally and in accordance with legislative reporting obligations. It also summarises the key student safety reporting obligations imposed on the College and College staff.

This Policy Statement applies to allegations or disclosures of child abuse or reportable conduct relating to the College or its staff, regardless of whether the alleged behaviour occurred on or outside school grounds, or concerns current or former students. This Policy Statement applies to all staff (as defined in the *Child Protection Program Definitions* document).

Fulfilling the roles and responsibilities set out in this Policy Statement does not displace or discharge any other obligations that arise if a person reasonably believes that a student is at risk of child abuse or reportable conduct.

All College staff are required under the *Child Safety Staff Code of Conduct* and *Child Safety Responsibilities Policy Statement* to report student safety concerns in accordance with this Policy Statement and their legislative reporting obligations.

The Policy Statement forms part of the College’s Child Protection Program.

The Policy Statement is a procedure for responding to and reporting child abuse allegations made in accordance with *Ministerial Order No. 870 - Child Safe Standards – Managing the Risk of Child Abuse in Schools*.

Definitions

Please refer to the *Child Protection Program Definitions* document for definitions of terms used in this document.

Reporting a student safety concern to the College

Note: whenever there are concerns that a student is in immediate danger, Victoria Police should be contacted on 000.

Any concern that a student who has studied at the College has been subjected (or may be subjected) to child abuse or reportable conduct, or that a staff member has engaged in child abuse or reportable conduct, should be immediately raised with a Child Safety Officer (**CSO**). Contact details for the College’s CSOs are listed below.

Name	Position	Contact details
Kim Forward	Deputy Principal (Senior Child Safety Officer)	03 9333 9100 kforward@aitkencollege.edu.au
David Murphy	Head of Senior School	03 9333 9100 dmurphy@aitkencollege.edu.au
Francis Scuderi	Head of Middle School	03 9333 9100 fscuderi@aitkencollege.edu.au
Leanne Schulz	Head of Junior School	03 9333 9100 lschulz@aitkencollege.edu.au
Felicity Donohue	Deputy Head of Primary	03 9333 9100 fdonohue@aitkencollege.edu.au

Where a concern relates to the Principal or a Board member, the concern should be raised with the Board's Chair by emailing admin@aitkencollege.edu.au.

Alternatively, a concern can be raised with the Commission for Children and Young People on 1300 78 29 78.

Documenting a student safety concern

When making a report, please provide any relevant written and dated notes of observations and any documents or communications. This will help the College to respond to the report.

Responding to a student safety concern

This section sets out how the College and its staff will respond when receiving a report of a student safety concern.

Stage 1 – Receiving a report of a concern

A staff member, upon becoming aware of a concern, must:

- Listen respectfully and courteously to the concern, and provide support where appropriate.
- Identify the party or parties involved.
- Clarify and ascertain the basic facts, without seeking detailed information, casting judgment, or asking suggestive or leading questions.
- If speaking with a student, use language and vocabulary that the student can understand.
- Take clear and detailed notes (this is particularly important where there are multiple concerns and parties involved).
- Remain impartial by not assessing the truth of the concern being raised.
- Reassure the person raising the concern that the College takes their concern seriously.
- Explain that other people may need to be informed about the concern, including to ensure compliance with the College's legal obligations.
- Outline the process that will be followed by the College in addressing this concern (which should align with this Policy Statement).

The staff member must then:

- Ensure that the student is safe, if the staff member has not already done so.
- If not a CSO or the Principal, immediately notify a CSO about the concern.
- If a CSO, immediately notify the Principal about the concern.
- If the Principal or a Board member is the subject of the concern, immediately notify the Board Chair about the concern.
- Consider his or her own reporting obligations (as summarised in this Policy Statement).

The College will then take such steps as it considers appropriate to protect any student connected with a concern until it is resolved, including by ensuring any reporting obligations (which are summarised below) are met.

Stage 2 – Resolving the concern

The College will generally follow the process set out below in order to respond to student safety concerns, which will ordinarily require a determination, on the balance of probabilities, whether the concern is substantiated or not.

The decision-maker will usually be the Principal (or his or her nominee). Where the concern relates to the alleged conduct or misconduct of the Principal or a Board member, the decision-maker will be the Board Chair. The College may rely on legal or external assistance to investigate and determine the concern.

Where a concern involves allegations against a staff member, the College will:

- Notify the staff member about the allegations to the extent that it is appropriate to do so.
- Outline the process to be followed to the staff member and the person who made the report.
- Put in place interim measures pending the resolution of the concern. In some cases, this may involve a staff member being stood down, without judgment, while the concern is being dealt with.

To the extent that the College decides it is appropriate or practicable to do so, any investigation will usually involve:

- Relevant individuals (including the person who raised the concern, the relevant student, any relevant staff members, and any other material witnesses) being interviewed. Witnesses being interviewed will not be unreasonably refused a support person.
- Any relevant documents being reviewed.
- Written notes being kept of any interviews during the investigation.
- The relevant decision-maker determining whether, on the balance of probabilities, the concern is substantiated.

If the concern is substantiated, the College will take appropriate action. This may include summary dismissal if the staff member is an employee, or termination of engagement if the staff member is a contractor or volunteer.

Even if a specific concern is not substantiated, the findings made by the College during the course of investigating the concern may, in certain cases, still result in disciplinary action (up to and including dismissal or termination of engagement).

Following the conclusion of its investigation, the College will notify the relevant parties, and any external authorities (including Child Protection, the Commission for Children and Young People, the Police, and the Victorian Institute of Teaching) to whom a report is required to be made, about the outcomes of the investigation.

Changes to the process for responding to a concern

The College may alter the process to suit the circumstances of each case.

In some cases, it may not be appropriate or possible for the College to investigate that concern in strict accordance with this Policy Statement.

In such circumstances, the College will seek and act on legal advice and will comply with this Policy Statement to the extent it is appropriate to do so (and in particular to protect the health and safety of all current students of the College).

Circumstances in which this may occur include the following:

- Where an investigation by Child Protection, the Commission for Children and Young People, the Police or the Victorian Institute of Teaching relevant to the concern is ongoing.
- Where civil or criminal proceedings relevant to the concern are ongoing.
- Where the report relates to former staff or students.

Other matters

Confidentiality

Appropriate confidentiality will be maintained at all times when dealing with concerns under this Policy Statement, with information only being provided to those who have a right or need to know.

Cooperation with the authorities

The College will cooperate with any investigation by Child Protection, the Commission for Children and Young People, the Police and Victorian Institute of Teaching or any other relevant authority in relation to a concern or report (whether made under this Policy Statement or otherwise).

Recordkeeping obligations

The College will make, keep and secure clear and contemporaneous records of any concerns raised pursuant to this Policy Statement, and the steps taken by the College to respond to those concerns. Such files are marked "Do not Destroy" within the College's filing system and are permanently retained by the College.

Staff must ensure that all verbal and written communications and observations regarding student safety matters are properly documented. Staff should keep records of dates, times and names of persons involved in meetings or communications. Records should contain enough detail for others to understand what occurred and what was communicated, especially in relation to any disclosure made by the student involved.

Support to students

The College will afford appropriate support to students who are the subject of concerns reported under this Policy Statement, including by:

- Supporting and encouraging the student to participate in any interview.
- Ensuring that any student who is being interviewed by Child Protection or Victoria Police has a support person present during the interview, being either the student's parents, the Principal, a CSO or, in the case of Police interviews, an independent support person over the age of 18 unconnected with the College, e.g. a social worker or nurse.
- Considering whether any support person has an actual or potential conflict of interest and making appropriate alternative arrangements.

Communications to parents

Where appropriate, the College will provide parents with guidance and support where a student is the subject of a concern. The College will keep parents updated as it considers appropriate about the way in which it is dealing with concerns affecting their student.

If parents are unaware that their student is the subject of a concern, the Principal or the Senior CSO will notify them after the College has notified relevant authorities.

Where a report has been made to Child Protection or Victoria Police and potentially concerns domestic abuse, the Principal or Senior CSO must seek advice from the relevant authority before contacting the student's parents, or notifying parents of any interviews that have been scheduled or further developments in the matter.

Staff do not require consent from a student's parents before making a report in accordance with this document. Similarly, staff are not required to disclose that a report has been made.

Diversity sensitivity

If a concern involves a student from a culturally and/or linguistically diverse background, the College will take steps to ensure that the student and his or her family is given appropriate support to understand the situation and to undergo any investigation process. The College will also take steps to ensure that concerns are handled in a way that is sensitive to the cultural and linguistic diversity characteristics of the College community.

This may include:

- The use of an interpreter if required.
- Instructing any investigator about any cultural norms that may need to be taken into account in interview methods.
- Instructing any investigator about any cultural norms that may need to be taken into account when assessing the credibility of investigation participants.

If a concern involves a student with a disability, the College will take steps to ensure that the student and his or her family is given appropriate support to understand the situation and to undergo any investigation process. The College will also take steps to ensure that concerns are handled in a way that is sensitive to the diversity characteristics of the College community in respect of any persons with a disability.

This may include:

- Implementing alternative arrangements for interviews.
- Instructing any investigator about appropriate methods of communicating with witnesses who have a disability.

Victimisation is not tolerated

Staff must not victimise anyone because they have participated in a process contemplated by this Policy Statement, including by raising a concern or making a mandatory report.

The College's reporting obligations

The College and staff have a number of reporting obligations relevant to student safety. Key aspects of these are detailed below for the information of staff and the College community.

CSOs, and in particular the Principal, are primarily entrusted with ensuring that the College's reporting obligations are met. However, all staff have reporting obligations.

The Reportable Conduct Scheme

The CWS Act establishes the Reportable Conduct Scheme, managed by the Commission for Children and Young People, which requires the College to report and investigate reportable allegations (which is defined in the *Child Protection Program Definitions*).

The Reportable Conduct Scheme requires the head of an entity (in this case, Aitken College Limited) to do certain things upon becoming aware of a reportable allegation about staff. At the College, the head of the entity is usually the Principal. If a reportable allegation is about the Principal, the Board Chair will assume responsibility for complying with a head's obligations under the Reportable Conduct Scheme.

As soon as practicable after becoming aware of a reportable allegation, the head of the entity must respond to the allegation. This Policy Statement sets out how the head of the entity will respond to an allegation, by providing a process for the allegation to be investigated and dealt with.

The head of the entity must also make several notifications to the Commission for Children and Young People as follows:

- Initial notification – within three business days after becoming aware of the reportable allegation.
- Update – As soon as practicable and within 30 calendar days after becoming aware of the reportable allegation.
- Advice about investigation – As soon as practicable.
- Outcomes of investigation – As soon as practicable.

Failure to disclose and failure to protect offences under the *Crimes Act 1958 (Vic)*

The *Crimes Act 1958 (Vic)* makes it a crime to not disclose a sexual offence against a student.

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 student under the age of 16 years, by a person aged 18 years or over.

If you have formed a reasonable belief in relation to a sexual offence, you must immediately report the belief to the Police by calling 000 in an emergency, and otherwise, Craigieburn Police Station on (03) 9303 4433.

You must also make a further report on each occasion on which you become aware of further reasonable grounds for the belief.

Failure to make a report without reasonable excuse is an offence under section 327 of the *Crimes Act 1958 (Vic)* and carries a potential prison term. Failure by a person in authority to protect a student from a sexual offence is also an offence under section 490 of the *Crimes Act 1958 (Vic)*.

However, it may not be an offence to not disclose a sexual offence against a student to Victoria Police 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 was over 16 years of age when they told you about the sexual offence (directly or indirectly), and has 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 Victoria Police by another person (such as to Child Protection) and you have no further information.

In these circumstances, you should seek advice from a CSO before deciding that you are not required to make a disclosure.

Mandatory reporting

Mandatory reporters have mandatory reporting obligations under the CYF Act in relation to child abuse. Failure to make a mandatory report can constitute an offence under that Act.

If you are a mandatory reporter and you have formed a reasonable belief that:

- A 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 that harm,

you must immediately report the belief to Child Protection by calling 1300 360 391 during business hours, or 13 12 78 after hours. Additional reports must be made on each occasion where a mandatory reporter becomes aware of any further reasonable grounds for the belief.

Staff must check whether they are mandatory reporters (noting the definition in the *Child Protection Program Definitions* document).

A mandatory reporter must make a report even if a CSO does not share their belief that the report must be made. The College will afford support where appropriate to mandatory reporters who make a report under this Policy Statement.

Notification to the Victorian Institute of Teaching (VIT)

In accordance with the ETR Act, the College must notify VIT if it has taken any action against a registered teacher in response to allegations:

- Of serious incompetence.
- Of serious misconduct.
- That the teacher is unfit to be a teacher.
- That the teacher's ability to practice as a teacher is seriously detrimentally affected, or likely to be seriously affected, because of an impairment.
- That may be relevant to a teacher's fitness to teach.

The College must also notify VIT if it becomes aware that a registered teacher has been:

- Charged with, convicted or found guilty of certain criminal offences that affect the right to hold a Working with Children Check (**WWCC**).
- Given a negative notice in relation to a WWCC.

Complaints

Complaints about the handling of concerns under this Policy Statement, or about the Child Protection Program, may be made in accordance with the College's *Complaints Handling Policy*.

Communication

This document is available to the College community and public on the College website.

This document is available to staff as part of the Child Protection Program. The Child Protection Program forms part of the College's induction program for incoming staff, and aspects of (and updates to) the Child Protection Program will be addressed in the College's professional development updates, bulletins and newsletters.

Approval and review

The College's Board has endorsed this document.

The Child Protection Program will be reviewed annually.

Related documents

This document forms part of the College's Child Protection Program and should be read in conjunction with its various policies and procedures, including the following:

- Child Safe Policy Statement

- Child Safety Staff Code of Conduct
- Child Safety Responsibilities Policy Statement
- Child Protection Program Definitions

Revision History

Version	Date	Reviewed/Updated by (name)	Position/Title
1	12/11/2020	Josie Crisara College Board (together with RK Lawyers)	Principal