

Wyndham Community and Education Centre Procedure

Policy name	Child Safety Reporting Procedure
Responsible person	CEO, Board
Staff involved	All Staff
Review dates	Approved: 7 July 2023 Review date: December, 2023

SCOPE

This Child Safety and Wellbeing Reporting Procedure (**Procedure**) applies to Staff and Volunteers of the Wyndham Community and Education Centre (Wyndham CEC) whether they work face-to-face, online or remotely with children. It should be read in accordance with the Child Safety and Wellbeing Policy (**Policy**) and Child Safety and Wellbeing Code of Conduct.

PURPOSE

The purpose of this Reporting Procedure is to guide staff and volunteers through responding to a concern, incident complaint, disclosure or allegation relating to child safety, with reference to all possibly applicable child safety reporting schemes and requirements.

STEP 1: IMMEDIATE DANGER AND IMMEDIATE RESPONSE

If a Staff member or Volunteer believes the child or student is at immediate risk of child abuse or harm, they must telephone 000.

A Staff member or Volunteer who believes that a child is at risk of serious or immediate harm must take all reasonable steps to ensure their immediate safety. This may include staying with the child until action has been taken to reduce or remove the risk, removing the child or student from any circumstances that could lead to further harm, separating alleged victims and others involved and/or administering first aid.

When possible, Staff and Volunteers should offer support and respond in a calm and compassionate manner. How Staff and Volunteers respond must be sensitive to the child's specific circumstances and tailor their support and response to specific needs. Staff and Volunteers should consider the child's age and maturity, cultural background, existing physical or emotional needs, if they are vulnerable (such as LGBTIQ+ children).

Responding to a disclosure

This document was reviewed and accepted by the Board of Governance of the Wyndham Community and Education Centre Inc. 07/07/2023 and supersedes all previous versions.

Wyndham Community and Education Centre Procedure

If a child or student tells a Staff Member or Volunteer about an incident of abuse or harm, the Staff Member or Volunteer must deal with this sensitively and professionally. Staff should follow the steps below.

H – Hear. Actively listen to the child, making the disclosure. Believe the person’s experience. Do not interrupt.

E – Empathy. Respond to the disclosure with empathy. Validate their experience.

A – Affirm. Affirm that the alleged abuse or harm is not the child’s fault and that they have done the right thing by telling someone.

R – Record. Record the disclosure, focusing on using the child’s own words, and recording observational facts.

T – Tell. Tell someone, such as a Child Safety Officer.

S – Self-care. Remember to check in with yourself after a disclosure and seek support if you need it.

STEP 2: IS THERE AN OBLIGATION TO REPORT?

Internally

If a Staff Member or Volunteer identifies a risk of child abuse or harm, has a concern, receives a disclosure or complaint about child abuse or harm, they are strongly encouraged to make an internal report to a Child Safety Officer or the CEO. Where a report is made, the Staff Member must complete a Childsafe Incident Report and submit this to the CEO.

Wyndham CEC has a Child Safety Officer (CSO) trained in child safety issues and is a point of contact and resource for staff, volunteers and children who have questions or concerns, need advice or want to report an allegation of child abuse.

The CSO can be contacted at:

Head Office: 20 Synnot St, Werribee VIC 3030

PH: 97424013

E: lesleyn@wyndhamcec.org.au

Examples of internal reports include a reasonable belief of:

- physical abuse of, or non-accidental or unexplained injury to, a child (mandatory reporters must report)

Wyndham Community and Education Centre Procedure

- a disclosure of sexual abuse by a child or witness, or a combination of factors suggesting the likelihood of sexual abuse – the child exhibiting concerning behaviours e.g. after the child's mother takes on a new partner or where a known or suspected perpetrator has unsupervised contact with the child (mandatory reporters must make a report to Child Protection)
- emotional abuse and ill treatment of a child – impacting on the child's stability and healthy development
- significant neglect, poor care or lack of appropriate supervision – where there is a likelihood of significant harm to the child, or the child's stability and development
- significant family violence or parental substance misuse, psychiatric illness or intellectual disability – where there is a likelihood of significant harm to the child, or the child's stability and development
- where a child's actions or behaviour may place them at risk of significant harm and the parents are unwilling, or unable to protect the child
- where a child appears to have been abandoned, or where the child's parents are dead or incapacitated and no other person is caring properly for the child.

What is a reasonable belief?

Factors contributing to reasonable belief may be (but are not limited to):

- a child or young person states they or someone they know has been abused (noting that sometimes the child or young person 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;
- observing grooming behaviour;
- knowledge of inappropriate gifts;
- inappropriate online behaviour and/ or inappropriate boundaries; and/or
- knowledge of secretive relationships.

The Incident Report must include:

- the name, age and address of student;
- the reason for suspecting that the behaviour or injury is a result of abuse; an assessment of the immediate danger to the child or student;
- a description of the injury or behaviour observed;
- the current whereabouts of the child or student;
- any other information about the family; and
- any specific cultural details, e.g. English speaking, disability, etc.

Externally

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Version: 2023v1

Document number: 409a

Page 3 of 15

G:\Policies\Management\Child Safety and Wellbeing\Child Safety Reporting Procedure.docx

Wyndham Community and Education Centre Procedure

This Procedure sets out the different external reporting obligations that may apply in different circumstances and to different Staff or Volunteers. Staff and Volunteers should work through the following types of reporting to determine which are applicable. More than one may be applicable.

Mandatory reporting

Staff who:

- are Mandatory Reporters including the CEO, registered teachers, registered nurses, registered psychologists, youth, social or welfare workers, registered early childhood teachers and persons in religious ministry; and
- in the course of carrying out their duties form a **belief on reasonable grounds** that:
 - o a child is in need of protection because they have suffered or are likely to suffer from significant harm as a result of **physical injury or sexual abuse**; and
 - o the child's parents have not or are unlikely to protect the child from harm

must report that information to DFFH (Child Protection).

Mandatory Reporters must make a report to DFFH each time they become aware of further grounds for a belief that a child may have suffered or is likely to suffer harm. An Incident Report should also be completed each time (Internal incident report).

Physical injury means injury which results from abuse. The injury may be intentionally inflicted or may be the inadvertent consequence of physical punishment, or the physically aggressive treatment of a child.

Sexual abuse includes but is not limited to sexual offences. Examples of sexual offences are defined below on page 6.

A reasonable belief does not require proof. There may be times when two or more mandated staff members, for example a teacher and the CEO, have formed a belief about the same child or young person on the same occasion. In this situation it is sufficient for only one of the mandated staff members to make a report. The other staff member is obliged to ensure that the report has been made and that all of the grounds for their own belief were included in the report made by the other staff member.

Discretionary reporting

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Wyndham Community and Education Centre Procedure

Any person may make a report to the Police or DFFH if they hold a significant concern for the wellbeing of a child.

- Any person can make a report to DFFH Child Protection if they believe on reasonable grounds that a child is in need of protection for reasons such as: physical injury; sexual abuse; emotional or psychological harm.
- Any person who believes on reasonable grounds that a child over 10 but under 15 has been exhibiting sexually abusive behaviours and may be in need of treatment should report to DFFH Child protection.
- Any person who has a significant concern for the wellbeing of a child should report these concerns to DFFH Child protection, or refer the child and family to Child FIRST/Orange Door. A significant concern includes (for example): parenting problems; family conflict; pressure due to family mental illness or substance abuse; isolation; significant economic or social disadvantage.

If you have significant concern for the wellbeing of a child or young person, but do not believe they are at risk of significant harm, and where the immediate safety of the child or young person will not be compromised, a referral to Child FIRST or Orange Door may be appropriate.

Child FIRST/Orange Door, as the access point for family services, is progressively transitioning to The Orange Door. At this time the Wyndham LGA is under Child FIRST/Orange Door.

Referring to Child FIRST/Orange Door would be appropriate where families:

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

Failure to disclose sexual abuse offence
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Any adult who forms a belief on reasonable grounds that a sexual offence has been committed in Victoria against a child under the age of 16 by an adult, must make a report to Victoria Police as soon as practicable.

A sexual offence includes:

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Wyndham Community and Education Centre Procedure

- rape;
- indecent assault;
- sexual penetration;
- grooming a child for sexual conduct;
- encouraging a child to engage in, or be involved in, sexual activity;
- compelling sexual touching;
- assault with intent to commit a sexual offence;
- threat to commit a sexual offence;
- causing a child to be present during sexual activity;
- facilitating a sexual offence against a child;
- administration of an intoxicating substance for a sexual purpose;
- procuring a sexual act by fraud or threat; or
- an attempted sexual offence or an assault with intent to commit a sexual offence.

A reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a reasonable belief might be formed when:

- a child tells you they have been sexually abused;
- a child tells you they know someone who has been sexually abused (sometimes the child may be talking about themselves);
- professional observations of the child's behaviour or development leads you to believe the child has been sexually abused or is likely to be abused; or
- signs of sexual abuse lead to a belief that the child has been sexually abused.

Failure to protect offence

A Staff member or Volunteer in a position of authority who is aware of a substantial risk that a child (under the age of 16) will become the victim of a **sexual** offence committed by an adult associated with Wyndham CEC must not negligently fail to reduce or remove that risk. This means there is a duty to take immediate action to remove or reduce that risk. Reporting to DFFH or Victoria Police is one way to reduce or remove the risk.

Staff and Volunteers will be in a position of authority when they are responsible for supervision of children or students, such as a coach of a sports team. An adult associated with Wyndham CEC could be a Board member, Staff member or Volunteer.

Reportable Conduct Scheme

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Wyndham Community and Education Centre Procedure

The CEO **must** report any reportable allegation made against a Staff member that could amount to criminal offences, to the CCYP and to Victoria Police within 3 business days of becoming aware of the reportable allegations.

Staff members must advise the CEO immediately they become aware of conduct that may constitute a reportable allegation.

If the CEO is notified by any person of a reportable allegation, including by a staff member, a young person, a parent or a member of the public, the CEO must report it to CCYP (even if he/she doesn't have a reasonable belief the conduct happened).

In response to the Betrayal of Trust Report, a new criminal offence for failing to protect (or disclose information regarding) a child under the age of 16 from a risk of sexual abuse commenced on 1 July 2015.

Reportable conduct (criminal behaviour scenarios) includes (but not limited to):

- Sexual offences committed against, with or in the presence of a child (grooming, abuse, sexual activity in presence of child)
- Sexual misconduct committed against, with or in the presence of a child (crossing professional boundaries, explicit comments or messages)
- Physical violence committed against, with or in the presence of a child (hitting, punching, kicking, threats)

If action is taken against a registered teacher, Wyndham CEC must report it to VIT.

Reportable conduct (inappropriate conduct) scenarios includes (but not limited to) a registered teacher:

- Using offensive language
- Using racist/ derogatory terms
- Bullying
- Excessive yelling
- Threats of violence
- Not responded to disclosure

Some of the above examples could amount to reportable conduct under the Reportable Conduct Scheme. Allegations of reportable conduct **must** be reported to CCYP. If the CEO is notified by any person of a reportable allegation, including by a staff member, a young person, a parent or a member of the public, the CEO must report it to CCYP (even if the head doesn't have a reasonable belief the conduct happened). If action is taken against the registered teacher, it must be reported to VIT. Reportable conduct issues that occur outside the education setting must be reported to CCYP.

Teacher registration concerns include:

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Wyndham Community and Education Centre Procedure

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- displaying behaviours suggesting a health concern
 - concerns outside a school setting which may impact their role as a teacher
 - concern that a teacher may not be registered.

Such concerns must be reported to VIT.

It may also be appropriate for the CEO to contact other organisations, including:

- the Victorian Registrations and Qualifications Authority (VRQA)
- the Victorian Institute of Teachers (VIT)

STEP 3: HOW TO REPORT

Contact Details

Department Families, Fairness and Housing (Child Protection)	West Division Metro area- 8:45am to 5:00pm	1300 664 977
Department Families, Fairness and Housing (Child Protection)	After Hours 5:00pm to 9:00am	131 278
Child FIRST	Wyndham Region; Hobson's Bay Region	1300 775 160
Orange Door	Child and family services Barwon 9am to 5pm Mon-Fri (Closed public holidays)	1800 312 820
Police	Immediate safety concern	000
CCYP		1300 78 29 78 contact@ccyp.vic.gov.au
VIT		https://www.vit.vic.edu.au/ Principal enquiries - 1300 650 375
VRQA		https://www.vrqa.vic.gov.au/Pages/default.aspx

STEP 4: INTERNAL RESPONSE BY WYNDHAM CEC

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Wyndham Community and Education Centre Procedure

When a CSO becomes aware of a report, a Case Management Group (that may consist of the CSO, a Director and /or the CEO or delegate) will be set up to monitor and review the risks related to child safety and offer support to the student and reporter.

Where it is not appropriate for a Student Wellbeing Officer or CSO to perform their role, concerns should be raised with the CEO, who will be responsible for managing an alternative procedure for responding to an allegation or disclosure.

Care for students involved

After any immediate risk of harm has been removed or mitigated (Step 1), the Case Management Group members should consider additional support for the child(ren) or students(s) concerned. This may include referral to a wellbeing professional or external support services, developing a student support plan, engaging in regular communication and follow up, supporting the student to be around their friends in the Wyndham CEC Environment.

Wyndham CEC recognises that friendships and peer support are important to help children and students feel safe and be less isolated.

Employment and staff matters

Where Wyndham CEC becomes aware of concerns or complaints that a Staff member or Volunteer may have engaged in conduct which could give rise to a risk of harm to a child, Wyndham CEC may, at its discretion:

- stand the Staff member or Volunteer down;
- remove or limit their contact with children or students; and/or
- direct the Staff member or Volunteer to return any keys, passes or equipment and to provide access codes and passwords.

Investigations

Before commencing an investigation under the Policy, the CEO will consult with relevant authorities to determine whether Wyndham CEC can commence an investigation.

If the allegation is considered a reportable allegation, the CEO will notify the CCYP of who is going to conduct the investigation and comply with timeframes required by the Reportable Conduct Scheme.

Recordkeeping

Staff and Volunteers must create and maintain records of the report (Step 2) and actions taken in relation to reducing or removing the risks.

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Wyndham Community and Education Centre Procedure

STEP 5: PRIVACY AND CONFIDENTIALITY

Following a report, it is important to protect privacy and confidentiality, and the interests and safety of the child at all times.

Wyndham CEC will not share information about a child safety concern with a child or student's family if Wyndham CEC considers this will create or increase a risk of harm to the child or student.

Information about child safety concerns and complaints is confidential and will be handled according to the Wyndham CEC's Privacy Policy, except when this information must be disclosed by law (for example, the Reportable Conduct Scheme).

STEP 6: REPORTABLE CONDUCT SCHEME

Within 3 days of becoming aware of a reportable allegation the CEO **must** make a notification to the CCYP. If the allegation could amount to a criminal offence, Victoria Police **must** also be notified.

Within 30 calendar days after becoming aware of any reportable allegation/s, the CEO must provide the CCYP with:

- detailed information about the reportable allegation;
- information about proposed disciplinary or other action to be taken in response to the allegation; and
- any written submissions made by the Staff member or Volunteer, or about that disciplinary or other action.

As soon as reasonably practicable after the independent investigation has concluded, the CEO must provide the CCYP with:

- a copy of the investigation findings and reasons;
- a copy of the investigation report produced by the investigator;
- any documentation and evidence annexed to the investigation report; and
- additional information about proposed disciplinary or other action to be taken in response to the allegation.

STEP 7: PROTECTION OF REPORTERS

Any Staff member or Volunteer who makes a report in good faith in accordance with their reporting obligations will be supported by Wyndham CEC, will not be penalised by Wyndham CEC for making the report and will be protected from prosecution and liability.

Wyndham Community and Education Centre Procedure

Confidentiality is provided for mandatory reporters under the *Children Youth and Families Act 2005 (CYFA)*. The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances or where the reporter consents to their identity being disclosed or is required for legal proceedings.

STEP 8: CHILD INFORMATION SHARING SCHEME (CISS)

The CEO will consider whether Wyndham CEC should disclose confidential information to another Information Sharing Entity (ISE) about any person for the purpose of promoting the wellbeing or safety of a child or group of children. If the:

- sharing of information would:
 - promote the wellbeing and safety of a child; and
 - help the receiving ISE make a decision, assessment or plan, start or conduct an investigation, provide a service and or manage any risk to child safety and wellbeing; and

If the information is not excluded information (that cannot be shared under the CISS), the CEO will share that information.

The CISS includes an obligation to talk to the child (when age-appropriate) and family (when appropriate, considering the risk of harm to the child) prior to sharing information.

STEP 9: EVALUATION

The CEO must ensure the Board is notified following any significant incident in relation to child safety and wellbeing.

When the Board is notified following any incident in relation to child safety and wellbeing, the Board must review and evaluate Wyndham CEC's Policy, this Procedure and child safety and wellbeing practices, including the effectiveness of risk controls and risk treatments.

Wyndham Community and Education Centre Procedure

APPENDIX ONE: When to Report Matrix

Type of reporting	Reporter	Report to
Mandatory (physical abuse of, non-accidental or unexplained injury to, and sexual abuse)	Mandatory reporters	DFFH Child Protection
Failure to disclose (child under 16) (sexual)	Any person	DFFH Child Protection Victoria Police
Failure to protect (child under 16) (sexual)	Adults in a position of authority	DFFH Child Protection Victoria Police
Child in need of protection	Any person	DFFH Child Protection Victoria Police
Child in need of therapeutic treatment	Any person	DFFH Child Protection
Significant concerns for the wellbeing of a child	Any person	DFFH Child Protection Orange Door
Reasonable belief that a sexual offence has been committed against a child under 16	Any person 18 or over	Victoria Police

Wyndham Community and Education Centre Procedure

APPENDIX TWO: Making a Report Matrix

Step	Description
1	<p>In case of emergency or if a child is in immediate danger contact Triple Zero (000) or the local police station</p> <p>Alternatively, to report concerns about the immediate safety of a child contact Child Protection.</p>
2	<p>Keep comprehensive notes that are dated and include:</p> <ul style="list-style-type: none"> - a description of the concerns (e.g. physical injuries, student behavior) - the source of those concerns (e.g. observation, report from the child or another person) - the actions taken as a result of the concerns (e.g. consultation with CEO, report to DFFH Child Protection)
3	<p>Discuss any concerns about the safety and wellbeing of students with the Child Safety Officer or CEO. The individual staff member should then make their own assessment about the child or young person and to whom the report should be made.</p>
4	<p>Gather the relevant information necessary to make the report, including:</p> <ul style="list-style-type: none"> - full name, date of birth and residential address of the child or young person; - the details of the concerns and the reasons for those concerns; - the individual staff member's involvement with the child and young person; and - details of any other agencies who may be involved with the child or young person.
5	<p>Make a report to the relevant agency.</p>
6	<p>Make a written record of the report which includes the following information:</p> <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
7	<p>Notify relevant staff of a report to DFFH Child Protection or Orange Door. Staff should advise the CEO if they have made a report.</p>

Wyndham Community and Education Centre Procedure

APPENDIX THREE: Examples of Child abuse Matrix

Physical violence	Sexual offences	Serious emotional or psychological abuse	Serious neglect
Unexplained bruises	Sexually transmitted diseases	Delays in emotional, mental or physical development	Frequent hunger/ Malnutrition
Fractures/ broken bones	Pregnancy	Signs of self-harming	Poor hygiene
Burns	Vaginal/ anal bleeding	Low self-esteem	Inappropriate clothing
Unexplained absences	Difficulty sleeping	High anxiety	Stealing food
Wearing long sleeved clothing	Withdrawn	Aggressive or demanding behaviour	Misuse of drugs/ alcohol
Fear of certain people	Complaining of stomach pains/ headaches	Withdrawn, passive or tearful	Aggressive behaviour
Distrust of adults	Fear of certain people		Staying at Wyndham CEC/ class after hours
Academic problems	Aggressive behaviour		Academic problems

These definitions are taken from an overview of the Victorian Child Safe Standards

<https://www.cpmanual.vic.gov.au/>

Related Documents

Legislation: Children, Youth and Families Act 2005, Working with Children Act 2005 (Vic), Child Wellbeing and Safety Act 2005 (Vic), Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015 (Vic), Ministerial Order 1359 - Child Safe Standards. Education and Training Reform Act 2006 (Vic), Education and Training Reform Regulations 2017 (Vic), Privacy and Data Protection Act 2014, Crimes Act

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Version: 2023v1

Document number: 409a

Page 14 of 15

G:\Policies\Management\Child Safety and Wellbeing\Child Safety Reporting Procedure.docx

Wyndham Community and Education Centre Procedure

1958 (Vic), Disability Act 2006 (Vic), Equal Opportunity Act 2010 (Vic), Public Records Act 1973 (Vic), Occupational Health and Safety Act 2004 (Vic), The Charter of Human Rights and Responsibilities Act 2006 (Vic), Family Law Act 1975 (Com), Public Records Act 1973 (Vic), Worker Screening Act 2020 (Vic).

Policies & Procedures: Child Safety and Wellbeing Policy & Procedure (including Statement of Commitment), Access & Equity Policy & Procedure, Complaints and Appeals Policy & Procedure, Privacy Policy & Procedure, Critical Incident & Emergency Management Policy & Procedure, Record Management Policy & Procedure, Disciplinary Action and Termination of Employment Policy and Procedure.

Codes: Staff Code of Conduct, Code of Ethics, Child Safety and Wellbeing Code of Conduct.

Other: Conduct Reporting Guide for Schools, Child Safe Standards, Betrayal of Trust Report, Responding to Suspected Sexual Offending Form and Responding to Suspected Child Abuse Form, DFFH Mandatory Reporting information and Fact Sheets at

<https://providers.dffh.vic.gov.au/mandatory-reporting>

DFFH Failure to Disclose Fact Sheet <https://providers.dffh.vic.gov.au/failure-disclose-offence-fact-sheet-word>; Betrayal of trust fact sheet <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/betrayal-of-trust-fact-sheet-the-new>;

PROTECT e-safety Commissioner at <https://www.esafety.gov.au>

Child FIRST and Family Services - <https://services.dhhs.vic.gov.au/child-first-and-family-services>

Child Wise - childwise.org.au; The Orange Door -

<https://www.orangedoor.vic.gov.au/what-is-the-orange-door>;

Online Learning System at <https://elearn.childlink.com.au>

Reportable Conduct – www.justice.vic.gov.au