



## Child Safety Responding and Reporting Obligations Policy

### Help for non-English speakers

If you need help to understand the information in this policy please contact the Admin Office.

### STATEMENT AND PURPOSE

Australian Islamic Centre College is committed to protecting its students from all aspects of harm, and has established strategies, practices, policies and procedures to uphold this public commitment.

All policies, protocols and procedures flow from the College's vision:

*"To be a distinct growth-focused college where all students strive for continuous growth and achieve their full potential to become future ready, contribute to their community, and have confidence in their Australian-Muslim identity with their own ethos built upon the Quran and Sunnah."*

This policy aims to outline the procedures our College has in place to respond to complaints or concerns relating to child abuse and to ensure that all staff and members of our school community understand and follow the various legal obligations that apply to the reporting of child abuse to relevant authorities.

Complaints are to be taken seriously and responded to promptly and thoroughly and, at all times, staff must be sensitive to the diversity and characteristics of the College community. The Principal is responsible for ensuring that these objectives are achieved.

### SCOPE

This policy applies to complaints and concerns relating to child abuse made by or in relation to a child or student, school staff, volunteers, contractors, service providers, visitors or any other person while connected to the school (physical and online).

### DEFINITIONS

#### Child abuse

Child abuse includes:

- physical violence inflicted on a child
- sexual offences committed against a child
- grooming of a child by an adult
- family violence committed against or in the presence of a child
- serious emotional or psychological harm to a child
- serious neglect of a child.

The definition of child abuse is broad and can include student to student incidents and concerns, as well as behaviour committed by an adult.

## Grooming

Grooming is a criminal offence under the *Crimes Act 1958* (Vic) and is a form of child abuse and sexual misconduct. Grooming occurs when an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority of the child (e.g. the child's parents) with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult. This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in sexual activity at a later time. Grooming can include communicating (including electronic communications) and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer.

## School staff member

For the purpose of this policy a school staff member includes a contractor engaged by the school or school council to perform child-related work.

## POLICY

Australian Islamic Centre College understands the important role our school plays in protecting children from abuse. We have a range of policies and measures in place to prevent child abuse from occurring at our school or during school activities.

## Information for students

- All students should feel safe to speak to any staff member to raise any concerns about their safety or any other concerns that they have.
- If a student does not know who to approach at Australian Islamic Centre College they should start with their Coordinator or, if a student's concern relates to their Coordinator, or if the student's Coordinator is unavailable, the Principal.
- More information is available on the [College Website](#).

## Identifying child abuse

To ensure we can respond in the best interests of students and children when complaints or concerns relating to child abuse are raised, all staff and relevant volunteers must:

- understand how to identify signs of child abuse and behavioural indicators of perpetrators - for detailed information on identifying child abuse and behavioural indicators of perpetrators refer to [Identify child abuse](#).
- understand their various legal obligations in relation to reporting child abuse to relevant authorities - for detailed information on the various legal obligations refer to Appendix A
- follow the below procedures for responding to complaints or concerns relating to child abuse, which ensure our school acts in the best interests of students and children and complies with both our legal and Department policy obligations.

At Australian Islamic Centre College we recognise the diversity of the children, young people, and families and take account of their individual needs and backgrounds when considering and responding to child safety incidents or concerns.

## Procedures for responding to an incident, disclosure, allegation or suspicion of child abuse

In responding to a child safety incident, disclosure, allegation or suspicion, Australian Islamic Centre College will follow:

- the [Four Critical Actions for Schools](#) for complaints and concerns relating to all forms of child abuse
- the [Four Critical Actions: Student Sexual Offending](#) for complaints and concerns relating to student sexual offending
- our Student Wellbeing and Engagement Policy and Bullying Prevention Policy for complaints and concerns relating to student physical violence or other harmful student behaviours.

### School staff and volunteer responsibilities

#### 1. Immediate action

If a school staff member or volunteer witnesses an incident of child abuse, or reasonably believes, suspects or receives a disclosure or allegation that a child has been, or is at risk of being abused, they must:

- if a child is at immediate risk of harm, separate alleged victims and others involved, administer first aid (appropriate to their level of training) and call 000 for urgent medical or police assistance where required to respond to immediate health or safety concerns.
- notify the Principal as soon as possible, who will ensure our school follows the steps in these procedures.

NOTE for staff and volunteers:

- if you are uncertain if an incident, disclosure, allegation or suspicion gives rise to a concern about child abuse you must always err on the side of caution and report the concern to the Principal.
- If the concerns relate to the conduct of the Principal, or if the Principal is otherwise unavailable, notify the President (Mr Ali Abdou), who must then take on responsibility for ensuring our school follows these procedures. For the avoidance of doubt, where a concern relates to the conduct of the Principal, or where the Principal is otherwise unavailable, all subsequent references to Principal in steps 2 to 5 below are to be read as references to the President (Mr Ali Abdou).

Refer to Appendix B for guidance on how to respond to a disclosure of child abuse.

#### 2. Reporting to authorities and referring to services

As soon as immediate health and safety concerns are addressed, and relevant school staff have been informed, the Principal **must** report all incidents, suspicions and disclosures of child abuse to the relevant authorities as soon as possible, regardless of whether the law requires this to occur. The Principal may require any staff involved to assist making the report. Support staff are to liaise with the Principal to support the completion of this step.

The following steps will ensure our school complies with the four critical actions as well as additional actions required under the Child Safe Standards.

The Principal must ensure:

- all relevant information is reported to the Department of Families, Fairness and Housing (DFFH) Child Protection, Victoria Police or relevant services where required
- the incident is reported to relevant authorities.
- all [reportable conduct](#) allegations or incidents are reported to the Victorian Institute of Teaching (VIT).

NOTE: In circumstances where staff members are legally required to report child abuse to DFFH Child Protection or Victoria Police and they are unable to confirm that the information has been reported by another person at the school or the designated member of school staff does not agree that a report needs to be made, the staff member who has formed the reasonable belief must still contact DFFH Child Protection and Victoria Police to make the report.

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act. This may include making a referral or seeking advice from Child FIRST or The Orange Door (in circumstances where the family are open to receiving support) DFFH Child Protection or Victoria Police.

### **3. Contacting parents or carers**

The Principal must ensure parents and carers are notified unless advised otherwise by DFFH Child Protection or Victoria Police, or there are other safety and wellbeing concerns in relation to informing parents/carers.

The Principal may contact Independent Schools Victoria (ISV) for advice on notifying parents and carers, and where relevant, the wider school community. For further guidance, refer to [PROTECT Contacting parents and carers](#)

### **4. Ongoing protection and support**

The Principal must ensure appropriate steps are taken by the school to protect the child and other children from any continued risk of abuse. This shall include, until such time as the complaint or concern is resolved and in so far as is within the College's power, prohibiting the alleged abuser from having unsupervised contact with any students or other children. These steps must be taken in consultation with any relevant authority such as DFFH Child Protection, the Commissioner for Children and Young People and /or Victoria Police. Ongoing protection will also include further reports to authorities if new information comes to light or further incidents occur.

Appropriate, culturally sensitive and ongoing support must be offered and provided to all affected students. Ongoing support will be based on any available advice from the affected child's parents or carers, health practitioners, and other authorities (such as DFFH Child Protection, the Commissioner for Children and Young People or Victoria Police) and may include referral to wellbeing professionals, development of a safety plan, student support group meetings, and, for student-to-student incidents, behaviour management and support measures.

## 5. Recordkeeping

The Principal will ensure that:

- detailed notes of the incident, disclosure, allegation or suspicion are taken including, where possible, by the staff member or volunteer who reported the incident, disclosure, or suspicion to them,
- detailed notes are taken of any immediate or ongoing action taken by the school to respond to the incident, disclosure, allegation or suspicion,
- all notes and other records relating to the incident, disclosure, allegation or suspicion, including the schools immediate and ongoing actions, are stored securely in confidential digital files (COMPASS) or a locked filing cabinet, and
- that all obligations of the College relating to privacy and employment law are met when responding to complaints and concerns, including by always having regard to the provisions of the College's Privacy Policy and human resources processes and, where appropriate, engaging the assistance of legal professionals with subject matter expertise.

### For school visitors and school community members

All community members aged 18 years or over have legal obligations relating to reporting child abuse – refer to Appendix A for detailed information.

Any person can make a report to DFFH Child Protection or Victoria Police if they believe on reasonable grounds that a child is in need of protection. For contact details, refer to the [Four Critical Actions](#).

Members of the community do not have to inform the school if they are making a disclosure to DFFH Child Protection or the Victoria Police. However, where a community member is concerned about the safety of a child or children at the school, the community member should report this concern to the Principal, or if the concern relates to the Principal or the Principal is otherwise unavailable, to the President, so that appropriate steps to support the student can be taken.

### Additional requirements for all staff

All staff play an important role in supporting student safety and wellbeing and have a duty of care to take reasonable steps to prevent reasonably foreseeable harm to students.

Fulfilling the roles and responsibilities in the above procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse. This means that if, after following the actions outlined in the procedure, a staff member reasonably believes that a child remains at risk of abuse, they must take the following steps:

- if they are concerned that the school has not taken reasonable steps to prevent or reduce the risk, raise these concerns with the Principal in the first instance, and/or escalate to the Board of Directors if they remain unsatisfied, if the concern relates to the Principal or if the Principal is otherwise unavailable.
- report the matter to the relevant authorities where they are unable to confirm that the information has been reported by another staff member.

Staff must refer to Appendix A for further information on their obligations relating to reporting to authorities.

## COMMUNICATION

This policy will be communicated to our school community in the following ways:

- included in student handbook to be prepared in a simple and age-appropriate manner and provided to students at the beginning of the year
- through multiple tailored, age-appropriate sessions with students
- available publicly on our school's [website](#)
- included in staff induction processes and annual staff training
- included in volunteer induction processes and training for relevant volunteers
- discussed at annual staff briefings or meetings
- included in staff handbook or manual
- hard copy available from school administration upon request

## FURTHER INFORMATION AND RESOURCES

The following school policies are relevant to this policy:

- Child Safety Policy
- Child Safety Code of Conduct
- Statement of Values and School Philosophy
- Student Wellbeing and Engagement Policy
- Volunteer Policy
- Duty of Care Policy
- Inclusion and Diversity Policy

## POLICY REVIEW AND APPROVAL

Created date	December 2023
Consultation	Legal team 2023
Endorsed by	Principal and Board of Directors
Endorsed on	2 February 2024
Next review date	1 February 2025

## APPENDIX A

### LEGAL OBLIGATIONS RELATING TO REPORTING CHILD ABUSE

The following information outlines the various legal obligations relating to the reporting of child abuse to relevant authorities.

It is important to note that the procedures outlined in the above policy ensure compliance with the below reporting obligations, and also include additional steps to ensure compliance with our school's duty of care obligations.

#### **Mandatory reporting to Department of Families, Fairness and Housing (DFFH) Child Protection**

The following individuals are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic):

- registered teachers and early childhood teachers (including principals and school staff who have been granted permission to teach by the VIT)
- school counsellors including staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare coordinators, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff
- nurses
- registered psychologists
- police officers
- registered medical practitioners
- out of home care workers (excluding voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- people in religious ministry
- midwives

All mandatory reporters must make a report to the Department of Families, Fairness and Housing (DFFH) Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/ or sexual abuse; and
- the child's parents or carers have not protected, or are unlikely to protect, the child from harm of that type.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Australian Islamic Centre College to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the principal or any other mandatory reporter does not share their belief that a report is necessary.

If charged with not making a mandatory report, it may be a defence for the person charged to prove that they honestly and reasonably believed that all of the reasonable grounds for their belief had been the subject of a report to child protection made by another person.

The identity of a person who reports any protective concerns to DFFH Child Protection is protected by law. It is an offence for a person, other than the person who made the report, to disclose the name of the person who made a report or any information that is likely to lead to their identification.

At our College, all mandated staff must undertake training about *Mandatory Reporting* annually. We also encourage all other staff to undertake this training, even where they are not mandatory reporters.

The policy of the Department of Education and Training (DET) requires **all staff** who form a reasonable belief that a child is in need of protection to discuss their concerns with the school leadership team and to report their concerns to DFFH and in some circumstances to Victoria Police, or to ensure that all the information relevant to the report has been made by another school staff member.

Any person can make a report to DFFH Child Protection (131 278 – 24 hour service) if they believe on reasonable grounds that a child is in need of protection even if they are not a mandatory reporter listed above.

#### Reporting student wellbeing concerns to Child FIRST/Orange Door

At Australian Islamic Centre College, we also encourage staff to make a referral to Child FIRST/Orange Door when they have significant concern for a child's wellbeing. For more information about making a referral to Child FIRST/Orange Door see the Policy and Advisory Library: [Protecting Children – Reporting and Other Legal Obligations](#).

#### Reportable Conduct

The Reportable Conduct Scheme is focussed on worker and volunteer conduct and how organisations investigate and respond to suspected child abuse. The scheme aims to improve organisational responses to suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children.

There are five types of 'reportable conduct' listed in the *Child Wellbeing and Safety Act 2005*:

- sexual offences against, with or in the presence of, a child
- sexual misconduct (which includes grooming) against, with or in the presence of, a child
- physical violence against, with or in the presence of, a child
- behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

A reportable conduct allegation is made where a person makes an allegation, based on a reasonable belief, that a worker or volunteer has committed reportable conduct or misconduct that **may** involve reportable conduct.

If school staff or volunteers become aware of reportable conduct by any current or former employee, contractor or volunteer, they must notify the school principal immediately. If the allegation relates to the principal, they must notify the Board of Directors Chairman.

The Principal and the Chairman has a legal obligation to inform the Commission for Children and Young People when an allegation of reportable conduct is made.

For more information see the Commission for Children and Young People's [website](#).



## Failure to disclose offence

Reporting child sexual abuse is a community-wide responsibility. All adults (i.e. persons aged 18 years and over) whether in Victoria or elsewhere, not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they have information that leads the person to form a 'reasonable belief' that a sexual offence has been committed in Victoria against a child under the age of 16 by another person of or over the age of 18 years.

Failure to disclose information to Victoria Police (by calling 000, local police station or the Police Assistance Line 131 444) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"Reasonable belief" is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed when:

- a child 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 a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

"Reasonable excuse" is defined by law and includes:

- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
- where the information has already been disclosed to Victoria Police and you have no further information to add (for example, through a mandatory report to DFFH Child Protection or a report to Victoria Police from another member of school staff).

## Failure to protect offence

The Failure to Protect offence provides that a person who:

- by reason of the position s/he occupies within a relevant organisation (such as the College), has the power or responsibility to reduce or remove a substantial risk that a relevant child 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 relevant organisation; and
- 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.

### Identification of Substantial Risk

- The offence requires a person in authority to reduce or remove a known 'substantial' risk that an adult associated with the organisation may commit a sexual offence against a relevant child.

- This may include removing the adult (i.e. persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.
- If a School staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.
- It does not make it a criminal offence to fail to address every possible risk that a sexual offence may be committed against a child. There are a number of factors that may assist in determining whether a risk is a substantial risk. These include:
  - the likelihood or probability that the 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.
- When determining whether a risk is substantial, the courts will consider a variety of factors, which may include those listed above. The courts will consider all the facts and circumstances of the case objectively, and will consider whether a reasonable person would have judged the risk of a sexual offence being committed against the child abuse as substantial. It is not necessary to prove that a sexual offence, such as indecent assault or rape, was committed.
- Staff must report to police if a child is in immediate risk of being sexually abused by calling Triple Zero (000). Alternatively, staff can contact the closest local police station to the School, Williamstown Police Station on telephone: (03) 9393 9555, or find their local police station using the following web link [Find my local police station](#).

#### **Negligent failure to reduce or remove a substantial risk**

- Under the offence, a person is taken to have negligently failed to reduce or remove a substantial risk if that failure involves a great falling short of the standard of care that a reasonable person would exercise in the same circumstances. The offence does not require a person in authority to eliminate all possible risks of child sexual abuse.

#### **Actions to be taken**

- Any member of the school community aged 18 years or over forms a reasonable belief that grooming is taking place or that there is a substantial risk of child sexual abuse occurring.
- Member of the school community notifies the Principal (or the President, if the concern relates to the Principal or the Principal is otherwise unavailable) and the Police and other relevant authorities are notified, regardless of whether the law requires that such notifications occur.
- Take steps to protect the child including reduction or removal of risk.
- Subject to guidance from the Police, follow school policies on investigations. Members of the school community to cooperate with Police at all times.

#### **Further information**

For more information about the offences and reporting obligations outlined in this fact sheet refer to: [Protecting Children — Reporting and Other Legal Obligations](#).

## APPENDIX B: MANAGING DISCLOSURES OF CHILD ABUSE

### Important information for staff

#### ***When managing a disclosure relating to child abuse you should:***

- listen to the student and allow them to speak
- stay calm and use a neutral tone with no urgency and where possible use the child's language and vocabulary (you do not want to frighten the child or interrupt the child)
- be gentle, patient and non-judgmental throughout
- highlight to the student it was important for them to tell you about what has happened
- assure them that they are not to blame for what has occurred
- do not ask leading questions, for example gently ask, "What happened next?" rather than "Why?"
- be patient and allow the child to talk at their own pace and in their own words
- do not pressure the child into telling you more than they want to, they will be asked a lot of questions by other professionals, and it is important not to force them to retell what has occurred multiple times
- reassure the child that you believe them and that disclosing the matter was important for them to do
- use verbal facilitators such as, "I see", restate the child's previous statement, and use nonsuggestive words of encouragement, designed to keep the child talking in an open-ended way ("what happened next?")
- tell the child in age appropriate language you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate (for a young child this may be as simple as saying "I will need to talk to people to work out what to do next to help you")
- Take prompt action in relation to following the procedures outlined below.

#### ***When managing a disclosure you should AVOID:***

- displaying expressions of panic or shock
- asking questions that are investigative and potentially invasive (this may make the child feel uncomfortable and may cause the child to withdraw)
- going over the information repeatedly (you are only gathering information to help you form a belief on reasonable grounds that you need to make a report to the relevant authority)
- making any comments that would lead the student to believe that what has happened is their fault
- making any promises you will keep the information the student provided confidential
- making promises to the child about what will occur next or that things will be different given the process can be unpredictable and different for each child depending on their circumstances (instead reassure them that you and others will do your best to help).