

**RIVER CITY CHRISTIAN COLLEGE**  
**MANDATORY REPORTING & REPORTABLE CONDUCT POLICY**

Approved by Board: 17/3/2021

To be Reviewed: 2023

**Authorities To Report To May Include One Or More Of The Following**

<b>AUTHORITY</b>	<b>SITUATION</b>	<b>CONTACT DETAILS</b>
Department of Health & Human Services, Victoria	Significant harm or risk to a child under 16	DHHS North Division Phone: 1300 664 977 After hours: 131 278 Loddon Valley: (03)5434 5555
Commission for Children & Young People	Allegation of reportable conduct against a student, employee, office holder or volunteer, affecting a child under 18.	<a href="https://ccyp.vic.gov.au/reportable-conduct-scheme/notify-and-update/">https://ccyp.vic.gov.au/reportable-conduct-scheme/notify-and-update/</a>  Phone: (03) 8601 5281
Victoria Police	Sexual or physical assault, or any crime committed or life-threatening concern.	Phone: 000
Victorian Institute of Teaching	A teacher is charged or convicted of a sexual offence.	Phone 1300 888 067
<b>SUPPORT SERVICES:</b>		
Child First Referral	Family support concern	1800 260 338
Sexual Assault crisis	After hours support	1800 806 292
Domestic Violence Resource Centre Victoria		Phone: (03) 9486 9866
National Sexual Assault / Domestic Violence Hotline		1800 737 732

**Notification Guidelines**

- All suspected incidents of child abuse and neglect must be notified.
- All information must remain confidential and others should be informed strictly on a need to know basis.
- Under no circumstances should the staff member seek to conduct their own investigation.
- Contact with alleged perpetrators should be left to the relevant authorities.
- The care and protection of the student should be seen as paramount.

## **Introduction:**

As it faithfully demonstrates Godly wisdom, integrity and compassion in all of its ways, River City Christian College seeks to faithfully protect the safety and wellbeing of the children in its care. This is also defined in the *Children, Youth and Families Act 2005 (Vic)* and the *Crimes Amendment (Protection of Children) Act 2014 (Vic)* where staff such as principals, teachers, people in religious ministry, psychologists, school nurses and people with post-secondary qualifications in youth, social or welfare work are included in the scope of mandated reporters. Therefore, they have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom they have contact, and to report instances that they believe involve physical abuse, sexual abuse or neglect.

Non-teaching staff, although not mandated reporters, should report any concerns regarding child abuse to the Principal or other appropriate senior staff member, as documented throughout this policy.

Under the *Crimes Act 1958 (Vic)* and the *Crimes Amendment (Protection of Children) Act 2014 (Vic)*, it is an offence for a person in authority to fail to protect a child under the age of 16 years from a sexual offence when: (i) The person has information sufficient to form a reasonable belief that a sexual offence has been committed in Victoria against a child; and (ii) Without reasonable excuse, the person fails to report the information to Victoria Police as soon as practicable. This obligation applies to all non-mandated staff and adult community members and is separate to the mandatory reporting framework.

Since 2017 the Reportable Conduct Scheme has applied to all schools in Victoria. The scheme is covered under the *Child Wellbeing and Safety Act 2005*. The Commission for Children and Young People is responsible for administering the scheme under the *Child Wellbeing and Safety Amendment (Oversight and Enforcement of Child Safe Standards) Act 2016*. Under the scheme all 'reportable conduct' must be reported by the Principal to the Commission for Children and Young People.

## **Child age definitions:**

Sexually abusive behaviour refers to any sexual activity between a child and an adult or older person (five or more years older).

For *mandatory reporting* considerations, under the *Crimes Act 1958 (Vic)* and the *Crimes Amendment (Protection of Children) Act 2014 (Vic)*, a child is defined as under the age of 16 years.

For *reportable conduct* allegations, under the *Child Wellbeing and Safety Act 2005*, a child is defined as under the age of 18 years.

## **Purpose:**

1. To provide clearly understood responsibilities and processes in relation to mandatory reporting at River City Christian College.
2. To ensure a child's rights in remaining safe and to ensure that each child is protected from the acts of physical, emotional and sexual abuse and neglect.

3. To provide clearly understood responsibilities and processes in relation to the reporting and investigation of allegations of Reportable Conduct at River City Christian College.
4. To facilitate the ongoing improvement of child safety for all students at River City Christian College while being sensitive to their diversity of character as outlined in our Child Safe Policy.

#### **Implementation - Staff training:**

- New staff will be informed of the mandatory reporting responsibilities and procedures as part of their induction procedure.
- Staff will be reminded of their mandatory reporting responsibilities on an annual basis.
- Staff will be briefed annually in regard to reportable conduct procedures and the Child Safe Code of Conduct.

#### **Confidentiality:**

It is important that the privacy of the student and their family be respected, and that concerns about a student's welfare are discussed only with those who need to know. It is also the right of persons who are the subject of allegations to have their privacy respected and for allegations to be investigated according to a just and fair process. The school is legally obliged to protect the identity of the reporter. Care and support will be provided and include, amongst other measures, maintaining a close connection with the parents / carers / families involved, appointing a staff member to lead the related pastoral care actions and seeking suitable external support as the needs be. Such care and support will continue for all those involved at least until the matter has been resolved, while suitable confidentiality will be ongoing.

#### **School Processes:**

If a staff member has a concern that a student has suffered abuse or is at serious risk of abuse.

- They are to discuss concerns with the Principal or, in their absence, with the Principal's delegate. Further, if the Principal cannot perform their role due to being implicated in the concern, their delegate and the Board Chair should be consulted.
- Concerns will be discussed and recorded.
- If a decision is made that a belief has been formed that the student is in need of protection, a report will be made to the Department of Health and Human Services.
- If a belief has been formed that a crime has been committed, or if there are life-threatening concerns, the Victoria Police will be notified.
- If a report is not made and the staff member is not satisfied with the response from the school, and has formed a belief that a report should be made to the relevant authority, they are still mandated to report and should do so.

- Members of the Department of Health & Human Services, Police or associated support or intervention services who visit the school following a notification, must only interview staff and students in the presence of the Principal or a person as delegated by the Principal. The child's parent or guardian should also be present unless this is deemed to adversely affect the child's safety.
- All relevant records related to situations impacted by this policy will be filed securely and be retained in an accessible format for the period determined by the appropriate authorities, most likely in excess of 45 years for cases related to sexual abuse. When the destruction of records is permitted, this will also be done securely.

### **Support:**

The Principal is responsible to ensure suitable support exists for the staff, students and related families who have been involved in a mandatory reporting incident.

### **Media:**

In scenarios where the media becomes involved, only the Principal or the nominated delegate will handle media inquiries.

### **Further Considerations:**

- If an allegation is made that a staff member is the abuser, the Principal shall:-
  - o Suspend the staff member from active duties on full pay until an investigation is complete;
  - o Inform the Chair of the School Board of the report;
  - o Report the matter to the Police.
  - o Inform the Commission for Children and Young People within three days of the allegation being made.
- If an allegation is made that a volunteer, contractor office-holder associated with the School is the abuser, the Principal shall:-
  - o Cease to engage that person in school-related activities until the matter has been investigated.
  - o Inform the Chair of the School Board of the report;
  - o Report the matter to the Police.
  - o Inform the Commission for Children and Young People within three days of the allegation being made.
- If an allegation is made that the School Principal is the abuser, the matter shall be reported by the appropriate staff member to the Chair of the School Board who shall:-
  - o Suspend the Principal from active duties on full pay until the investigation is complete;
  - o Report the matter to the Police
  - o Report the matter to the Commission for Children and Young People within three days of the allegation being made.

## **Reportable Conduct - Allegations Against Staff, Volunteers, or Office Holders**

Under the Reportable Conduct Scheme all 'reportable conduct' must be reported by the Principal to the Commission for Children and Young People as follows:-

- Within 3 business days of becoming aware of a reportable allegation made against a staff member, office holder, or volunteer

The Principal is then further responsible for ensuring that:-

- The allegation is investigated. If the allegation is criminal in nature, clearance from the Victorian Police must first be obtained before the school conducts its own investigation.
- The Commission is advised of who is undertaking the investigation.
- The risks to children are being managed.
- The Commission is further kept updated within 30 calendar days of the report by providing them with detailed information on the reportable allegation and the action taken.
- The Commission must be notified of the final outcome of the investigation and any disciplinary action taken or given reasons as to why no action was taken.
- The school's insurer is suitably notified as early as practicable.

### ***The following conduct is deemed as being reportable:-***

- Sexual offences committed against, with or in the presence of a child, under 18 years of age.
- Sexual misconduct committed against, with or in the presence of a child.
- Physical violence against, with or in the presence of a child.
- Any behaviour that causes significant emotional or psychological harm to a child.
- Significant neglect of a child.

For an expanded list of the above conduct and the details on what is required when reporting, as well as the key steps in an investigation please refer to Appendix.

However, please note that in fulfilling the roles and responsibilities contained in this policy, it does not displace or discharge any other obligations that may arise if a person reasonably believes that a child is at risk of abuse.

## **APPENDIX: SUMMARY OF CONDUCT AND REPORTING MATTERS**

### **Forming a belief that a child is in need of protection:**

If an adult has a reasonable belief that a child has suffered harm, or is at risk of harm, then they must report the incident. Factors contributing to reasonable belief may be:

- A child states they or someone they know has been abused. (Sometimes the child may in fact be referring to themselves)
- Behaviour consistent with that of an abuse victim is observed.
- Someone else has raised a suspicion of abuse but is unwilling to report it
- Observing suspicious behaviour

The legal test for a mandated reporter deciding whether a child is in need of protection is based on reasonable grounds, and is whether a reasonable person practising in such a role would have formed a belief on those grounds. This means that mandated reporters such as teachers and Principals are expected to exercise professional judgment to guide their decisions

### **Child in need of protection:**

A child who has suffered, or is likely to suffer, significant harm from sexual abuse, physical injury, emotional or psychological harm, neglect or abandonment, and where the parents have not protected or are unlikely to protect them. This may be the result of one abusive or neglectful incident, the cumulative result of many instances, or a general pattern of behaviour or circumstances.

### **Concerns about children:**

It is the role of mandated reporters to be able and willing to recognise children and young people who appear to be abused, neglected or at risk, and to then act decisively on their behalf. Under no circumstances should a staff member undertake a physical examination of a student in order to investigate a concern about abuse.

Mandated reporters such as teachers are professionally protected if they make a report and cannot be disciplined or incur any formal adverse professional consequences if the report has been made in good faith. The identity of the person who made the report is also protected.

### **Reporting child abuse and neglect:**

When a person who is a mandated reporter forms the opinion that there are reasonable grounds for a child requiring protection because of physical and/or sexual abuse, they must determine to make a report to the Department of Health and Human Services as soon as reasonably possible. Whilst the law only mandates the report of incidents physical or sexual abuse and neglect, there is a moral responsibility to report incidents of emotional abuse and neglect also.

### **Communicating child abuse and neglect:**

The person who is making a mandated report may inform the Department of Health and Human Services of their belief without the prior knowledge of the Principal. It is considered good practice, however, for the Principal to first be consulted about such an action, or informed as soon as reasonably possible afterwards. It is not a mandated reporter's role to investigate or prove child abuse or neglect.

### **Grooming:**

The *Crimes Amendment (Grooming) Act 2014*, includes the offence of Grooming for sexual conduct with a child under the age of 16 years. This offence targets predatory conduct designed to facilitate later sexual activity with a child. The term 'grooming' refers to actions deliberately undertaken with the aim of befriending and influencing a child and, in some circumstances, members of the child/young person's family, for the purpose of sexual activity with the child/young person. These actions are designed to establish an emotional connection in order to lower the child/young person's inhibitions and gain access to the intended victim. In this respect, grooming involves psychological manipulation that is usually very subtle, drawn out, calculated, controlling and premeditated (*Victorian Parliamentary Inquiry 2013*). Grooming can also occur online. There is no one set of actions or behaviours that are used to groom a child. Grooming behaviours include:

- Persuading a child or group of children that they have a 'special relationship';
- Inappropriately allowing the child to overstep the rules;
- Asking the child to keep the relationship to themselves;
- Testing boundaries, for example by: undressing in front of a child; encouraging inappropriate physical contact (even where it is not overtly sexual); talking about sex; and, 'accidental' intimate touching;
- Inappropriately extending a relationship outside of school (except where it may be appropriate—for example, where there is an existing friendship with the child's family or as part of normal social interactions in the community); and,
- Inappropriate personal communication (including emails, telephone calls, text messaging, social media and web forums) that explores sexual feelings or intimate personal feelings with a child.

### **Failure to disclose:**

Under the *Crimes Act 1958 (Vic)* and the *Crimes Amendment (Protection of Children) Act 2014 (Vic)*, it is now an offence for failure, by a person in authority, to protect a child under the age of 16 years from a sexual offence when:

- The person has information sufficient to form a reasonable belief that a sexual offence has been committed in Victoria against a child; and
- Without reasonable excuse, the person fails to report the information to Victoria Police as soon as practicable.

This obligation applies to all non-mandated staff and adult community members and is separate to the mandatory reporting framework. It is subject to some exclusions, such as:

- The person reasonably believes that the information has already been disclosed to the police;
- The victim is over the age of 16 at the time the information is received, does not have an intellectual disability and requests that the information not be disclosed;
- The information is privileged, for example between a client and their lawyer;
- The information is in the public domain;
- The person fears on reasonable grounds for the safety of any person (except the offender) if the information is disclosed and the failure to disclose is a reasonable response in the circumstances.

### **Failure to protect:**

The *Crimes Act 1958 (Vic)* and the *Crimes Amendment (Failure to Protect) Act 2014* includes an offence for failure by a person with power, authority and responsibility within an organisation to protect a child under the age of 16 years who is under the care or supervision of the organisation. As soon as a person in authority becomes aware of a risk of child sexual abuse, he/she will be under a duty of care to remove or reduce that risk. A criminal offence applies where the person in authority:

- knows that there is a substantial risk of a sexual offence being committed against a child by a person over 18 years associated with the organisation; and
- negligently fails to reduce or remove that risk.

### **Documentation guidelines:**

If suspicions have been raised with regard to the need for the protection of a child from physical and/or sexual abuse, it is essential that any observations and concerns become documented and:

- Strict confidence is to be kept in relation to all reports, information sheets and subsequent discussions.
- Details relating to the time, place, circumstance and a description of the incident should all be documented.
- Hard copies must be kept of all computer generated documentation.
- All factual information and observations must be noted and dated. No judgement or assumptions should be made.
- Patterns of behaviour should be established. This should include dates, noted behaviour and attendance, whether explained or not.
- Further incidents are to be monitored and any further indication or signs of subsequent abuse must also be reported in accordance with this policy.

- All documentation must be given to the Principal, or in the case of an allegation against the Principal, to the Chair of the School Board. It is responsibility of the Principal, or the Chair of the School Board, to keep all documentation safe and able to be readily retrieved.

## **AUSTRALIAN LEGAL DEFINITIONS**

### **Physical abuse:**

Physically abusive behaviour refers to any non-accidental physically aggressive act towards a child. Physical abuse may be intentional or may be the inadvertent result of physical punishment. The definition of physically abusive behaviours extends to and includes the fabrication, exaggeration and inducing of illness symptoms in a child.

### **Sexual abuse:**

Sexually abusive behaviour refers to any sexual activity between a child and an adult or older person (five or more years older).

### **Neglect:**

Neglectful behaviour refers to a failure (usually by a parent) to provide for a child's basic needs. Here neglect refers to physical neglect, as distinct from psychological or emotional neglect, which are included under the definition of psychologically neglectful behaviours as below. Physically neglectful behaviours include a failure to provide adequate food, shelter, clothing, supervision, hygiene or medical attention.

### **Psychological abuse:**

Psychologically abusive or neglectful behaviour refers to inappropriate verbal or symbolic acts and a failure to provide adequate non-physical nurture or emotional availability. Psychologically abusive or neglectful behaviours include rejecting, ignoring, isolating, terrorising, corrupting, verbal abuse and belittlement.

### **Domestic violence:**

Witnessing family violence is generally considered to be a form of psychologically abusive behaviour. However, there is growing support for the inclusion of family violence as a distinct maltreatment sub-type. With this in mind, witnessing family violence refers to "a child being present (hearing or seeing) while a parent or sibling is subjected to physical abuse, sexual abuse or psychological maltreatment or, is visually exposed to the damage caused to persons or property by a family member's violent behaviour".

### **Child abuse:**

Child abuse includes:

- Any act committed against a child involving:
  - A sexual offence or
  - An offence under section 49B (2) of the *Crimes Act 1958* (*grooming*)

- An offence under *Criminal Code Act 1995* criminalising acts done using a carriage service to prepare or plan to cause harm to, procure, or engage in sexual activity with, a person under the age of 16 (Carly's Law)
- The infliction, on a child of:
  - Physical violence or
  - Serious emotional or psychological harm
- Serious neglect of a child

**Onus of proof:**

As of March, 2017 the Victorian Government introduced the *Wrongs Amendment (Organisational Child Abuse) Act 2017*. This Act reverses the onus of proof, so that organisations will need to prove that they took “reasonable precautions” to prevent abuse.

**RELATED INFORMATION**

Commission for Children and Young People <https://ccyp.vic.gov.au> where details of the Reportable Conduct Scheme can be found and various fact sheets.

Ministerial Order No. 870 Child Safe Standards, Managing the risk of child abuse in schools. <https://is.vic.edu.au/wp-content/uploads/2019/09/Ministerial-Order-No.-870-Child-Safe-Standards-Managing-the-risk-of-child-abuse-in-schools.pdf>

RCCC Child Safe Policy and Code of Conduct.