

Child Safe Procedure for Responding to Allegations of Suspected Child Abuse

Purpose

These procedures have been developed to ensure the wellbeing of all MGS students and to protect them from child abuse in accordance with the School's obligation to maintain a child safe environment under Ministerial Order No 870.

Scope

All members of the School community share a responsibility to ensure the welfare of all students.

These procedures extend to all School staff, whether permanent, fixed term or casual employees of MGS, whether teaching or non-teaching and including volunteers or contracted service providers working at MGS.

Standards

In December 2015, the Victorian Deputy Premier and Minister for Education released the Ministerial Order No 870 which outlines minimum standards for maintaining "child safe environments" for all organisations with direct and regular contact with children.

These minimum standards form a requirement for MGS registration which requires the School to meet all of the standards of this Ministerial Order. These minimum standards will continue to enhance and promote our culture in which protecting our students from abuse is part of everyday thinking and practice within MGS.

These procedures address Child Safe Standard no 5: processes for responding to, and reporting, suspected child abuse.

Definitions

For the purpose of ensuring a clear understanding of the relevant parts of the Ministerial Order 870:

A **Child** means any student enrolled at MGS.

Child connected work means work authorised by MGS and performed by an adult in the School environment where children are present or reasonably expected to be present.

Child Abuse includes any act committed against a child involving:

- A sexual offence
- A grooming offence
- The infliction on a child of physical violence, serious emotional or psychological harm or serious neglect.

Child Abuse includes but is not limited to Child Sexual Abuse.

Child Safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

School environment means any physical or virtual place made available or authorised by MGS for use by a child during or outside school hours including:

- a campus of the school
- online school environments (including email and intranet systems), and
- other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).

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School staff means an individual member of staff working for MGS who is:

- directly engaged or employed by the School's governing body
- a volunteer
- contracted service provider (whether or not they are employed through a body corporate or any other person is an intermediary)
- a minister of religion.

Child FIRST: The Family Information Referral Support Team run by a registered community service in a local area.

Child Protection Services: Government Authority which takes responsibility for the protection of children and to whom reports are made.

DHS: Department of Human Services.

Mandatory Notifier: In the context of MGS, this is the Headmaster, a VIT registered teacher, a person holding Permission to Teach from VIT or a Registered Nurse.

Mandatory Reporting: Requirement imposed on a Mandatory Notifier to report to government authorities, as required by the Children, Youth and Families Act 2005 (Vic), in the event that the Mandatory Notifier forms a belief on reasonable grounds that a child has suffered, or is likely to suffer significant harm as a result of physical or sexual abuse in circumstances where the parents have not protected, or are unlikely to protect, the child from that harm.

Teacher: a qualified teacher with VIT registration or a person holding Permission to Teach from VIT.

Registered Nurse: a person registered under the Health Practitioner Regulation National Law to practice in the nursing and midwifery profession as a nurse.

Procedures

The intention of these procedures is to support School Staff in ensuring a child safe environment at the School, in particular by providing guidance and procedures for School Staff to appropriately respond to allegations or disclosures or concerns that they have of suspected child abuse or regarding the wellbeing of a Child.

These procedures do not displace the obligations of a Mandatory Notifier under relevant legislation. Nor do they displace the obligation placed on any adult under the Crimes Act (Vic) which requires any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years of age to report that information to police (this includes grooming). Further information on these obligations may be found in the following policy documents:

- Mandatory Reporting of Child Abuse
- Protection of Children from Sexual Abuse

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What is Child Abuse?

Some examples of Child Abuse are:

- Physical injury which results from abuse or neglect
- Sexual abuse which refers to a situation in which a person uses power or authority over a child to involve the child in sexual activity, and the child's parent or caregiver has not protected the child
- Emotional abuse which involves a parent or caregiver repeatedly rejecting the child or using threats to frighten the child
- Neglect which occurs when a parent or caregiver fails to provide the child with the basic necessities of life; food, clothing, shelter, medical attention or supervision; to the extent that the child's health and development is, or is likely to be, significantly harmed.

Reporting Suspected Child Abuse

Without in any way displacing the legal obligations imposed on Mandatory Notifiers by the Children, Youth and Families Act 2005 (Vic) and all adults by the Crimes Act (Vic), School Staff should refer any allegations, disclosures or concerns in relation to child safety involving a child to the respective Head of School, Deputy Headmaster or Headmaster. Alternatively, they may be raised with a School Counsellor. Concerns should be communicated promptly. Actions that may flow from this will depend on the precise circumstances. In all instances, it is expected that any reporting of a matter to external authorities will be undertaken on behalf of the School by the Headmaster or Deputy Headmaster. Responses to the allegation, disclosure or concern may include:

- Reporting the matter to the Police: If it is believed that the child's safety is in immediate risk the circumstance will be immediately reported to the Police.
- Contacting Child Protective Services and/or to **Child FIRST** (would apply when the person reporting has significant concern for a child's wellbeing, but does not believe that the child needs immediate protection).
- Contacting the parent or caregiver of the Child.
- Convening the MGS Critical Incident Management Team (e.g. if an allegation is made against a current member of staff). This will be done by the Headmaster or Deputy Headmaster, if appropriate.
- Steps to remove the source of concern (e.g. standing down a member of School Staff or student, restricting access to campus of a volunteer or contractor), consistent with appropriate legal advice.
- Taking all necessary steps to ensure that the child or children who make or is affected by an allegation of child abuse, has a safe School environment and is given appropriate support by MGS.
- Ensuring that any response by MGS will also take into account the needs of children from culturally and linguistically diverse backgrounds, children with disabilities and children who are vulnerable.
- An investigation – to be carried out by the Headmaster or his nominee, subject to the requirements of any government authority. The School will act appropriately on the findings of any investigation. Where child abuse has resulted from the actions of a member of School Staff, this may include disciplinary action against that person.
- A review – the School will conduct a review of its actions in relation to any instance of child abuse and will incorporate any modifications / learnings into these procedures, as may be deemed necessary.

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In all cases, the School will also act in accordance with its legal obligations which may involve reporting the matter to appropriate authorities including:

- Victoria Police
- Department of Human Services
- Department of Education and Early Childhood Development.

In certain circumstances, this may result in the matter (including investigation) being taken over by the relevant authority.

The possible outcomes will depend on the nature of the complaint and allegations. Where an investigation has found that a complaint of child abuse is substantiated, appropriate action will be taken by the School against the person found to be the perpetrator. For employees, this may include a range of sanctions including termination of employment. For students, this may include expulsion from the School.

Counsellor

MGS has Counsellors on its staff to whom School staff, volunteers and parents may report suspected abuse and with whom children can feel comfortable to discuss a suspected abuse or child safety concern or incident.

Documentation

It is important that all concerns and observations are documented in a confidential file and that notes and records are accurate and contemporaneous. It is also important to record all actions taken. This process of documentation may occur over a period of time. Documentation and records must be stored securely to protect the privacy of all parties involved.

Information about child abuse must remain confidential and the School staff member making the report must not discuss this information with anyone other than the respective Head of School, Deputy Headmaster, Headmaster, Counsellor, Police, Child Protection Services and/or Child First representative.

It is noted that a Mandatory Notifier acting in good faith under the Children, Youth and Families Act 2005 or an adult acting in good faith under Crimes Act (Vic) has certain protections as to privilege and confidentiality.

Past Students

Where an allegation of Child Sexual Abuse is made in respect of a past student, it will be dealt with in accordance with the School's Policy for Dealing with Complaints of Historical Child Sexual Abuse. Action may also need to be taken under this Policy if the allegation or disclosure relates to a current School staff member.

Applicable Legislation

The legislation relevant to this Policy includes:

- Children, Youth and Families Act 2005 (Vic)
- Crimes Act 1958 (Vic)
- Working with Children Act 2005
- Education and Training Reform Act 2006 (Vic)
- Crimes Act Amendment (Protection of Children) 2014
- Child Safety and Wellbeing Act 2005

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Related Policies and Documents

“Protecting the safety and wellbeing of children and young people: a joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children’s Services and Victorian Schools” (May 2010) www.dhs.vic.gov.au.

MGS Policies:

- Mandatory Reporting of Child Abuse
- Protection of Children from Sexual Abuse
- Historical Child Sexual Abuse Policy

Breaches of these Procedures

The School expects that any School staff member who becomes aware of a breach of these instructions and policy by another School staff member will advise the relevant Head of School, Deputy Headmaster/Head of Senior School or the Headmaster without delay. The School will consider each breach of these procedures in the context in which it has occurred and will determine if the matter is a minor breach or a serious breach. In the case of School employees, a serious breach may result in disciplinary action, up to and including termination of employment. In relation to volunteers and contracted service providers, a breach may result in the termination of the person's engagement with MGS and the withdrawal of permission for them to be on the School premises. For students, this may include expulsion from the School.

Further Information

Further information concerning any aspect of this policy may be directed to the Headmaster or the Deputy Headmaster/Head of Senior School.