

### Genazzano FCJ College

#### Child Safe and Mandatory Reporting Policy

#### Rationale

Genazzano FCJ College is governed by the College Council under the auspices of the FCJ Education Australia. The Society of the Faithful Companions of Jesus (FCJ Society) according to Canon Law is the canonical authority for FCJ education. Genazzano FCJ College policies and procedures are developed to meet the governance accountabilities of FCJ Education Australia. As a Catholic College in the FCJ tradition, Genazzano FCJ College is committed to work in solidarity with the Catholic education authority in the Archdiocese of Melbourne. Genazzano FCJ College is a Catholic day and boarding school, with ELC to Year 12 and International students enrolled across the College. The boarding premises are located at Hopetoun Hall. The College embodies the charism of Marie Madeleine d'Houët, the founder of the Faithful Companions of Jesus. The College shares with its community a future-oriented and distinctive learning culture guided by reflection, wisdom, and service, empowering children and young people to transform the world with hope and care. Each person's dignity is an essential element in how the College lives out its vision and promotes the safety, wellbeing and inclusion of all children and young people.

Protection for children and young people is based upon the belief that each person is made in the image and likeness of God, and that the inherent dignity of all should be recognised and protected. Genazzano FCJ College has a duty of care to all students, to take reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to result in harm or injury to the student, and to work for the positive wellbeing of the child.

At Genazzano we hold the care, safety and wellbeing of children and young people as a central and fundamental responsibility of our College. Our commitment is drawn from and inherent in the teaching and mission of Jesus Christ, with love, justice and the sanctity of each human person at the heart of the gospel.

#### **Policy Statement**

The purpose of this policy and procedure is to:

- Identify the indicators of a child or young person who may be in need of protection.
- Clarify that everyone within the College community is alert to signs and evidence of abuse and neglect, understand that it is not acceptable and be aware of their reporting responsibilities.
- Take action to protect students from risks and immediate action is taken to ensure the safety of students.
- Train mandatory reporters with respect to what must be reported and relevant procedures, with refresher training to be completed annually.
- Report all incidents based on reasonable grounds to the relevant authorities.
- Provide ongoing support and assistance to students who have been abused and that their confidentiality is respected with case details and the identity of the student only discussed with those managing the situation.
- Provide staff with clear expectations for appropriate behaviour.
- Clarify that the is aware College that it is compliant with all laws, regulations and standards relevant to child safety and protection in Victoria, most importantly adhering to Ministerial Order 870.



#### Scope

This Policy takes into account relevant legislative requirements within the state of Victoria, including the specific requirements of the Child Safe Standards as set out in Ministerial Order No. 1359.

This policy applies to all sites under the control of the College and applies to all staff members of the College. Genazzano staff includes Principals, teachers, administration and education support staff, boarding house staff, ELC staff, allied health staff, a minister of religion, a religious leader or an employee or officer of a religious body, volunteers, contractors, casual relief teachers, casual staff, pre-service teachers, outside school hours care staff and visitors

This policy applies to all College activities during and outside of school hours that occur on school campus, offsite, online, extracurricular, sport activities and programs, excursions, camps, interstate and overseas travel. Staff are bound by this policy and required to report concerns about, or incidents of child abuse or neglect. Fulfilling the roles and responsibilities contained in this policy and procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child or young person is at risk of child abuse.

This Policy should be read in conjunction with the following related policies and procedures:

- 1. PROTECT: Identifying and Responding to Abuse Reporting obligations
- 2. Genazzano FCJ College Child Safe Code of Conduct
- 3. Genazzano FCJ College Child Safe Reportable Conduct Policy

#### **Principles**

The following principles underpin our commitment to child safety at Genazzano:

- All students deserve, as a fundamental right, safety and protection from all forms of abuse and neglect.
- Our College works in partnership with families and the community to ensure that they
  are engaged in decision-making processes, particularly those that have an impact on
  child safety and protection.
- In partnership with their parents/guardians/caregivers, all students have the right to a thorough and systematic education in all aspects of personal safety.
- All adults in our College, have a responsibility to care for children and young people, to
  positively promote their wellbeing and to protect them from any kind of harm or abuse.
- The policies, guidelines and codes of conduct for the care, wellbeing and protection of children and young people are based on honest, respectful and trusting relationships with adults.
- Policies and practices demonstrate compliance with legislative requirements and cooperation with the Church, governments, the police and human services agencies.
- All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity and respect.
- Staff should feel confident to raise concerns about child safety, knowing these will be taken seriously by College leadership.
- All members of the school community (including students and their families) are kept informed of child safety and wellbeing matters (where appropriate) and are involved in promoting child safety and wellbeing.
- Appropriate confidentiality will be maintained, with information being provided to those
  who have a right or a need to be informed, either legally (including under legislated
  information sharing schemes being Child Information Sharing Scheme (CISS) or Family
  Violence Information Sharing Scheme (FVISS)) or pastorally.



#### **Definitions used in this Policy**

**Child:** Students enrolled at the College and in endorsed school programs Child abuse includes:

- (a) any act committed against a child involving:
  - (i) a sexual offence
  - (ii) an offence under section 49B (2) of the Crimes Act 1958 (grooming)
- (b) the infliction, on a child, of:
  - (i) physical violence
  - (ii) serious emotional or psychological harm
- (c) serious neglect of a child.

Child Information Sharing Scheme (CISS) or Family Violence Information Sharing Scheme (FVISS))

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 suspicions, incidents, disclosures or allegations of child abuse (Ministerial Order No. 1359).

Child neglect includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health and physical development of the child is significantly impaired or placed at serious risk (PROTECT: Identifying and responding to all forms of abuse in Victorian schools).

Child physical abuse generally consists of any non-accidental infliction of physical violence on a child by any person (PROTECT: Identifying and responding to all forms of abuse in Victorian schools).

Child sexual abuse is when a person uses power or authority over a child to involve them in sexual activity. It can include a wide range of sexual activity and does not always involve physical contact or force (PROTECT: Identifying and responding to all forms of abuse in Victorian schools).

Emotional child abuse occurs when a child is repeatedly rejected, isolated or frightened by threats, or by witnessing family violence (PROTECT: Identifying and responding to all forms of abuse in Victorian schools).

Grooming is when a person engages in predatory conduct to prepare a child for sexual activity at a later date. It can include communication and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer (PROTECT: Identifying and responding to all forms of abuse in Victorian schools).

Mandatory reporting: The legal requirement under the Children, Youth and Families Act 2005 (Vic.) to protect children from harm relating to physical and sexual abuse. The Principal, registered teachers and early childhood teachers, school counsellors, religious clergy, medical practitioners and nurses at a school are mandatory reporters under this Act (PROTECT: Identifying and responding to all forms of abuse in Victorian schools).

Reasonable belief – mandatory reporting: When school staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a reasonable belief. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than mere rumour or speculation. A reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds (PROTECT: Identifying and responding to all forms of abuse in Victorian schools).



Reasonable belief – reportable conduct scheme: When a person has a reasonable belief that a worker/volunteer has committed reportable conduct or misconduct that may involve reportable conduct. A reasonable belief is more than suspicion and there must be some objective basis for the belief. It does not necessitate proof or require certainty.

NOTE: the difference between the reasonable belief definitions under mandatory reporting and the reportable conduct scheme is the category of persons who are required to, or can, form the reasonable belief which forms the basis for a report.

Reportable conduct: Five types of reportable conduct are listed in the Child Wellbeing and Safety Act 2005 (Vic.) (as amended by the Children Legislation Amendment (Reportable Conduct) Act 2017). These include:

- 1. sexual offences (against, with or in the presence of a child)
- 2. sexual misconduct (against, with or in the presence of a child)
- 3. physical violence (against, with or in the presence of a child)
- 4. behaviour that is likely to cause significant emotional or psychological harm
- 5. significant neglect.

**Family Violence**: The Family Violence Protection Act 2008 (Vic) defines family violence as behaviour towards a family member where the behavior: is physically or sexually abusive, is emotionally or psychologically abusive, is economically abusive, is threatening or coercive OR in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person.

**Student sexual offending:** Student sexual offending refers to sexual behaviour that is led by a student 10 years and over which may amount to a sexual offence.
Under the Crimes Act 1958, a sexual offence includes:

- Sexual Assault
- Rape
- Indecent Acts.

Under Victorian Law, children between 12 and 15 can only consent to sexual activity with a peer no more than two years their senior. Therefore, sexual contact led by a student with a child outside of these age parameters may amount to student sexual offending.

In order for a person to consent to sexual activity, they have to have the capacity to understand the context and possible consequences of the act. Therefore, sexual contact led by a student involving a person with a cognitive impairment or affected by alcohol and other drugs may also amount to student sexual offending.

**Sexual behaviour in children under 10 years:** Children with sexual behaviour problems include those children less than 10 years of age demonstrating developmentally inappropriate and/or aggressive sexual behaviour.

Concerning sexual behaviour in children under 10 years includes:

- frequent, repeated behaviour for example, compulsive masturbation
- sexual behaviour between children who do not know each other well
- high-frequency occurrences of sexual behaviour that interfere with normal childhood activities
- sexual behaviour associated with emotional distress
- sexual behaviour between children of different ages, size and developmental levels
- aggressive, forced and/or coerced interaction between children
- behaviour that does not stop once the child is told to stop, or occurs in secrecy
- behaviour that causes harm to the child or other children.

Concerning sexual behaviour is defined to also include self-focused sexual behaviour, for example frequent public masturbation, or intrusive and/or aggressive sexual behaviour towards other children that may be coercive or forceful. While the term 'sexual' is used, the child's intent or motivation for the exhibited behaviour may be unrelated to sexual gratification.

Age-appropriate sexual behaviour can become disrupted in children and adolescents by a number of factors, including exposure to sexually explicit material or exposure to sexual activity including abuse.



College Environment means any of the following physical, online or virtual places used during or outside school hours:

- a campus of the school
- online or virtual school environments made available or authorized by Genazzano FCJ College for use by a child or young person (including email, intranet systems, software, applications, collaboration tools and online services)
- other locations provided by the school or through a third-part provider for a child or young
  person to use including, but not limited to, locations used for school camps, approved
  homestay accommodation, delivery of education and training, sporting events, excursions,
  competitions and other events) (Ministerial Order No. 1359).

College staff: means an individual working in the school environment who is:

- directly engaged or employed by the school governing authority including teaching staff, non-teaching staff, boarding house supervisors, allied health workers, coaches, casual relief teachers and examination supervisors,
- the school governing authority including FCJ Education Board and College Council
- volunteers and contractors,
- third party providers
- advocates and student host families for Overseas Students
- a minister of religion, a religious leader or an employee or officer of a religious body associated (Ministerial Order No. 1359).

Volunteer means a person who performs work without remuneration or reward for Genazzano FCJ College in the school environment.

**Reasonable Belief**: When College staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a 'reasonable belief'. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation.

If you witness, suspect, or receive a disclosure of child abuse including exposure to family violence, you will need to determine whether you have formed a 'reasonable belief' or a 'belief on reasonable grounds' that a child has or is being abused or is at risk of being abused. A reasonable belief is a deliberately low threshold:

- so that people are encouraged to report suspected abuse to the relevant authorities and agencies, enabling authorities to investigate the allegations and take further action to prevent or stop any further abuse
- it does not require proof, but does require something more than a mere rumour or speculation
- it is met if a reasonable person in the same position would have formed the belief on the same grounds.

Forming a belief on reasonable grounds may include:

- a child stating that they have been abused
- any person telling you they believe someone has been abused (sometimes the child may be talking about themselves)
- physical indicators of abuse such as non-accidental or unexplained injuries; persistent neglect; or inadequate care and supervision lead you to believe that the child has been abused. Click: <u>Identifying signs of abuse</u>
- behavioural indicators of abuse lead you to believe that the child has been abused.
   Click: Identifying signs of abuse
- other signs such as family violence, parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child's safety, stability or development.



#### **Policy Commitments**

All students enrolled at Genazzano have the right to feel safe and be safe. The wellbeing of children and young people in our care will always be our first priority and we do not and will not tolerate child abuse. We aim to create a child-safe and child-friendly learning environment where children and young people are free to enjoy life to the full, without any concern for their safety. There is particular attention paid to the most vulnerable children, including Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, children with a disability, children who are unable to live at home, international students, and LGBTIQ+ students.

#### Our commitment to our students

- (a) We commit to the safety and wellbeing of all children and young people enrolled in our College.
- (b) We commit to providing children and young people with positive and nurturing experiences.
- (c) We commit to listening to children and young people, and empowering them by ensuring that they understand their rights (including to safety, information and participation), and by taking their views seriously and addressing any concerns that they raise with us.
- (d) We commit to taking action to ensure that children and young people are protected from abuse or harm.
- (e) We commit to ensuring that the needs of all children and young people enrolled in our school are met, including those who are most vulnerable.
- (f) We commit to recognising the importance of friendships and to encouraging support from peers, to help children and students feel safe and less isolated.
- (g) We commit to teaching children and young people the necessary skills and knowledge to understand and maintain their personal safety and wellbeing.
- (h) We commit to developing a culture that facilitates and provides opportunities for children and student participation, and that strengthens the confidence and engagement of children and students by being responsive to their input.
- (i) We commit to seeking input and feedback from students regarding the creation of a safe College environment.

#### Our commitment to parents, guardians and carers

- (a) We commit to communicating honestly and openly with parents, guardians and carers about the wellbeing and safety of their children.
- (b) We commit to engaging with and responding to the views of parents, guardians and carers about our child-safe practices, policies and procedures.
- (c) We commit to transparency in our decision-making with parents and carers, providing it does not compromise the safety of children or young people.
- (d) We commit to open engagement and communication with parents, guardians and carers about our child safe approach and our operations and governance related to child safety and wellbeing.
- (e) We commit to ensuring that relevant information relating to child safety and wellbeing is accessible to parents, guardians and carers.
- (f) We commit to acknowledging the cultural diversity of students and families and being sensitive to how this may impact on student safety issues.
- (g) We commit to continuously reviewing and improving our systems to protect children from harm and abuse.



#### Our commitment to our College staff

- We commit to providing all Genazzano staff with the necessary support to enable them to
  fulfil their roles, and to ensure that staff are attuned to signs of harm and are able to
  facilitate child-friendly ways for children and students to express their views, participate in
  decision-making and raise their concerns. This will include regular and appropriate learning
  opportunities.
- We commit to providing regular opportunities to clarify and confirm policy and procedures in relation to child safety and wellbeing, and young people's protection and wellbeing. This will include annual training in the principles and intent of the Child Safety Policy and Child Safe Code of Conduct, and staff responsibilities to report concerns.
- We commit to listening to all concerns voiced by Genazzano staff, clergy, volunteers and contractors about keeping children and young people safe from harm.
- We commit to providing opportunities for Genazzano staff, volunteers, contractors and clergy to receive formal debriefing and counselling arising from incidents of the abuse of a child or young person.

#### **Responsibilities and Organisational Arrangements**

Everyone employed or volunteering at Genazzano has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all they do and every decision they make.

#### **Guide to Responsibilities of College Leadership**

The Principal, the College Council and College leaders at Genazzano recognise their particular responsibility to ensure the development of preventative and proactive strategies that promote a culture of openness, awareness of and shared responsibility for child safety. Responsibilities include:

- creating an environment for children and young people to be safe and to feel safe
- upholding high principles and standards for all staff, clergy, religious, volunteers, and contractors
- promoting models of behaviour between adults and children and young people based on mutual respect and consideration
- thorough and rigorous practices are applied in the recruitment, screening and ongoing professional learning of staff and volunteers
- regular and appropriate professional learning for College personnel to develop their knowledge of, openness to and ability to prevent, identify and address child safety and wellbeing matters
- ensuring that the school has in place appropriate risk management strategies and practices that focus on preventing, identifying and mitigating risks related to child safety and wellbeing in the school environment
- providing regular opportunities to clarify and confirm legislative obligations, policy and procedures in relation to child and young people's protection and wellbeing
- ensuring the College meets the specific requirements of the Victorian Child Safe Standards as set out in Ministerial Order No. 1359
- ensuring the College takes specific action to protect children from abuse in line with the three new criminal offences introduced under the *Crimes Act 1958* (Vic.) and in line with PROTECT: Identifying and responding to all forms of abuse in Victorian schools
- ensuring the College understands and reports all matters that may constitute reportable conduct under the Reportable Conduct Scheme and in accordance with the College's Reportable Conduct policy
- sharing information under legislated information sharing schemes (CISS and FVISS) in accordance with the school's prescribed role as an Information Sharing Entity (ISE)
- ensuring that the school monitors and reviews the risks related to child safety and wellbeing, including evaluating the effectiveness of the implementation of its risk controls, on an annual basis.



#### **Guide to Responsibilities of College Staff**

Responsibilities of College staff include:

- treating children and young people with dignity and respect, acting with propriety, providing a duty of care, and protecting children and young people in their care
- following the legislative and internal College processes in the course of their work if they
  form a reasonable belief that a child or young person has been or is being abused,
  harmed or neglected
- providing a physically and psychologically safe environment where the wellbeing of children and young people is nurtured
- undertaking regular training and education in order to understand their individual responsibilities in relation to child safety, and the wellbeing of children and young people, including ways to prevent, identify and mitigate risks relating to child safety and wellbeing
- providing the additional support and supervision for younger students, students with a disability, indigenous students, International students and boarding students
- assisting children and young people to develop positive, responsible and caring attitudes and behaviours which recognise the rights of all people to be safe and free from abuse
- following the College's Child Safe Code of Conduct
- where risks of child abuse are identified, ensuring that action is taken to mitigate against those risks and that risks and actions are appropriately recorded.
- reporting child abuse when an adult forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16, they must report this information to the Principal and or Police. Failure of the Principal or adult to disclose the information to Police is a criminal offence
- reporting and identifying when a student to student is sexually offending.

#### **Organisational Arrangements**

While all members of Genazzano FCJ College have a responsibility to uphold the Child Safe standards the following staff have allocated roles and responsibilities for child safety. All College 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 one of the following:

- Principal Mrs Loretta Wholley, <a href="mailto:principal@genazzano.vic.edu.au">principal@genazzano.vic.edu.au</a>, 03 8862 1000
- Deputy Principal Ms Eryn O'Mahony, <u>eryn.omahony@genazzano.vic.edu.au</u>, 03 8862 1088
- Head of Junior School Mrs Anita Kelliher, anita.kelliher@genazzano.vic.edu.au, 03 8862 1091
- Head of Senior School Ms Caroline Hendy, caroline.hendy@genazzano.vic.edu.au, 03 8862 1071
- Senior Psychologist Dr Judith Crigan, judith.crigan@genazzano.vic.edu.au, 03 8862 1121
- College Nurse Mrs Samantha Redman, samantha.redman@genazzano.vic.edu.au, 03 8862 1180.
- Director of Boarding Ms Lauren Kennedy, lauren.kennedy@genazzano.vic.edu.au, 03 9805 5400.



## Expectation of our College Staff and Volunteers – Child Safe Code of Conduct

At Genazzano, we expect all College staff and volunteers to proactively ensure the safety and wellbeing of students at all times, to identify concerns about child safety and wellbeing and to take appropriate action if there are concerns about the safety and wellbeing of any child at the school. All staff must remain familiar with the relevant laws, the Code of Conduct, and policies and procedures in relation to child protection, and comply with all requirements. We have developed a Child Safe Code of Conduct, which recognises the critical role that staff play in protecting the students in our care and establishes clear expectations of College staff for appropriate behaviour with children in order to safeguard them against abuse and/or neglect.

Our Code also protects College staff and volunteers through clarification of acceptable and unacceptable behaviour.

#### **Student Safety and Participation**

At Genazzano, we actively encourage all students to confidently express their views and concerns related to Child Safety.

Protective Behaviours are addressed specifically in age-appropriate ways through the GenAchieve program from ELC-Year 12. We teach students about what they can do if they feel unsafe and enable them to understand, identify, discuss and report their concerns. We listen to and act on any concerns students, their parents or carers, raise with us.

A student version of the Child Safe policy is published in the student planner and Child Safety is the topic of a level assembly at the beginning of every year and is regularly reviewed each Term.

Students can also raise issues and concerns at the Student Voice Committee, with Student Wellbeing Captains and Student Child Safe Representative.

We have developed appropriate education about:

- standards of behaviour for students attending our school and described in the Student Code of Conduct
- healthy and respectful relationships including sexuality
- resilience
- child abuse awareness and prevention.

We have also developed curriculum documents that detail the strategies and actions the school takes to implement its obligations to ensure that:

- children and students are informed about all of their rights, including to safety, information and participation
- the importance of friendship is recognised and support from peers is encouraged, to help children and students feel safe and be less isolated
- staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children and students to express their views, participate in decision-making and raise their concerns
- we have strategies in place to develop a culture that facilitates participation and is responsive to the input of children and students
- we provide opportunities for children and students to participate and is responsive to their contributions to strengthen confidence and engagement
- students are offered access to sexual abuse prevention programs and to relevant information in an age-appropriate way.



#### Reporting and Responding

The College creates records relevant to any child safety complaints, disclosures or breaches of the Child Safety Code of Conduct, and maintains and disposes of those records in accordance with security and privacy requirements and <a href="Public Record Office Victoria Recordkeeping Standards">Public Record Office Victoria Recordkeeping Standards</a> (including minimum retention periods). This is detailed in our Archives Policy. Our College complies with legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005* (Vic.), the *Crimes Act 1958* (Vic.), the *Child Wellbeing and Safety Act 2005* (Vic.) and the recommendations of the *Betraval of Trust* report.

Our policy assists staff, volunteers and families to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a reasonable belief is formed under the reportable conduct scheme as well as mandatory reporting
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law, and their legal obligations relating to child abuse and grooming under criminal law
- understand and comply with information sharing and recordkeeping obligations
- comply with reporting obligations under the reportable conduct scheme including obligations to report and investigate allegations of reportable conduct.

Our College has also established additional internal procedures and processes to help ensure that appropriate action is taken to prevent, identify and respond to concerns about the wellbeing and/or safety of a student.

Our College is a prescribed Information Sharing Entity (ISE) meaning that, where legislated requirements are met, it is able to share confidential information with other ISEs to promote child wellbeing or safety under the CISS or FVISS.

**Mandatory Reporting:** The Children, Youth and Families Act 2005 (Vic) (CYFA) (section 184) requires Mandatory Reporters to make a report to 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.

#### Who are Mandatory Reporters?

Mandatory reporters are defined by the CYFA and include:

- teachers principal
- nurses
- school psychologists and counsellors
- persons in religious ministry; and
- medical practitioners.



#### What constitutes a Mandatory Report?

A mandatory report is made when any member of College staff forms a belief on reasonable grounds that a child needs 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. A mandatory reporter is required:

- to make a report on each occasion they form a reasonable belief
- to make a report as soon as practicable
- to make a report even if the Principal or the person responsible for the operation of the College or boarding premises does not share their belief
- to ensure that a report has been made in instances where another mandated reporter has undertaken to make a report but has not done so.

#### What are 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.

The following may be reasonable grounds for forming such a belief if:

- A student states they have been physically or sexually abused
- A student states that they know someone who has been physically or sexually abused
- Someone who knows the student states that the student has been physically or sexually abused
- A student 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 student'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 student's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the student.

#### **Making a Mandatory Report**

All College staff are required to make a mandatory report if they have formed a reasonable belief that the child is at risk. In most cases you will make this report with the support of one of the Mandatory Reporting staff. See Appendix One for an outline of the process.

This policy provides the information required to form a reasonable belief. Staff should make sufficient enquiries to form a reasonable belief and to determine a child's immediate needs, however, it is <u>not</u> your role to investigate this concern as this is the role of DHHS Child Protection or Victoria Police.

Once a staff member has formed a reasonable belief, they are obliged to report their concern to the relevant authorities even if the Mandatory Reporting Staff member does not agree with your decision.

Whenever there are concerns that a child is in immediate danger, the Police should be called on 000. The Principal or one of the Mandatory Reporting staff listed above should also be contacted.

All College staff will adhere to and follow the procedures explained in Appendix Two, Four Critical Actions for Schools.

If a staff member decides not to make a report, then documentation of the incident, disclosure or allegation and the reasons for your decision should be shared with a Mandatory Reporter.



A subsequent report must be made on each occasion on which the mandatory reporter becomes aware of further reasonable grounds for the belief and even if the reporter knows that another report has been made concerning the same child and suspected abuse.

#### **Failure to Disclose**

It is an offence in Victoria to not disclose information regarding a sexual offence against a child.

The failure to disclose offence applies to adults who have information that led them to form a 'reasonable belief' that another adult has sexually offended against a child under 16 in Victoria.

A report must be made as soon as possible, unless:

- you have a 'reasonable excuse' for not reporting the information, or
- you are exempt from the offence.

If you fail to report the information, you may be charged with a criminal offence. The maximum penalty is three years imprisonment.

You may have a 'reasonable excuse' for not reporting information about child sexual abuse to police if, for example:

- you fear for your safety, or the safety of another person, or
- you believe the information has already been reported to the police.

If you are charged with the failure to disclose offence, a court or jury may consider whether it was reasonable for you not to report to police in the circumstances.

#### Respond to problem sexual behaviour in children under 10

For all students who are under 10 years of age and who engage in concerning sexual behaviour, College staff should consider:

- consulting with wellbeing staff to support the student displaying concerning sexual behaviours
- convening a Student Support Group
- developing a Student Support Plan to determine and document support strategies for students displaying concerning sexual behaviours and strategies to maintain the safety of other school community members
- whether the child may be the victim of child abuse and the concerning sexual behaviour may be a physical or behavioural indicator that this may be occurring.

Concerning sexual behaviour in children is not a clear indicator that a child has been sexually abused, however if you form a reasonable belief that the child is being abused, and their parents/carers are unable or unwilling to protect the child from that abuse, you must report your reasonable belief to DHHS Child Protection and/or Victoria Police.

#### Communicate with parents

When a College staff member suspects that a student under 10 years of age has engaged in concerning sexual behaviour, the Principal or her nominee should:

- advise the parents/ carers of the student who is engaging in the behaviour (unless there
  are reasonable grounds for believing that this would not be in the best interests of the
  child). In many instances, the parents/carers can assist school staff to ensure that the
  child is aware that their behaviour and conduct is not appropriate in a school
  environment
- notify the parents/carers of the students who have been impacted by the concerning sexual behaviour and to offer them school-based support, or a referral to external support services (if appropriate or necessary in the circumstances).



#### Respond to very concerning behaviour

In the event of very concerning sexual behaviour the College will contact DHHS Child Protection on 131 278 and/or Victoria Police Sexual Offences and Child Abuse Investigation Team (SOCIT) on 000.

#### Problem sexual behaviour in children over 10

Once a child is 10 years or over, some sexual behaviour can constitute a sexual offence. Genazzano will report all suspected sexual offences to the Victoria Police.

#### **Complaints Policy**

Genazzano FCJ College understands that from time-to-time complaints arise regarding aspects of the College's operation of programs and activities, and that it is important that all members of the community have the opportunity to be heard. Genazzano FCJ College commits to ensuring procedural fairness is observed when dealing with complaints and grievances. The College's Complaints Policy and Procedures can be accessed on the College website and on GenConnect.

#### **Screening and Recruitment of College Staff**

At Genazzano FCJ College, we are committed to ensuring that our recruitment practices create a safe environment for our students. To this end, we have established policies and procedures for recruiting employees and volunteers and for assessing their suitability to work with children. Genazzano FCJ College's Staff Recruitment and Compliance Procedures policy which can be accessed on GenConnect outlines in detail the staff recruitment and compliance procedures. The College applies thorough and rigorous screening processes in the recruitment of employees. Our commitment to child safety and our screening requirements are included in all advertisements for employee, contractor and volunteer positions. As part of our recruitment process all applicants are required to acknowledge they have read and understood College's Child Safe- Mandatory Reporting Policy, Child Safe- Reportable Conduct Policy and the Genazzano Child Safe Code of Conduct. Each job description for staff involved in child-connected work has a clear statement that sets out the requirements, duties and responsibilities regarding child safety and wellbeing for those in that role and the occupant's essential qualifications, experience and attributes in relation to child safety and wellbeing.

When recruiting and selecting employees, contractors and volunteers, we make all reasonable efforts to:

- confirm the applicant's Working with Children Check and National Police Check status and/or professional registration (as relevant)
- obtain proof of personal identity and any professional or other qualifications
- verify the applicant's history of work involving children
- obtain references that address the applicant's suitability for the job and working with children.

The College has processes for monitoring and assessing the continuing suitability of College staff and volunteers to work with children, including regular reviews of the status of Working with Children Checks and staff professional registration requirements such as Victorian Institute of Teaching (VIT) registration.

We will also ensure that appropriate supervision or support arrangements are in place in relation to the induction of new school staff into the College's policies, codes, practices and procedures governing child safety and wellbeing and child-connected work.

#### Child-safe recruitment and other legislation

Our recruitment practices are subject to state and federal anti-discrimination legislation and the requirements of the Privacy Act 1988 (Cth) when obtaining, using, disclosing and storing information from applicants and referees.

All staff employed at Genazzano FCJ College must meet the requirements of the Worker Screening Act 2020.



#### Child Safety - Education and Training for College Staff

Genazzano provides College staff and volunteers with regular and appropriate opportunities to develop their knowledge of, openness to and ability to address child safety and wellbeing matters. This includes a thorough induction program for all staff including specific training for Boarding House supervisors. Ongoing training and professional learning to ensure that everyone understands their professional and legal obligations and responsibilities, and the procedures for reporting suspicion of child abuse and neglect. Specifically, all College staff are required to complete the online PROTECT module annually. Certificates for this course are saved on each staff member's personal employment record.

At least annually, our professional learning and training addresses:

- staff's individual and collective obligations and responsibilities for managing the risk of child abuse
- preventing, identifying and mitigating child abuse risks in the school environment without compromising a child or student's right to privacy, access to information, social connections and learning opportunities
- the reportable conduct scheme
- our school's current child safety standards (including this Policy, the Child Safety Code of Conduct and any other policies and procedures relating to child safety and wellbeing, including in relation to managing complaints and concerns related to child abuse)
- guidance on recognizing indicators of child harm including harm caused by other children and students
- guidance on responding effectively to issues of child safety and wellbeing and supporting colleagues who disclose harm
- guidance on how to build culturally safe environments for children and students
- quidance on their information sharing and recordkeeping obligations.

Diversity and equity - strategies and actions

At Genazzano we are committed to ensuring that equity is upheld, and that diverse needs are respected in policy and practice. We aim to ensure that:

- all school staff and volunteers understand the diverse circumstances of children and students
- our school provides support and responds to vulnerable children and students
- children, students, staff, volunteers and the school community have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand
- the school pays particular attention to the needs of students with disability, students from culturally and linguistically diverse backgrounds, students who are unable to live at home, international students, and LGBTIQ+ students
- the school pays particular attention to the needs of Aboriginal students and provides and promotes a culturally safe environment for them.

Family engagement – strategies and actions

Genazzano FCJ College ensures that families, carers and other members of the school community are informed about relevant child safety and wellbeing matters and are involved in the promotion of child safety and wellbeing at the school.

We aim to ensure that:

- families participate in decisions relating to child safety and wellbeing which affect their child
- we engage and openly communicate with families, carers and other members of the school community about our child safe approach



- all members of the school community have access to information relating to child safety and wellbeing
- families, carers and other members of the school community have the opportunity to provide input into the development and review of the school's child safety and wellbeing policies and practices
- families, carers and other members of the school community are informed about the operations and governance of the school in relation to child safety and wellbeing.

#### **Risk Management**

At Genazzano we are committed to proactively and systematically identifying and assessing risks to student safety across the whole College environment, and reducing or eliminating (where possible) all potential sources of harm. Led by the Wellbeing, OHS and Governance and Risk Management Committees, risk management strategies for child safety are documented, implemented, monitored and periodically reviewed to ensure that strategies change as needed and as new risks arise. Staff attention is drawn to the risks in every circumstance where risk may be increased, such as visitors to the school, excursions, and camps.

#### **Relevant Legislation and Authorities**

- Children, Youth and Families Act 2005 (Vic.)
- Child Wellbeing and Safety Act 2005 (Vic.)
- Worker Screening Act 2020 (Vic.)
- Education and Training Reform Act 2006 (Vic.)
- Education and Training Reform Regulations 2017 (Vic.)
- Equal Opportunity Act 2010 (Vic.)
- Privacy Act 1988 (Cth)
- Public Records Act 1973 (Vic)
- Crimes Act 1958 (Vic.) Three new criminal offences have been introduced under this Act:
- Failure to disclose offence: Any adult who forms a reasonable belief that a sexual offence
  has been committed by an adult against a child under 16 has an obligation to report that
  information to police. Failure to disclose the information to police is a criminal offence.
- 2. Failure to protect offence: This offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.
- 3. Grooming offence: This offence targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

#### **Relevant Authorities and Resources**

#### Department of Health and Human Services (DHHS) Child Protection

The DHHS has a responsibility to provide child protection services for all children and young people under the age of 17 years, or where a protection order is in place, for children under the age of 18. The main functions of DFFH Child Protection are to:

- receive reports from people who believe that a child needs protection or have significant concerns about the wellbeing of a child
- provide consultation and advice to people making reports
- investigate matters where it is believed that a child is at risk of significant harm
- refer children and families to services that assist in providing for the ongoing safety and wellbeing of children.



#### **Child FIRST Child and Family Information**

Referral and Support Teams (Child FIRST) were introduced to give families an opportunity to obtain family services earlier at their own request or following a referral from others, including school staff. Child FIRST ensures that vulnerable children, young people and their families are linked effectively to relevant services. Child FIRST is staffed by family services practitioners who are experienced in assessing the needs of vulnerable children and their families. Child FIRST teams work closely with community-based DFFH Child Protection workers. The role of Child FIRST includes:

- providing a point of entry to a local network of family services
- receiving reports about vulnerable children where there are significant concerns about their wellbeing
- undertaking an initial identification and assessment of the risks to the child and the child's needs in consultation with DFFH Child Protection and other services
- identifying appropriate service responses for families.

#### **Victoria Police**

Both DFFH and Victoria Police have statutory responsibilities under the CYFA in relation to the protection of children. DFFH Child Protection is the lead agency responsible for the care and protection of children, while Victoria Police is responsible for criminal investigations into alleged child abuse. Protocols between DFFH Child Protection and Victoria Police require that all reports received by DFFH Child Protection relating to physical abuse, sexual abuse or serious neglect must be reported to Victoria Police, as these reports may also constitute reports of criminal offences. All allegations of sexual offences or child abuse should be reported to DFFH Child Protection or Victoria Police for investigation. Under no circumstances should school staff investigate an allegation themselves. School staff should only enquire sufficiently to form a reasonable belief that a child may be in need of protection.

#### **Commission for Children and Young People (CCYP)**

CCYP is an independent statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people. CCYP is responsible for administering the Reportable Conduct Scheme, which includes:

- supporting and guiding organisations that receive allegations in order to promote fair, effective, timely and appropriate responses
- independently overseeing, monitoring and, where appropriate, making recommendations to improve the responses of those organisations.

#### **Victorian Institute of Teaching (VIT)**

The Victorian Institute of Teaching (VIT) is an independent statutory authority for the teaching profession, whose primary function is to regulate members of the teaching profession. The College must immediately notify the VIT if it becomes aware that a teacher: Has been charged with, or convicted or found guilty of, certain criminal offences that accord with those relevant to Working with Children Checks (WWCC) or Has been given a negative notice in relation to the WWCC.

#### Resources: 24-hour services

- Victoria Police Sexual Offence and Child Abuse Investigation Team 000
- Child Protection DHHS 131 278
- <u>Security Services Unit Emergency Management</u> (03) 9603 7999
- Sexual Assault Crisis Line DHHS 1800 806 292
- Mallee Sexual Assault Unit
- Safe Steps Family Violence Response Centre



#### Counselling and support organisations

- For support and intervention for survivors of sexual offending, see: <u>The Victorian Centre Against Sexual Assault</u> or phone: 1800 806 292
- The Victorian Aboriginal Child Care Agency (VACCA) VACCA is an Aboriginal community controlled organisation advocating for the rights of Aboriginal children, young people and families, and providing them with services premised on human rights, self-determination, cultural respect and safety. Phone: (03) 9287 8800
- <u>Child Wise</u> is Australia's leading international child protection charity committed to the prevention and reduction of sexual abuse and exploitation of children around the world. Ph: 1800 991 099
- Aboriginal Family Violence and Legal Services Provides assistance to victims of family violence and sexual offending and work with families and communities affected by violence.
- The <u>Victorian Aboriginal Legal Service VALS</u> plays an important role in providing referrals, advice/information, duty work or casework assistance to Aboriginal and Torres Strait Islander peoples in the State of Victoria.
- <u>Safe Steps Family Violence Response Centre</u> has a 24/7 response service, keeping women
  and their children safe, safe steps crisis support advocates are available to assist families
  explore their options and escape abuse.
- Sexual Assault Support Services Contact List

#### **Related Policies**

#### **College Policies**

The following policies and procedures are available:

- Archives Policy
- Boarding House Policies and Handbooks
- Child Safety, Mandatory Reporting Policy
- Child Safe, Reportable Conduct Policy
- Digital Technology and Resources Policy
- ELC Child Safe Environment Policy
- ELC Child Protection Policy FFPOS
- Staff Recruitment and Procedures Policy
- OHS Policy
- Professional Development Policy (Teaching and Non-Teaching Policy)
- Complaints Policy and Procedures
- Social Media Policy

#### **Breach of Policy**

Where an employee is suspected of breaching any obligation, duty or responsibility within this policy, the College may start the process under clause 13 of the Victorian Catholic Education Multi Enterprise Agreement 2013 (VCEMEA) for managing employment concerns. This may result in disciplinary consequences.

Where the **Principal** is suspected of breaching any obligation, duty or responsibility within this policy, the concerned party is advised to contact the Chair of the College Council.

Where any **other member of the College community** is suspected of breaching any obligation, duty or responsibility within this policy, the College is to take appropriate action, including in accordance with Professional Standards Code of Conduct Policy, Mandatory Reporting of Child Physical and Sexual Abuse and Reportable Conduct.



#### **Review of this Child Safety Policy**

At Genazzano FCJ College, we are committed to continuous improvement of our child safety systems and practices. We intend this policy to be a dynamic document that will be regularly reviewed to ensure it is working in practice and updated to accommodate changes in legislation or circumstance.

The College will maintain a history of updates to the policy.

#### **History of Updates to Policy**

Date	Comment (e.g., major review, minor review)
23 August 2016	Original Policy Adopted by College Council
20 June 2017	Updated Policy Adopted by College Council
20 June 2019	Reviewed by Policy Committee
17 September 2021	Reviewed by Child Safe Committee
2 June 2022	Reviewed by Policy Committee
26 July 2022	Ratified by College Council



#### **APPENDIX ONE-Making a Mandatory Report**

Making a Mandatory Report		
Step	Description	
1. Keep notes	<ul> <li>Keep comprehensive notes that are dated and include the following information:</li> <li>a description of the concerns (e.g., physical injuries, student behaviour)</li> <li>the source of those concerns (e.g., observation, report from child or another person)</li> <li>the actions taken as a result of the concerns (e.g., consultation with a Mandatory Reporter, the Principal, report to DFFH Child Protection).</li> <li>College staff could use the template provided in <i>PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</i> to record their notes.</li> </ul>	
2. Discuss concerns	Due to the complexity of child abuse incidents, disclosures and suspicions, it is recommended that concerns and observations regarding suspected physical or sexual abuse of a child are discussed with the Principal or a member of the Leadership Team.  This is not a legal requirement; however, it will help to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions will be maintained.  You should then make your own assessment about whether you are required to make a report about the child or young person and to whom the report should be made.  It is important to remember that the duty to report abuse or suspicions of abuse exists even if the Principal, member of the Leadership Team advises you not to proceed with reporting suspected abuse.	
3. Gather and document information	Gather the relevant information necessary to make the report. This should include the following:  • full name, date of birth and residential address of the child or young person • details of the concerns and the reasons for those concerns • your involvement with the child or young person • details of any other agencies which may be involved with the child or young person.  This information should be collected and documented using *PROTECT: Responding to *Suspected Child Abuse: A Template for all Victorian Schools*. The template is to be used to record as much information as possible to provide when you make your report to either Victoria Police or DFFH Child Protection.  It is critical that completing the template does not impact on reporting times – if a child is in immediate danger, College staff need to report the matter to Victoria Police immediately. Call 000.	
4. Make the report	To report concerns which are life-threatening, phone 000 or the local police station.  Where the source of the abuse comes from within Genazzano FCJ College, that is, the suspected or alleged abuse involves a Genazzano staff member, volunteer, allied health practitioner, officer/office holder, contractor or visitor at the school:  • contact Victoria Police, which will contact DFFH Child Protection when appropriate	



- report internally to:
  - the Principal, or the Leadership Team if the Principal is involved in the allegation
  - Chair of College Council

Where the source of the suspected or alleged abuse comes from within the child's family or community, you must:

- report sexual abuse and grooming to Victoria Police
- report the matter to <u>DFFH Child Protection</u> if you consider the child to be in need of protection due to child abuse, or that they have been, are being or are at risk of being harmed due to any form of abuse, including family violence. If after hours, call the Child Protection Emergency Service on 13 12 78
- report internally to:
  - the Principal, or a member of the Leadership Team if the Principal is unavailable
  - MACS Regional General Manager

## 5. Document written records of report

Make a written record of the report, including the following information:

- the date and time of the report, and a summary of what was reported
- the name and position of the person who made the report, and the person who received the report.

The information initially recorded in <u>PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</u> and any additional information provided to either Victoria Police or DFFH Child Protection are to be stored securely and maintained indefinitely by Genazzano FCJ College to ensure that records are accessible upon request by external authorities investigating the matter.

# 6. Additional steps for overseas students

Where a child protection incident, disclosure or suspicion involves an international student at the school and the school has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter for that student (thereby assuming responsibility for the child's accommodation, support and general welfare), the school will also need to contact the Victorian Registration and Qualifications Authority (VRQA).



#### **APPENDIX TWO-Four Critical Actions for Schools**

#### FOURCRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

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 so on a syouwitnes an incident, receive a disdosure 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 ursure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).

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

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

Schoolprincipal and/or leadership team
DET Incident Support and Operations

Cartire
CATHOLIC SCHOOLS
School principal and/orleadership tea
Diocesaned ucation office

INDEPENDENT SCHOOLS

School principal and/or chairperse

PESPONDING TO AN EMERGENCY

2 REPORTING TO AUTHORITIES/ REFERRING TO SERVICES

3 CONTACTING PARENTS/CARERS

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:

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

WITHIN THESCHOOL

GOVERNMENT SCHOOLS

School principal and/or leadership

Employee Conduct Banch

DET Incident Support and

a DET Incident Support and Operations Control Country Country Country School Description of the Country Countr

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

INDEPENDENT SCHOOLS
Commission for Children and
Young People on 1800 782978.



GOVERNMENT SCHOOLS

Brighleyee ConductBranch

CATHOLIC SCHOOLS

CONTACT DHHS CHILD PROTECTION

AFTER HOURS After hours, weekends, public holidays IBIZ 78.

CHILD FIRST https://servicesdhtsvic.govau/ referral-and-support-teams

ORANGEDOOR https://www.vic.gov.au/family.violence/ the-orange-door.html

VICTORIA POLICE

DETING DENT SUPPORT AND OPERATIONS CENTRE 1200126126

INCIDENT MANAGEMENT AND SUPPORT UNIT 1800126126 EMPLOYEE CONDUCT BRANCH (03)96372595

DIO CESA N OFFICE Melboume (0.3) 92670228 Ballarat (03) 53377385 Sale (03) 56226600 Sandhuist (03) 54432377

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

INDEPENDENT SCHOOLS



PROTECT VIDUCATION TO COLV







