

Child abuse can take many forms. The abuser may be a parent, carer, staff member, volunteer, another adult or even another child. Unfortunately, the nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect. Even our legal obligations for reporting allegations of child abuse can vary depending on the circumstances of the incident.

Westbourne Grammar School will take appropriate, prompt action in response to **all** allegations or disclosures of abuse, neglect, inappropriate behavior or concerns about child safety made by students, parents, staff members or volunteers by reporting all matters to the Victorian Child Protection Service, the Commission for Children and Young People or the Police, depending on the allegation or disclosure made.

This section describes our work systems, practices, policies and procedures for staff, Direct Contact Volunteers and Homestay families responding to and reporting allegations of child abuse both internally and externally. These include:

- **Managing Your Initial Response to a Child Protection Incident**
- **Reporting a Child Abuse Concern Internally**
- **General Legal Obligation to “Act to Protect” and to Report Child Sexual Abuse**
- **Mandatory Reporting**
- **Conduct that is Reportable to the Victorian Institute of Teachers (VIT)**
- **Conduct that is Reportable to the Commission for Children and Young People (CCYP)**
- **Record Keeping**

All of the School’s procedures for reporting and responding to allegation of child abuse are designed and implemented taking into account the diverse characteristics of the Westbourne community.

A summary of these procedures are made publicly available on the School’s website through our **Child Safe Policy** and are accessible to all children, school staff and the wider community.

The School will respond to all allegations of child abuse in an appropriate manner including:

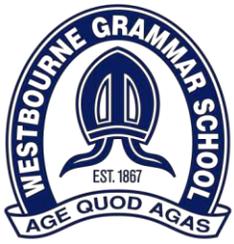
- Informing the appropriate authorities and fully co-operating with any resulting investigation;
- Protecting any child connected to the allegation until it is resolved and providing ongoing support to those affected;
- Taking particular measures in response to an allegation that concerns a culturally diverse child or a child with a disability;
and
- Securing and retaining records of the allegation and the School’s response to it.

MANAGING YOUR INITIAL RESPONSE TO A CHILD PROTECTION INCIDENT

The following sections outline the four ways that you may become aware that a child may be experiencing abuse and strategies for managing each situation and supporting and assisting children involved in the disclosure or report.

Observation of Risk Indicators

The different types of child abuse and their key risk indicators are set out in detail in **Appendix A: Child Abuse – Definition and Key Risk Indicators**.



The process of identifying child abuse purely through observation of risk indicators can be complex and may occur over time. The complexity is magnified by the fact that many of the key risk indicators described may also occur as a result of other factors, not related to child abuse.

If you form a concern that a child may be being abused, you should make written notes of your observations recording both dates and times. You should also report the matter to your relevant Head of Campus/ Director of Year Level, Deputy Head of School or Head of School.

Private Disclosure by a Child

If a student discloses a situation of abuse or neglect to you privately, you should stay calm and not display expressions of panic or shock.

You should reassure and support the child. You can do this by:

- Stating clearly that the abuse is not the child's fault;
- Reassuring the child that you believe them;
- Telling the child that disclosing the matter is the right thing to do; and
- Not leaving the child unattended in a distressed state.

You should be patient and allow the child to talk at their own pace using their own words. When responding, you should use the child's language and vocabulary.

Sometimes a student may try to elicit a promise from you that you will not tell anyone about the allegation. You must not make this promise, as you are responsible for reporting the matter.

Finally, remember that your role is not to investigate the allegation. You should not interrogate the child and pressure them to tell you more than they want to.

Once a disclosure is made, you must report the matter internally to your relevant Head of Campus/ Director of Year Level, Deputy Head of School or Head of School as soon as possible. You should complete the Child Safe Incident Report Form using the child's own words.

Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the School's **Support Following Disclosure** guidelines below.

Public Disclosure by a Child

Public disclosure occurs where you observe a child disclosing abuse to another child, or group of children. In this circumstance, you should use a strategy of "protective interrupting".

The aim of "protective interrupting" is to prevent a child from disclosing details of abuse in front of other children, whilst at the same time providing the child with the opportunity to disclose later, in a safe and confidential manner.



You can do this by:

- Asking the child if you can talk privately; and
- Moving the child away from the other students to a quiet space, and then following the guidelines with respect to managing a private disclosure.

Following a disclosure of abuse or neglect by a student, staff should follow the steps set out in the School's **Support Following Disclosure** guidelines below.

Third Party Disclosure

A third party such as a friend of the child, a relative or another parent, may provide you with information relating to child abuse.

In this situation, you should:

- Ask for the person's name and contact details;
- Listen to the person's concerns, seeking clarification where required;
- Thank the person for raising their concern;
- Advise the person that we have procedures for dealing with situations like this;
- Advise the person that you will take notes during the discussion to capture all details: and
- Advise the person that you will discuss their concerns with the relevant authorities.

As with **Private Disclosure**, you should reassure and support the person providing the information.

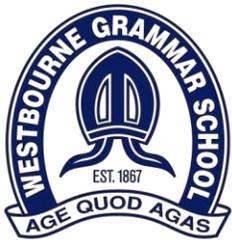
Sometimes a person may try to elicit a promise from you that you will not tell anyone about the allegation. You must not make this promise, as you are responsible for reporting the matter, however you can reassure the person that you will do your best to keep the child safe.

Finally, remember that your role is not to investigate the allegation. You should not interrogate the third party and pressure them to tell you more than they want to.

Once a third-party disclosure is made, you must report the matter internally to your relevant Head of Campus/ Director of Year Level, Deputy Head of School or Head of School as soon as possible. You should complete the Child Safe Incident Report Form.

You need to be aware that some people from culturally and/or linguistically diverse backgrounds or those with disabilities may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. You need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member).

If an allegation of abuse involves an Aboriginal child, you will need to ensure a culturally appropriate response. A way to help ensure this could include engaging with parents of Aboriginal children, local Aboriginal communities or an Aboriginal community controlled organisation to review policies and procedures.



Support Following Disclosure

Staff and volunteers at the School should take the following steps to support and assist a child after a disclosure of child abuse or neglect is made.

The range of measures employed will depend on:

- The degree of severity of the situation;
- The risk of harm to the child; and
- The capability and willingness of the parent to protect the child from harm.

After a disclosure is made:

- Do not promise the child that you will not tell anyone about the allegation;
- Reassure the child that it was the right thing to do to tell an adult;
- Tell the child what you plan to do next;
- Do not confront the person believed to be the perpetrator;
- Report the matter internally to your relevant Head of Campus/ Director of Year Level, Deputy Head of School or Head of School as soon as possible who will be able to assist you in developing additional support strategies; and
- Whenever there are concerns that a child is in immediate danger, the Police should be called on 000.

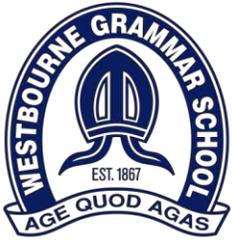
Reporting a Child Abuse Concern Internally

Child abuse situations can be very complex, not only from the perspective of ascertaining whether abuse has occurred but also in understanding what steps to take to protect a child.

It is important to remember at all times that the safety and welfare of the child are paramount.

Therefore, if you have a concern that a child may be experiencing abuse, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with your relevant Head of Campus/ Director of Year Level, Deputy Head of School or Head of School. Contact details for our Child Safety Officers are set out here.

Head of Senior School	Extension: 9441	mahony.louise@westbourne.vic.edu.au
Deputy Head of Senior School	Extension: 9439	scerril@westbourne.vic.edu.au
Director of Year 9	Extension: 9465	nowak.dennis@westbourne.vic.edu.au
Head of Junior School	Extension: 9454	barklp@westbourne.vic.edu.au
Deputy Head of Junior School	Extension: 9477	baxter.kylie@westbourne.vic.edu.au
Head of Campus Williamstown	Extension: 9501	armatn@westbourne.vic.edu.au
Head of Campus Amici/Winjeel	Extension: 9543	elliott.andrea@westbourne.vic.edu.au
Head of Campus (year 3 -6)	Extension: 9404	Mullins.Gabrielle@westbourne.vic.edu.au



Please note that reporting the matter internally does not release you from other legal and regulatory reporting obligations you may have, namely;

- The Obligation to Report a Sexual Offence
- The Obligation to Act to Protect;
- The Obligation to Make a Mandatory Report; and
- The Obligation to Notify Reportable Conduct.

GENERAL LEGAL OBLIGATION TO REPORT CHILD SEXUAL ABUSE AND “ACT TO PROTECT”

In Victoria, there are specific criminal offences which impose general obligations on persons:

- Aged 18 years or over to report any belief that a sexual offence has been committed, against a child under the age of 16 years, by a person over the age of 18 years (Crimes Act (Vic) s327); and
- In authority within a school to act to remove or reduce a substantial risk that a sexual offence will be committed against a child (Crimes Act (Vic) s49C).

Details of these obligations are set out in detail in **Appendix B** and **Appendix C**:

The Obligation to Report a Sexual Offence

The Obligation to Act to Protect

MANDATORY REPORTING

Source of Obligation

The Children, Youth and Families Act 2005 (Vic) (CYFA) requires that mandatory reporters must make a report to the Department of Health and Human Services (DHHS) Child Protection when they believe that a child (aged under 17) is in need of protection from significant harm from physical injury or sexual abuse.

If a report is made by mandatory reporters in accordance with CYFA mandatory reporting obligations, an additional report to the Police under s327 Crimes Act may not be required unless you have further information.

This policy must be read in conjunction with the **Child Abuse Key Risk Indicators** (Appendix A) and **Obligation to Report a Sexual Offence** (Appendix B).

Who Must Make a Mandatory Report?

Mandatory reporters are defined by the CYFA and include:

- Teachers;
- The Principal;
- Medical practitioners; and
- Nurses.

It is the responsibility of other staff, volunteers or members of the school community to check whether they are Mandatory Reporters under child protection legislation.



Reporting by Non-Mandated Staff

If you are not a Mandatory Reporter, you still have the option of making a report to DHHS under the CYFA if you believe on reasonable grounds that a child is in need of protection.

The CYFA states that any person who believes on reasonable grounds that a child is at risk of harm should report their concerns to DHHS Child Protection.

All School staff who have concerns that a student may be in need of protection or may have been the victim of a sexual offence, should notify a Child Protection Officer as soon as possible to discuss their concerns. Also refer to **The Obligation to Report a Sexual Offence** (Appendix B).

Non-mandated staff include cleaners, canteen staff, administration staff, maintenance staff, non-teaching staff, sports coaches, homestay families, speech pathologists and Education Support Officers.

What Gives rise to a Mandatory Report?

A mandatory report must be made when you form a belief on **reasonable grounds** that a child is in need of protection where the 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.

Reasonable Grounds The concept of 'reasonable grounds' requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well founded and based on information from a reliable source. There may be reasonable grounds for forming such a belief if:

- A child states they have been physically or sexually abused;
- A child states that they know someone who has been physically or sexually abused;
- Someone who knows the child states that the child has been physical or sexually abused;
- A child shows signs of being physically or sexually abused;
- The staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a child's safety, stability or development;
- The staff member observes signs of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision; or
- A child's actions or behavior may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child.

Grounds for belief include matters of which a person has become aware and any opinions based on those matters.



Significant 'Significant' means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family consent.

What is 'significant' is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare or wellbeing.

Significant harm can result from a single act or omission or an accumulation of these.

Physical Injury or Sexual Abuse To assist in identifying physical injury or sexual abuse, refer to the School's information relating to **Child Abuse – Definitions and Key Risk Indicators** (Appendix A).

Parents Have Not Protected, Or Are Unlikely to Protect, the Child From Harm of That Type The meaning of this phrase is not defined by legislation, but some examples may assist:

A parent who 'has not protected, or is unlikely to protect that child from harm of that type' includes a parent who wants to protect his or her child from harm, but lacks the means to.

It also includes a parent who has the means to protect his or her child from harm, but does not want to.

A parent may be rendered 'unlikely to protect' that child for many reasons. For example:

- That parent does not, or refuses to recognize that harm is occurring;
- That parent or child may be subject to domestic violence; and
- That parent's partner may be abusive or harmful to the child.

'Parent' includes:

- The child's father;
- The child's mother;
- The spouse of the mother or father of the child;
- The domestic partner of the father or mother of the child;
- A person who has custody of the child;
- A person who is named as the father on the child's birth certificate;
- A person who acknowledges that he is the father of the child by an instrument under the Status of Children Act 1974 (Vic); and
- A person in respect of whom a court has made a declaration or a finding or order that the person is the father of the child.

What to Report and When A report becomes mandatory as soon as is practicable after forming the belief.

A report must include details of the belief, and the reasonable grounds of that belief.

Additional reports must be made on each occasion where you become aware of any further reasonable grounds for the belief.



Refer to the Victorian Department of Education's Guide to **Making a Report to child Protection or Child FIRST** (Child and Family Information, Referral and Support Team) for guidance on making a decision on whether to report.

How is a Report/Referral Made? Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

A report to DHHS Child Protection should be considered if the staff member forms the view the child is in need of protection because:

- The harm or risk of harm has a serious impact on the child's immediate safety, stability or development;
- The harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability and development; or
- The child's parents cannot or will not protect the child from harm.

To report concerns about the immediate safety of a child within their family unit, call the 24-hour Child Protection Crisis Line 13 12 78.

Concerns that require immediate attention should be made to the local or regional Human Services Child Protection office, or the After Hours Child Protection Emergency Services on 131 278.

What If I Don't Have a Reasonable Belief?

If you don't have a reasonable belief about a child, but still have concerns, you can refer the matter to a **Child Protection Officer**.

There is also the option to refer to the matter to Child FIRST.

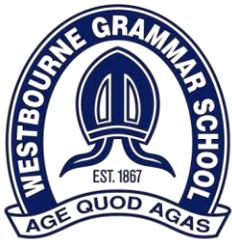
A referral to Child FIRST should be considered if a staff member forms the view that the concerns have a low-to-moderate impact on the child and the immediate safety of the child is not compromised.

A referral can be made when the following factors may affect a child;

- Significant parenting problems;
- Family conflict;
- A family member's physical or mental illness, substance abuse, disability or bereavement;
- Isolated or unsupported families; and
- Significant social or economic disadvantage

To contact child FIRST, refer to their **website**.

What Happens After A Report/ After receiving a report, DHHS Child Protection may seek further information, usually from



Referral is Made?

Professionals who may also be involved with the child or family, to determine whether further action is required. In most cases, DHHS Child Protection will inform the reporter of the outcome of the report.

After receiving a referral, Child FIRST may consult an experienced community-based Child Protection practitioner in their assessment. The assessment may lead to the involvement of a local family services organization.

In most cases, Child FIRST will inform the referrer of the outcome of the referral.

Child FIRST must report the matter to DHHS Child Protection if they form the view the child is in need of protection.

Reports made to the Police will be dealt with in accordance with Police practice.

CONDUCT THAT IS REPORTABLE TO THE VICTORIAN INSTITUTE OF TEACHING

Reportable Conduct

The School has a duty of care to investigate and act on allegations of employee misconduct or conviction which relate to their ability to perform their functions.

Under the Education and Training Reform Act 2006 (Victoria), the School must notify the Victorian Institute of Teaching (VIT) once the School has taken action against a registered teacher. The VIT then has powers to investigate and take further action.

**VIT Reporting,
Mandatory Reporting &
Reporting to the Commission**

The Reportable Conduct obligation covered in this policy is separate and distinct Mandatory Reporting obligation under the Children, Youth and Families Act 2005 (Victoria) (refer to Mandatory Reporting) & the Reportable Conduct obligation under the Child Wellbeing and Safety Act 2017 (refer to Conduct that is Reportable to the Commission of Children and Young People).

**Internal Reporting of
Misconduct**

Any allegations of staff misconduct must be immediately reported to the Principal, or the Chair of the School Board should the allegation involve the Principal.

**Internal Investigation of
Allegations of
Misconduct**

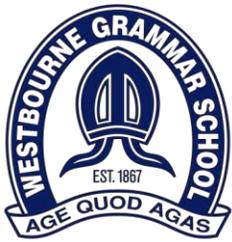
Once an allegation of misconduct has been made (which does not require reporting to Department of Health and Human Services (DHHS) Child Protection under the **Mandatory Reporting obligations**) an internal investigation, led by the Principal, or the Chair of the School Board should the allegation involve the Principal, will be conducted in such a manner as the particular circumstances demand.

It is important to note that an internal investigation must not be conducted in relation to an allegation that is the subject of Mandatory Reporting until clearance is given by the relevant authorities (police or DHHS Child Protection).

**Reporting Obligation to
the VIT**

The School must notify the VIT if the School has taken action against a registered teacher response to:

- Allegations of serious misconduct;
- Serious incompetence;



- Fitness to teach (which relates to character, reputation and conduct, and whether the teacher is physically and mentally able to teach); or
- A registered teacher's ability to practice as a teacher is seriously detrimentally affected or likely to be seriously affected because of an impairment.

The School must immediately notify the VIT if the School becomes aware that a teacher;

- Has been charged with or committed for trial for a sexual offence, (including grooming and child pornography offences);
- Has been convicted or found guilty of an indictable offence (offences detailed in the Crimes Act and the Wrongs Act, including offences which carry prison sentences of 5 years or more or penalties over a threshold level).

The School should also notify the VIT if a teacher takes action against them in another forum such as the Fair Work Commission.

What "Action" Must Be Reported

"Actions" which will be reported by the School to the VIT include (but are not limited to:

- Disciplinary action taken by the School; or
- Where a teacher resigns after being advised by the School that it is inquiring into allegation.

When to Notify the VIT

The VIT should be notified of the action taken against a teacher once the process initiated by the School has been initiated.

VIT Response

On receiving the notification, the VIT has the power to;

- Ensure that it has obtained all relevant information from the School, and may request further information;
- Decide whether the matter does not reach the threshold required for it to proceed;
- Conduct an investigation, an informal hearing, or a formal hearing; or
- Summarily suspend the teacher on an interim basis pending an investigation, if the VIT forms a reasonable belief that the teacher poses an unacceptable risk of harm to children and believes that suspension is necessary to protect children.

A formal hearing may result in findings which can result in cautions, reprimands, conditions imposed including counselling and further education, suspension, cancellation of registration and/or a period of disqualification.

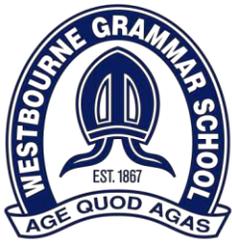
Impact on Working with Children Check

Where an employee, volunteer, or contractor has been charged with or found guilty of a serious sexual, violent or drug-related offence (including grooming and child pornography offences) (Category 1 or Category 2 offence in the Working with Children Act 2005), their Working with Children card will be revoked and they will not be able to work, or volunteer to work with children.



CONDUCT THAT IS REPORTABLE TO THE COMMISSION OF CHILDREN AND YOUNG PEOPLE

Reportable Conduct	Under the Child Safety and Wellbeing Act (2005), the School must investigate and report to the Commission of Children and Young People (CCYP) any allegations of 'employee' reportable conduct or misconduct that may involve reportable conduct (reportable allegation).
Who is an Employee?	<p>For the purpose of the Act, 'employee' is defined as a person aged 18 years or over, who is:</p> <ul style="list-style-type: none">• employed by the School, whether or not that person is employed in connection with any work or activities of the School that relate to children; or• engaged by the School to provide services, including as a volunteer, contractor, office holder or officer, whether or not the person provides services to children; or• a minister of religion. <p>The following are considered an 'employee' of the School:</p> <ul style="list-style-type: none">• Members of the School Board;• The Principal;• Staff members;• Volunteers;• Contractors, (Third Party Contractors); and• External Education Providers.
What is Reportable Conduct?	<p>Reportable conduct as defined by the Act:</p> <ul style="list-style-type: none">• a sexual offence committed against, with or in the presence of a child;• sexual misconduct committed against, with or in the presence of a child;• physical violence committed against, with or in the presence of a child;• any behaviour that causes significant emotional or psychological harm to a child; or• significant neglect of a child.
	<p>Any allegation of child abuse, including physical violence, significant emotional or psychological abuse, sexual offences or significant neglect, must be reported to the Victorian Police as the first priority.</p>
Internal Reporting	<p>As soon as a person, including a staff member, forms a reasonable belief that an employee has engaged in reportable conduct or misconduct that may involve reportable conduct (reportable allegation), the person must notify a Child Safety Officer who must then notify the Principal.</p> <p>Where the reportable allegation involves the Principal, the staff member must notify the Child Safety Officer who must notify the Chair of the School Board.</p>
Reporting Obligations	Under the Act, the 'head' of the School must notify the Commission in writing as soon as



possible, or within in 3 business days of being notified of a reportable allegation. The 'head' of the School is the Principal or the Chair of the School Board.

A reportable allegation is defined in the Act to mean any information that leads a person to form a reasonable belief that an employee has committed a reportable conduct, or misconduct that may be reportable (whether or not the conduct/misconduct is alleged to have occurred in the course of the person's employment at the School).

The 'head' of the School must notify the Commission in writing as soon as possible, or within 30 days of the reported allegation the next course of action the School has taken detailing:

- information relating to the reportable allegation (investigation);
- whether or not the School proposes to take disciplinary or any other actions, and reasons;
- any written submission received relating to the reportable allegation that the employee wishes to be taken into consideration.

Investigation

After the 'head' of the School has made a report to the Commission, they must ensure that an appropriate investigation of the reportable allegation has been made.

The investigation can be conducted by the Principal or the Chair of the School Board (if the allegation involves the Principal), an independent investigator or regulator, such as VIT.

The investigation must be conducted without bias and in accordance with the rules of natural justice.

Upon conclusion of the investigation, the 'head' of the School must provide the Commission a copy of the investigation findings, details of any disciplinary action or other actions taken/not taken, and reasons why.

Disclosure of information

Under the Act, the 'head' of the School may disclose information to the Commission, the head of another entity governed by the Act (such as another School), VIT, the Chief Commissioner of Police, an independent investigator (if necessary), the Secretary of the Department of Justice (relating to Working with Children Check) and a relevant Minister.

Under the Act, the 'head' of the School may disclose information to a child, parent/guardian, or DHHS (if the child is under the care of DHHS).

Powers of the Commission

The Commission has broad powers under the Act in relation to investigating a reportable allegation. The Commission may visit the School, inspect documents and interview staff members or students involved in the reportable allegation.

The School must assist the Commission in all reasonable aspects of the investigation.



RECORD KEEPING

Principles of record keeping

1. Creating and keeping accurate records is in the best interests of children
2. Accurate records must be created about all decisions and incidents affecting child protection
3. Records relevant to child sexual abuse must be appropriately maintained
4. Records relevant to child sexual abuse must be disposed of subject to law or policy
5. Individuals rights to access and amend records about them can be restricted in accordance with Law.

Documenting a suspicion or belief of abuse

Where a staff member forms the belief on reasonable grounds that a student is in need of protection, written and dated notes of their observations and concerns should be recorded on the **Child Protection Incident Report Form**.

All verbal and written communications regarding child protection matters (including notes of observations, student disclosures, meetings and telephone calls) must be properly documented. The documented records should include dates and times and enough detail to record key conversations, especially those relating to the student's disclosure.

The records of child protection must be stored securely.

Working with Children Check Documentation

It is the responsibility of the Director of People and Culture to verify the status of all school staff and volunteers Working with Children Checks (WWC Checks).

Westbourne Grammar School maintains records (electronic or hard copy format) of child-related workers including:

- Full name;
- WWC Check Application Receipt Number;
- WWC Check Card Number;
- Date and outcome of WWC Check clearance;
- Notices sent by the Department of Justice; and
- Expiry date.



CHILD ABUSE – DEFINITIONS AND KEY RISK INDICATORS

Definition of Child Abuse and Family Violence

Child Abuse

Child abuse is defined in Section 3 of the Child Wellbeing and Safety Act 2005 (Vic) as including:

- Any act committed against a child involving a sexual offence or a grooming offence listed in the Crimes Act 1958 (Vic);
- The infliction of physical violence, serious emotional or psychological harm; and
- The serious neglect of a child.

A child is defined by the Act as a person who is under the age of 18 years.

Family Violence

Whilst the term “family violence” does not form part of the official definition of “child abuse”, the impact of family violence on a child is commonly referred to as a form of child abuse.

In Victoria, Section 5 of the Family Violence Protection Act 2008 (Vic) defines “family violence” as behavior by a person towards a family member that is:

- Physical or sexually abusive;
- Emotionally or psychologically abusive;
- Economically abusive;
- Threatening;
- Coercive; or
- In any other way controlling or dominating the family member and causes them to feel fear for their own, or other family member’s safety or wellbeing.

Behaviour that causes a child to hear, witness, or be exposed to the effects of such behavior also falls within the definition of “family violence”.

Sexual Offences

A sexual offence occurs when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child’s age and development. Children may be bribed or threatened physically and psychologically to make them participate in the activity.

Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution as well as **grooming behavior**.

Possible Physical Indicators of Sexual Abuse:

- Injury to the genital or rectal area, such as bruising or bleeding;
- Vaginal or anal bleeding or discharge;
- Discomfort in urinating or defecating;



CHILD ABUSE – DEFINITIONS AND KEY RISK INDICATORS

- Presence of foreign bodies in vagina and/or rectum;
- Inflammation or infection of genital area;
- Sexually transmitted diseases;
- Pregnancy, especially in very young adolescents;
- Bruising and other injury to breasts, buttocks or thighs;
- Anxiety related illnesses such as anorexia or bulimia; or
- Frequent urinary tract infections.

Possible Behavioral Indicators of Sexual Abuse:

- The student discloses sexual abuse;
- Persistent and age inappropriate sexual activity, including excessive masturbation, masturbation with objects, rubbing genitals against adults, playing games that act out a sexually abusive event;
- Drawings or descriptions in stories that are sexually explicit and not age appropriate;
- A fear of home, a specific place, a particular adults, or excessive fear of men or of women;
- Poor or deteriorating relationships with adults and peers;
- Poor self-care/personal hygiene;
- Regularly arriving early at school and leaving late;
- Complaining of headaches, stomach pains or nausea without physiological basis;
- Frequent rocking, sucking or biting;
- Sleeping difficulties;
- Reluctance to participate in physical or recreational activities;
- Regressive behavior such as bedwetting or speech loss;
- Sudden accumulation of money or gifts;
- Unexplained absences or running away from home;
- Delinquent or aggressive behavior;
- Depression;
- Self-injurious behavior, including drug/alcohol abuse, prostitution, self-mutilation, or attempted suicide;
- Sudden decline in academic performance, poor memory and concentration;
- Wearing of provocative clothing, or layers of clothes to hide injuries; or
- Promiscuity.

Grooming

Grooming refers to predatory conduct undertaken to prepare a child for sexual activity at a later time. It is a sexual offence under Section 49B of the Crimes Act 1958 (Vic) carrying a maximum 10 year term of imprisonment.

Grooming behavior typically involves a graduation from attention-giving to non-sexual touching to increasingly more intimate and intrusive behaviour.

Grooming does not necessarily involve any sexual activity or even discussion of sexual activity. For example, it may only involve establishing a relationship with a child, parent or carer for the purpose of facilitating sexual activity at a later time.



CHILD ABUSE – DEFINITIONS AND KEY RISK INDICATORS

Certain behaviours or acts will not in isolation constitute grooming behavior. However, where there is a repeating pattern of indicative, or several incidents of indicative behavior, it may constitute grooming behavior.

Indicators of Grooming Behaviours:

- Persuading a child or group of children that they have a special relationship;
- Asking a child to keep the relationship to themselves;
- Inappropriately allowing a child to overstep the rules;
- Testing boundaries, for example, by undressing in front of a child;
- Maneuvering to get or insisting on uninterrupted time alone with a student;
- Buying a student gifts;
- Insisting on physical affection such as hugging, wrestling or tickling;
- Being overly interested in the sexual development of a student;
- Taking a lot of photos of a student;
- Engaging in inappropriate or excessive physical contact with a student;
- Sharing alcohol or drugs with a student;
- Making inappropriate comments about a student's appearance or excessive flattery;
- Using inappropriate pet names;
- Making jokes or innuendo of a sexual nature;
- Making obscene gestures or using obscene language;
- Sending correspondence of a personal nature via any medium;
- Inviting, allowing or encouraging students to attend a staff member's home without parental/carer permission;
- Entering change rooms or toilets occupied by students when supervision is not required or appropriate;
- Communicating with a child's parent/step parent, legal guardian, teacher, religious official or spiritual leader with the intention of facilitating the child's involvement in sexual conduct;
- Inappropriately extending a relationship outside of work; or
- Photographing, audio recording, or filming students via any medium without authorization or having parental consent to do so.

What is Not Grooming?

Not all physical contact between a student and a staff member or any person engaged by the school to provide services to children, including a volunteer (direct or indirect), will be inappropriate and/or an indicator of possible grooming behavior.

The following physical contact with students is not grooming behavior:

- Administration of first aid;
- Supporting students who have hurt themselves;
- Non-intrusive gestures to comfort a student who is experiencing grief, loss or distress, such as hand on the upper arm or upper back; and
- Non-intrusive touching i.e. shaking a student's hand or a pat on the back to congratulate a student.



CHILD ABUSE – DEFINITIONS AND KEY RISK INDICATORS

Physical Violence

Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or using weapons (such as belts and paddles).

Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline.

Possible Physical Indicators of Physical Violence:

- Unexplained bruises;
- Bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms and inner thighs;
- Any bruises or welts in unusual configurations, or those that look like the object used to make the injury, for example fingerprints, handprints, buckles, iron or teeth;
- Burns that show the shape of the object used to make them, such as an iron, grill, cigarette, or burns from boiling water, oil or flames;
- Fractures of the skull, jaw, nose or limbs, especially those not consistent with the explanation offered or with the type of injury probable/possible at the child's age and development;
- Cuts and grazes to the mouth, lips, gums, eye area, ears or external genitalia;
- Human bite marks;
- Bald patches where hair has been pulled out; and
- Multiple injuries, old and new.

Possible Behavioral Indicators of Physical Violence:

- Inconsistent or unlikely explanation for an injury;
- Inability to remember the cause of an injury;
- Fear of specific people;
- Wearing clothes unsuitable for weather conditions (such as long-sleeved tops) to hide injuries;
- Wariness or fear of a parent/carer and reluctance to go home;
- No reaction or little emotion displayed when hurt;
- Little or no fear when threatened;
- Habitual absences from school without explanations (the parent/carer may be keeping the child away until signs of injury have disappeared);
- Overly compliant, shy, withdrawn, passive and uncommunicative;
- Fearfulness when other children cry or shout;
- Unusually nervous or hyperactive, aggressive, disruptive and destructive to self and/or others;
- Excessively friendly with strangers;
- Regressive behaviour, such as bed wetting or soiling;
- Poor sleeping patterns, fear of dark, nightmares;
- Sadness and frequent crying;
- Drug or alcohol misuse;



CHILD ABUSE – DEFINITIONS AND KEY RISK INDICATORS

- Poor memory and concentration;
- Suicide attempts; or
- Academic problems.

Serious Emotional or Psychological Harm

Serious emotional or psychological abuse may occur when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behavior of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological harm could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

Psychological or emotional abuse may occur with or without other forms of abuse.

Possible Physical Indicators of Serious Emotional or Psychological Harm:

- Speech disorders;
- Delays in emotional, mental or even physical development; or
- Physical signs of self-harming.

Possible Behavioral Indicators of Serious Emotional or Psychological Harm:

- Exhibiting low self-esteem;
- Exhibiting high anxiety;
- Overly compliant, passive or undemanding behavior;
- Extremely demanding, aggressive, or attention-seeking behavior;
- Anti-social, destructive behavior;
- Low tolerance or frustration;
- Unexplained mood swings;
- Self-harming;
- Behaviours that are not age appropriate, for example, overly adult (parenting of other children), or overly infantile (thumb sucking, rocking, wetting or soiling);
- Fear of failure, overly high standards and excessive neatness;
- Depression, or suicidal thoughts;
- Running away;
- Violent drawings or writing; or
- Contact with other students forbidden.

Serious Neglect

Serious neglect is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or is



CHILD ABUSE – DEFINITIONS AND KEY RISK INDICATORS

likely to be, jeopardized. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life-threatening situations.

Possible Physical Indicators of Serious Neglect:

- Consistently dirty and unwashed;
- Consistently inappropriately dressed for weather conditions;
- Consistently without adequate supervision and at risk of injury or harm;
- Consistently hungry, tired and listless, falling asleep in class, or malnourished;
- Unattended health problems and lack of routine medical care;
- Inadequate shelter and unsafe or unsanitary conditions;
- Abandonment by parents; or
- Poor hygiene.

Possible Behavioral Indicators of Serious Neglect:

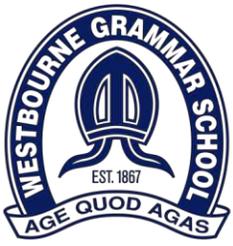
- Begging or stealing food;
- Gorging when food is available;
- Inability to eat when extremely hungry;
- Alienated from peers, withdrawn, listless, pale and thin;
- Aggressive behaviour;
- Delinquent acts, for example, vandalism, drug or alcohol abuse;
- Little positive interaction with parent/carer;
- Appearing miserable or irritable;
- Poor socializing habits;
- Poor evidence of bonding, or little stranger anxiety;
- Indiscriminate with affection;
- Poor, irregular or non-attendance at school or kindergarten/child care;
- Staying at school long hours;
- Self-destructive;
- Dropping out of school;
- Taking on an adult role of caring for a parent;
- Misusing alcohol or drugs; or
- Academic issues.

Family Violence

In Victoria, “**family violence**” is a defined term under the Family Violence Protection Act 2008. It is a criminal offence.

When dealing with children, it is important to remember that “family violence” extends to behavior that causes a child to hear, witness, or be exposed to the effects of “family violence”.

As family violence can result in one or more forms of child abuse (being sexual offences, physical violence, serious emotional or psychological harm or serious neglect) the physical and behavioral indicators of these types of abuse may also be indicative of a family violence situation.



THE OBLIGATION TO REPORT A SEXUAL OFFENCE

Source of Obligation

Under the Crimes Act 1958 (Vic) s 327, 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 child under the age of 16 years, by a person aged 18 years or over. Failure to make a report without reasonable excuse is an offence and carries a prison term.

If a report is made to the Department of Health and Human Services (DHHS) in accordance with **mandatory reporting requirements**, an additional report to the Police will not usually be required unless further information is obtained.

This obligation applies to anyone aged 18 years or over, including all non-teaching staff, volunteers (direct and indirect), and students aged 18 and over. The legislation also applies to teaching staff if not already covered by the mandatory reporting obligation.

What Must Be Reported?

Any person aged 18 or over who forms a reasonable belief that a sexual offence has been committed by an adult (a person aged 18 years or over) against a child under 16 has an obligation to report that information to Police.

What is a Sexual Offence?

The Crimes Act sets out what constitutes a "sexual offence". This includes:

- Rape;
- Indecent assault;
- Incest;
- Sexual penetration; and
- Grooming a child for sexual conduct.

A "sexual offence" includes an attempted sexual offence.

What is a Reasonable Belief? A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

A 'reasonable belief' might be formed when:

- A child states that they have been sexually abused;
- A child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves);
- Someone who knows the child states that the child has been sexually abused; and
- Signs of sexual abuse leads to a belief that the child.

Exceptions – Failure to Disclose: If you fail to disclose a sexual offence against a child to the Police, you will not be held liable where your reason for 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 told you about the sexual offence (directly or indirectly), the victim was over 16 years old when he or she told you about the sexual offence, and the victim 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); and



THE OBLIGATION TO REPORT A SEXUAL OFFENCE

- You believe on reasonable grounds that the information has already been disclosed to the Police by another person (such as to the DHHS as part of mandatory reporting) and you have no further information.

Unacceptable reasons for not reporting do not include if you are concerned with the interests (including the reputation, legal liability or financial status) of;

- The person involved in the sexual offence; or
- Any organization (such as the School).

A report made under the Children, Youth and Families Act 2005 (Vic) **mandatory reporting** obligations may constitute a 'reasonable excuse' if you believe that you have no further information to provide to the Police.



THE OBLIGATION TO ACT TO PROTECT

Source of Obligation

Where a person in a position of authority at the School becomes aware that a staff member, volunteer, contractor or other person associated with the School poses a substantial risk of committing a sexual offence against a student or students, the person has a duty to take immediate action to ensure that the student or students are protected from that risk.

The School has a duty of care which entails protecting all students from foreseeable risks while at school or engaging in school activities.

In addition, under Section 49C of the Crimes Act (Vic) (Crimes Act) a person who:

- a) By reason of the position they occupy at the School, has the power or responsibility to **reduce or remove a substantial risk** that a relevant child (under the age of 16) will become the victim of a sexual offence committed by a person of or over the age of 18 years who is **associated with the School**; and
- b) **Knows that there is a substantial risk** that the person will commit a sexual offence against a relevant child,

Must not negligently fail to reduce or remove that risk.

Who is responsible for acting to protect the student/s?

The person responsible for taking steps to remove or reduce the risk to the student will depend upon the source of the risk. In a normal school context, usually a member of the school leadership team would have the necessary degree of supervision, power and authority to remove or reduce the risk. On tours, excursions, or camps a teacher or a volunteer coach could have the requisite power and responsibility.

Examples of people in a position of authority include:

- School Board members;
- The Principal;
- Members of the School leadership team;
- Teachers; and
- Volunteers where they are in a position of supervision.

When should action be taken? A person in a position of authority at Westbourne Grammar School is required to act if they know that there is a substantial risk that a student or students may become the victim of a sexual offence, and the risk is caused by a person associated with the School.

Knowledge is more than holding a tentative belief or mere suspicion.

If a person in authority has a suspicion or belief that students are at risk of harm they must take steps to follow up on that suspicion or belief by investigating further and should raise the issue with a Child Protection Officer.

The duty to act extends to situations where the students at risk or the person in authority is outside of Victoria.



THE OBLIGATION TO ACT TO PROTECT

What is a substantial risk?

A risk will be a substantial risk if a reasonable person would have judged the risk of a sexual offence being committed against the student as being substantial.

It is not necessary to prove that a sexual offence was committed in order for the substantial risk to exist i.e. a person in a position of authority should not wait for a student to be harmed before acting.

A number of factors will contribute to determining if a risk is a substantial risk, including;

- The likelihood or probability that a child will become the victim of a sexual offence;
- The nature of the relationship between a child and the adult who may pose a risk to the child;
- The background of the adult who may pose a risk to the child, including any past or alleged misconduct;
- Any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence; and
- Any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.

What is a sexual offence?

Action must be taken where there is a substantial risk of sexual offences occurring, including:

- Rape;
- Indecent assault;
- Incest;
- Sexual penetration;
- Grooming a child for sexual conduct, and
- An attempted sexual offence or an assault with intent to commit a sexual offence.

Who is “a person associated with the school”?

A person associated with the School is an adult and can be a:

- School Board member;
- Principal;
- Teacher;
- Boarding house supervisor;
- Employee;
- Volunteer (including parents); and
- Contractor.

A person will not be considered to be associated with the School purely because they receive services from the School.

Procedure to reduce or remove a substantial risk

Where any staff member, volunteer, or other person in a position of authority at the time, becomes aware of a risk of a sexual offence against a student or students under their care, they should immediately:



THE OBLIGATION TO ACT TO PROTECT

- Take reasonable steps which would remove or reduce the risk to the student or students, which may include immediately removing the person from contact with the student or students;
- Report the matter to a **Child Protection Officer**, and the Principal, as soon as practicable;
- Conduct an investigation unless this relates to a Mandatory Reporting situation; and
- Make the appropriate report.

Appropriate action to be taken may include, for example:

- A current employee who is known to pose a risk to a student or students should be immediately removed from contact with students and reported to authorities and investigated.
- A parent who is known to pose a risk of sexual abuse to children in the School should not be allowed to attend overnight camps as a parent helper.

Whenever there are concerns that a child is in immediate danger call the Police on 000.