

DSM Policy

Serious Incident and Mandatory Reporting

Deutsche Schule Melbourne Inc, ABN 52 936 931 854



Statement

The values and ethos of Deutsche Schule Melbourne (DSM) – A German English Bilingual School vision statement form the foundation for the school's child safe policy. The Serious Incident and Mandatory Reporting Policy forms part of the Child Safe Policy and should as such be read in conjunction with the Child Safe Policy.

Rationale

DSM is committed to supporting children and their families and in protecting their students and has an organisational duty of care to take reasonable precautions to prevent harm to children through the reporting of child abuse (sexual or physical abuse) and neglect by any individual associated with the school, while the child is under the schools supervision or authority.

All school staff members have duty of care obligations and obligations arising out of the Child Safe Standards to take reasonable steps to prevent reasonably foreseeable injury to children and young people. This includes taking reasonable steps to protect their safety, health and wellbeing.

Victorian schools are mandated under Ministerial Order 870 to ensure child safe standards are in place to protect children from abuse and neglect. This contains the creation of an inclusive culture, as well as screening, supervision and training of personnel to identify and respond to indicators of harm.

In response to the Betrayal of Trust Report, the Victorian Government has introduced criminal offences to protect children from sexual abuse. Under these reforms a failure to report (failure to disclose), or take action in relation to suspected child sexual abuse (failure to protect) can now constitute a criminal offence.

Teachers are further mandated under the Children, Youth and Families Act 2005 (CYFA) to take responsibility in the prevention of child abuse and neglect and must notify cases of physical and sexual abuse to the Department of Health and Human Services (DHHS) – Child Protection when they form a belief on reasonable grounds 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 harm of that type. Failure to disclose is a criminal offence under the Crimes Act 1958.

Under the Reportable Conduct Scheme, a child protection scheme, Victorian schools are required to notify the Commission of Children and Young People (CCYP) if there is an allegation of 'reportable conduct' made against one of its employees (including Principal, teachers, other staff, board members, contractors, volunteers or health staff members). There must be a reasonable belief that there has been:

- a sexual offence or misconduct or physical violence committed against, with or in the presence of a child, or
- behaviour causing significant emotional or psychological harm to a child, or
- significant neglect of a child, or
- misconduct involving any of the above

The Deutsche Schule Melbourne is committed to provide an environment where students feel safe and supported and adopts a vigilant zero tolerance policy in regards to child abuse.

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Definitions

Teachers

An assistant, student teacher, teacher, specialist teacher, and every person that forms part of the educational staff of the school, including any person employed in a teaching position (Education Act, 1958).

Child

Under Victorian Law a child is regarded as being under 17 years of age.

Child Abuse

Child abuse includes any instance of physical or sexual harm (including grooming), emotional or psychological harm, serious or significant neglect and family violence involving a child.

Child connected work

Work that is authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present.

Child and Family Information, Referral and Support Teams (Child FIRST)

Child FIRST is a Victorian Government initiative to provide support and help for vulnerable families, children and babies. Anyone may make a referral to Child First if they have a significant concern for a child's wellbeing.

Child Safe Standards

Victorian schools are mandated under Ministerial Order 870 to ensure child safe standards are in place to protect children from abuse and neglect. This contains the creation of an inclusive culture, as well as screening, supervision and training of personnel to identify and respond to indicators of harm.

Child Protection Service

The role of the DHHS Child Protection Service is to ensure that children are protected from significant harm when their parent or caregiver is unable or unwilling to provide that protection. They are able to intervene to protect children and young people at risk of significant harm.

Child in need of protection

A 'child in need of protection' is defined under section s163 of the Children, Youth and Families Act 2005 (Vic.) if any of the following grounds exist:

- A child has been abandoned
- A child's parents are dead or incapacitated and there is no other suitable person willing or able to provide care for the child.
- A child that has suffered or is likely to suffer significant harm as a result of:
 - Physical abuse
 - Sexual abuse
 - Family violence

Emotional abuse or psychological harm of such kind that the child is, or is likely to be, significantly damaged and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

- The child's physical development or health has been, or is likely to be, significantly harmed and the parents are not providing basic medical, surgical or remedial care.

Indicators of harm

There may be a single or many indicators of harm. The presence thereof does not prove that abuse or neglect has

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occurred. However, repeated occurrence of one or of many indicators should alert teachers to the possibility of child abuse and neglect.

It is critical for school staff to be able to recognise the physical or behavioural signs of child abuse. In many circumstances they may be the only indication that a child is subject to abuse. An extensive list of physical and behavioral indicators for each type of abuse can be found on <https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/identify.aspx#link75>.

Failure to Disclose

In addition to mandatory reporting obligations under the Children, Youth and Families Act 2005 (Vic.), the Crimes Act 1958 (amended) (Vic.) imposes a legal obligation upon all adults to report to Victoria Police [in addition to Child Protection] where they form a reasonable belief that a sexual offence has been committed by an adult against a child.

Failure to Protect

The Crimes Act 1958 (amended) (Vic.) provides that people in positions of authority, such as principals, must take action to protect children where they know that a person associated with their organisation poses a substantial risk of sexually abusing children.

Forming a belief on reasonable grounds

Section 183 states that **any** person who believes on reasonable grounds that a child is in need of protection after becoming aware that a child's health, wellbeing or safety is at risk and the child's parents are unwilling or unable to protect the child, **must** report that belief to a protective intervener and the reasonable grounds for it. You may have suspicion on reasonable grounds if:

- Your observations of behaviour of the particular child or your knowledge of the child generally leads you to suspect that abuse is occurring.
- A child tells you that he/she knows someone who has been abused.
- Someone reliable such as relative, friend, neighbour or sibling tells you of the abuse to a child.

If you receive a disclosure from a current student or former student of school age, you must take the disclosure seriously and take immediate action following the Four Critical Actions. If you receive disclosure by a former student that is no longer of school age you must still act.

Grooming

Crimes Act 1958 (amended) (Vic.), under the 'Failure to Disclose' offence and duty of care, any person who suspects a child is being groomed by an adult must report their concerns to Victoria Police.

Mandatory Reporting

Section 184(1), CYFA, requires mandated reporters to report their belief, when the belief is formed in the course of practicing their profession. A report must be made *as soon as practicable* after forming the belief, and *on each occasion* on which they become aware of any further reasonable grounds for the belief.

There may be times when two or more mandated professionals have formed a belief about the same child on the same occasion. In this situation it is sufficient that only one of the mandated professionals make a report. The other is obliged to ensure that the report has been made and that all the grounds for their own belief were included in the report made by the other person (s. 184(2)).

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In the case where one mandated professional directs another mandated professional not to make a report, and one professional continues to hold the belief that a child is in need of protection, then that professional is legally obliged to make a report to Child Protection.

Mandated staff members

Mandated staff members include the Principal, teachers registered to teach or who have a permission to teach (including pre service and visiting teachers) and registered practitioners, nurses and members of the police force.

Non-mandated staff members

Any adult or member of the school community who forms a reasonable belief that an adult has committed a sexual offence (including grooming) against a child is strongly encouraged to report that information to Victoria Police, unless the reporting adult has already , if they believe on reasonable grounds that a child is in need of protection.

Protection of Reporters & Confidentiality

Under section 189, CYFA, a mandatory reporter, who made their report in good faith, is protected. A report does not constitute unprofessional conduct or breach of professional ethics on the part of the reporter, nor does it make the reporter subject to any liability in respect of it. The name of the reporter or any information leading to the revelation of the reporter should not be disclosed to any person other than the protective intervener.

Reportable Conduct

Reportable conduct is a sexual offence, sexual misconduct or physical violence committed against, with or within the presence of a child; behaviour causing significant emotional or psychological harm and significant neglect of a child. A reportable allegation means information that leads a person to form a reasonable belief that an employee or volunteer has committed a reportable conduct or misconduct.

Principles

DSM is committed to protect its students from all forms of child abuse and to implement clear procedures for reporting and recording allegations of suspected child abuse and grooming.

The school will create a supportive culture in which children, staff, volunteers and families feel confident and comfortable in discussing allegations of abuse, grooming or child safety concerns.

Goals

The goals are aligned with the goals of the Child Safe policy and include:

- Providing an inclusive and safe school environment during and outside of school hours.
- Promoting a child-safe school culture in the school community.
- Taking 'reasonable precautions' to prevent abuse.
- Take reasonable steps to remove or reduce the risk of child sexual abuse.
- Providing support to students on a continuum, from primary prevention, through various stages of intervention and restoring well-being.
- Promoting practices and processes that provide resilience and connectedness in students.
- Providing students with coping and social skills that empower them to best handle a range of unsafe situations.

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- Promoting programs that help students to provide for their own safety, such as personal safety and protective behaviour, peer support and mediation, healthy relationships, buddy and transition programs.
- Empowering students to seek support, services, confidantes at school and/or externally.
- Train and encourage all staff to report their concerns for a child in need of protection to DHHS Child Protection.
- Providing students with care and support, offering assistance and helping them deal with the after-effects of any experience,
- Supporting and monitoring recovery of students and teachers involved; Counselling support will be offered to all parties in relation to a reported allegation.
- Reviewing and evaluating incident management plans regularly.

Scope

This policy applies to members of the school board, the principal, school staff, volunteers, contractors and visitors.

The policy applies to allegations or disclosures of child abuse made by or in relation to a child, school staff, visitors, or other persons while connected to a school environment.

Roles and Responsibilities

The **DSM board** is accountable for managing the risk of abuse and must develop and implement risk management strategies in regards to child safety and monitor and evaluate these for their effectiveness of the implementations of its risk controls. The board will ensure that appropriate guidance and training is provided to board members and the school staff in regards to:

Individual and collective obligations and responsibilities for managing risk of child abuse:

As part of the on-boarding process for new board members: Guidance and training opportunities are provided to new board members, in particular in the areas of governance and risk (e.g. governance sessions provided by ISV and VRQA) and in regards to the school's Child Safe and Critical Incident and Mandatory Reporting policies. Board members are made aware regularly of current training opportunities designed for board members. As part of the induction program of new teachers and interns and as part of the annual professional development programs for all school staff.

Child abuse risks in the school environment and child safety standards:

Child safety, including child abuse, is a standing item in all board meetings and staff meetings and associated risks discussed as members of the school become aware of them. Critical incidents are reported to the board for evaluation and improvement. Staff training is provided before the start of each school year, with interim additional training or supplementation with online training as required (e.g.

http://elearn.com.au/deecd/mandatoryreporting/DET_MandatoryReporting_ImplementationPoster_Government_v5.pdf).

Any **person in a position of authority** within or associated with the school (including the chair of the board, board members, principal, senior staff and business manager) has a specific duty to protect children against the risk of a sexual assault. If they know of a substantial risk another adult associated with the school may commit a sex offence

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against a child within the school's care, they must take reasonable steps to remove or reduce the risk of child sexual assault and must report the matter to Victoria Police (Failure to Protect offence).

The **Principal** is responsible for the implementation of the Child Safe and Serious Incident and Mandatory Reporting policies and procedures on an operational level to embed an organisational culture of child safety and is responsible for all aspects of school management including assisting the teacher, child and relevant specialist authorities, if requested.

The Principal is further responsible to manage the school's overall response to an allegation or disclosure of child abuse, that the allegation or disclosure is responded to promptly and taken seriously. The Principal must monitor the overall school's compliance with the Child Safe and Serious Incident and Mandatory Reporting Policies and must make sure that a child who makes or is affected by an allegation of child abuse is responded to appropriately.

The school will assist **teachers** in their roles to provide a safe and supportive environment for students, provide them with the skills and knowledge to identify possible harm and guidelines on how to respond to concerns of safety and well-being.

The school clearly outlines on how to notify DHHS Child Protection Services for **persons legally mandated** and also for voluntary (**non-mandated**) notifications.

Where an allegation or disclosure is made against the Principal, the allegation or disclosure needs to be made to the chairman of the board. In the absence of the Principal, the allegation or disclosure needs to be made the chairman.

By fulfilling the roles and responsibilities contained in this procedure, does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of abuse.

Strategies

The strategies below should be read in conjunction with the strategies outlined in the Child Safe policy and are designed to identify and mitigate the risk(s) of child abuse. The Child Safe policy clearly sets out strategies in relation to:

- School board
- Engagement and on-boarding of staff, volunteers and visitors
- Training and Compliance
- Empowering students
- Online risk and cyber safety
- Physical Environment
- Communications
- Assessment and Review

Further strategies in relation to Serious Incident and Mandatory Reporting include:

- The school will provide students with programs that strengthen their ability to provide for their own safety, to recognise harm and actions they can take.
- The DSM promotes open communication between all members of the school.
- The Principal will make regular and frequent public statements to raise awareness of the school community's collective responsibility in reporting allegations of child abuse.

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- The Critical Incident and Mandatory Reporting and Child Safe policies are made publically available.
- The board will ensure that the procedures are sensitive to the diverse characteristics of the school community,
- The DSM board will ensure the school's 'Serious Incident and Mandatory Reporting' policy is reviewed annually and after every incident.
- The DSM board will monitor and evaluate the effectiveness of the implementation of its risk controls.
- The DSM board will require the Principal to provide regular feed-back on the implementation of the policy in board meetings.

Complaint Resolution

There may be concerns or complaints about the school staff's management of an incident in particular by parents/carers/guardians. School staff must consider whether the complaint raises issues about unreported abuse and/or risk of abuse. Should any new information come to light, which leads the staff member to belief a child may be subject to, or at risk of any unreported abuse, then the staff member must follow the Responding to complaints or concerns procedure (the Four Critical Actions), otherwise the DSM Complaints and Grievances policy should be followed.

Policy Review

This policy shall be reviewed annually and after any incident.

Revised, August 2018

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DSM Internal Use

Version and Approval

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Related Policies

Child Safe
Code of Conduct
Behaviour Management
Critical Incident Plan
Complaints and Grievances
On Site Supervision of Students
Professional Learning & Development
School Access
Staff Awareness
Supervision of Students Off-site
Student Welfare
Welfare Communication
Privacy

FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to **Action 2.**

If a child is at immediate risk of harm you **must** ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling **000 for urgent medical and/or police assistance** to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

2 REPORTING TO AUTHORITIES / REFERRING TO SERVICES

As soon as immediate health and safety concerns are addressed you **must** report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Q: Where does the source of suspected abuse come from?

WITHIN THE SCHOOL

VICTORIA POLICE

You **must** report all instances of suspected child abuse involving a school staff member, contractor, volunteer or visitor to Victoria Police.

You **must also** report **internally** to:

GOVERNMENT SCHOOLS

- School principal and/or leadership team
- Employee Conduct Branch
- DET Security Services Unit.

CATHOLIC SCHOOLS

- School principal and/or leadership team
- Diocesan education office.

INDEPENDENT SCHOOLS

- School principal and/or school chairperson
- Commission for Children and Young People on **1300 782 978.**

All allegations of 'reportable conduct' **must** be reported as soon as possible to:

GOVERNMENT SCHOOLS

- Employee Conduct Branch

CATHOLIC SCHOOLS

- Diocesan education office

INDEPENDENT SCHOOLS

- Commission for Children and Young People on **1300 782 978.**

WITHIN THE FAMILY OR COMMUNITY

DHHS CHILD PROTECTION

You **must** report to DHHS Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

VICTORIA POLICE

You **must also** report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You **must also** report **internally** to:

GOVERNMENT SCHOOLS

- School principal and/or leadership team
- DET Security Services Unit.

CATHOLIC SCHOOLS

- School principal and/or leadership team
- Diocesan education office.

INDEPENDENT SCHOOLS

- School principal and/or chairperson.

YOU MUST TAKE ACTION

As a school staff member, you play a **critical role** in protecting children in your care.

- You **must** act, by following the Four Critical Actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief* that a child has, or is at risk of being abused.
- You **must** act if you form a suspicion/ reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).
- It is strongly recommended that you use the **Responding to Suspected Child Abuse template** to keep clear and comprehensive notes, even if you make a decision not to report.

*A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

3 CONTACTING PARENTS/CARERS

Your principal **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- **not to contact** the parents/carer (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- **to contact** the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- **how to communicate** with all relevant parties with consideration for their safety.

OTHER CONCERNS

If you believe that a child is not subject to abuse, but you still hold **significant concerns** for their wellbeing you **must** still act. This may include making a referral or seeking advice from:

- Child FIRST/The Orange Door (in circumstances where the family are open to receiving support)
- DHHS Child Protection
- Victoria Police.

CONTACT

DHHS CHILD PROTECTION

AREA

North Division **1300 664 9777**
 South Division **1300 655 795**
 East Division **1300 360 391**
 West Division (Rural) **1800 075 599**
 West Division (Metro) **1300 664 9777**

AFTER HOURS

After hours, weekends, public holidays **13 12 78.**

CHILD FIRST

<https://services.dhhs.vic.gov.au/referral-and-support-teams>

ORANGE DOOR

<https://www.vic.gov.au/familyviolence/the-orange-door.html>

VICTORIA POLICE

000 or your local police station **DET SECURITY SERVICES UNIT (03) 9589 6266**

STUDENT INCIDENT AND RECOVERY UNIT (03) 9651 3622

EMPLOYEE CONDUCT BRANCH (03) 9637 2595

DIOCESAN OFFICE

Melbourne **(03) 9267 0228**
 Ballarat **(03) 5337 7135**
 Sale **(03) 5622 6600**
 Sandhurst **(03) 5443 2377**

4 PROVIDING ONGOING SUPPORT

Your school **must** provide support for children impacted by abuse. This should include the development of a **Student Support Plan** in consultation with wellbeing professionals. This is an essential part of your duty of care requirements.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support.

You **must** follow the **Four Critical Actions** every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

INDEPENDENT SCHOOLS VICTORIA (03) 9825 7200

THE LOOKOUT

The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence: <http://www.lookout.org.au>.

Family violence victims/survivors can be referred to **1800 Respect** for counselling, information and a referral service: **1800 737 732.**

