

## Child Protection and Mandatory Reporting Policy

<b>Approved:</b> College Board	<b>Date approved:</b> 27 February 2025
<b>Responsible Officer:</b> The Principal	<b>Policy Review Date:</b> Term 4 2027

### TABLE OF CONTENTS

1	Rationale	2
2	Scope	2
3	KEY ELEMENTS OF THIS POLICY	2
3.1	Identifying children in need of child protection	2
3.2	Mandatory reporting of child abuse	5
3.3	Reporting criminal offences	9
3.4	Reporting obligations under the Reportable Conduct Scheme	10
3.5	Duty of care reporting obligations	13
3.6	Child Information Sharing Scheme	13
3.7	Working with Children Checks and VIT registration	13
4	REPORTING PROCEDURES AT LYREBIRD COLLEGE	13
4.1	Guiding principles	13
4.2	Roles & responsibilities within the College	13
4.3	Reporting procedure	14
4.4	College specific procedures for taking a report of a concern or incident	15
4.5	College specific procedures for making a report regarding abuse or neglect	15
4.6	Special procedures where concerns or allegations involve student sexual offending	16
4.7	Special procedure where concerns or allegations involve College staff	16
4.8	Confidentiality and privacy	17
5	SUPPORT FOR CHILDREN CONNECTED WITH ALLEGED ABUSE	17
6	BREACH OF POLICY	17
7	RAISING AWARENESS	18
8	EVALUATION	18
9	DEFINITIONS	19
	APPENDIX 2	22

## **1 Rationale**

Lyrebird College takes a zero tolerance approach to child abuse and is fully committed to protecting children from harm. While any child can be victim to sexual abuse, children who have a disability such as an Autism Spectrum Disorder are more likely to become victims, and are disproportionately abused. Every adult working or volunteering within a child-connected environment, such as the College, has responsibilities under Victoria's Child Protection Framework, which includes the Victorian Child Safe Standards, reportable conduct scheme, Working With Children legislation, duty of care, mandatory reporting laws and criminal laws.

This policy sets out the appropriate response to child abuse reports and allegations as a guide to all staff, including volunteers, in meeting their responsibilities within Victoria's Child Protection Framework. This includes responding to suspected abuse or neglect perpetrated by staff within our College or by other persons. Fulfilling the roles and responsibilities contained in this policy and these procedures is not intended to displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

## **2 Scope**

This policy applies to all staff members and employees of Lyrebird College (see definitions section at the end of the policy), including volunteers and contractors. All staff are required to adhere to this policy and the procedures described, which must be read and acknowledged as part of the employment process. The policy applies to all aspects of the College programs and operations, including all College events, camps and excursions, as well as special events organised or attended by the College.

This policy and the procedures apply to allegations or disclosures of child abuse made by or in relation to a child, school staff, visitors, or other persons while connected to a school environment.

**If you believe a child is at immediate risk of abuse phone 000.**

Lyrebird College is committed to compliance with the following prescriptive legal and regulatory Acts: Children, Youth and Families Act 2005

- Child Wellbeing and Safety Act 2005
- Education and Training Reform Act 2006
- Working with Children Act 2005 Crimes Act 1958 (Vic)
- Family Violence Protection Act 2008
- Victorian Crimes Act 1958 Worker Screening Act 2020

## **3 KEY ELEMENTS OF THIS POLICY**

### **3.1 Identifying children in need of child protection**

A person who believes on reasonable grounds that a child is in need of protection must report their belief and the grounds to Child Protection or Victoria Police. In order to perform these reporting obligations, College staff must be able to identify the indicators of a child who may be in need of protection.

The grounds on which a child is in need of protection include:

- where the child has been abandoned by his or her parents and after reasonable enquiries the parents cannot be found, and no other suitable person can be found who is willing and able to care for the child

- 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
- where the child has suffered or is likely to suffer emotional or psychological harm of such a kind that his or her emotional or intellectual development is, or is likely to be, damaged and the child's parents have not protected or are unlikely to protect the child
- where the child's physical development or health has been, or is likely to be, significantly harmed, and the child's parents have not or are unlikely to arrange for basic care or effective medical, surgical or other remedial care for the child

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

Child abuse includes:

- any act committed against a child involving a sexual offence or grooming
- inflicting on a child any physical violence or serious emotional or psychological harm
- serious neglect of a child

The table below explains different forms of child abuse:

<b>Sexual offences</b>	A sexual offence occurs when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child's age and development. Sexual offences are governed by the <i>Crimes Act 1958</i> (Vic). Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.
<b>Grooming</b>	Grooming refers to predatory conduct undertaken by an adult (18 years or over) to prepare a child for sexual activity at a later time. It is a sexual offence under section 49M of the <i>Crimes Act 1958</i> (Vic) carrying a maximum 10-year term of imprisonment. Under section 49M, the adult's words or conduct must be intended to facilitate the child engaging or being involved in the commission of, or attempt to commit, a sexual offence by the adult or another adult.
<b>Physical violence</b>	Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or using weapons (such as belts and paddles). Physical harm may also be caused during student fights.
<b>Serious emotional or psychological harm</b>	Serious emotional or psychological abuse may occur when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological harm could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.
<b>Serious neglect</b>	Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. Significant neglect causes harm to a child that is more than trivial or temporary. Serious neglect is when the child is exposed to an extremely dangerous

	or life-threatening situation and there is a continued failure to provide a child with the basic necessities of life.
<b>Family violence</b>	Family violence is defined under the <i>Family Violence Protection Act 2008</i> (Vic) to include behaviour that causes a child to hear, witness or be exposed to the effects of family violence such as abusive, threatening, controlling or coercive behaviour. While family violence does not form part of the official definition of 'child abuse' in the <i>Child Wellbeing and Safety Act 2005</i> (Vic), the impact of family violence on a child can be a form of child abuse, for example, where it causes serious emotional or psychological harm to a child. A child can also be a direct victim of family violence.

A person may identify that a child is in need of protection because the child discloses that he or she has been abused or neglected. Children with an Autism Spectrum Disorder and other disabilities may experience significant barriers disclosing an incident, therefore, it may be necessary for the adult to whom the disclosure is being made to offer supports to assist the child to make the disclosure. For example, children with language impairments may need help explaining the incident through the use of assistive technologies or other aids. Lyrebird College will utilise aids and resources, such as the [Scope Toolkit](#), to support children to make disclosures.

Where a child does not disclose the abuse or neglect, College staff need to be guided by indicators of child abuse and neglect, which can be physical or behavioural or a combination of both. While the presence of a single indicator, or even several indicators, does not necessarily prove that abuse or neglect has occurred, the repeated occurrence of either a physical or behavioural indicator, or the occurrence of several indicators together, should alert College staff to the possibility of child abuse or neglect.

The following are indicators of abuse that staff should be aware of:

- Physical abuse

*Physical indicators* could include bruises, burns, fractures (broken bones), cuts and grazes to the face, and multiple injuries including internal injuries.

*Behavioural indicators* could include disclosure of an injury inflicted by someone else, wearing unusual clothes to hide injuries, wariness or fear of a parent, reluctance to go home, habitual absences from school without explanation and regressive behaviour

- Sexual abuse

*Physical indicators* could include injury to the genital area, discomfort in toileting, the presence of sexually transmitted diseases, pregnancy, bruising to breasts, buttocks and thighs, and anxiety related illnesses (anorexia/bulimia)

*Behavioural indicators* could include disclosure of sexual abuse, age inappropriate sexual activity or behaviour, drawings that are sexually explicit, writing stories that are sexually explicit, increase in rocking, sucking or biting, regressive behaviour, truancy, depression, delinquent or aggressive behaviour, and sudden decline in school performance

- Emotional abuse

*Physical indicators* could include speech disorders, delays in physical development and failure to thrive

*Behavioural indicators* could include being overly compliant, passive and undemanding behaviour, attention-seeking behaviour, poor self-image, age/developmentally inappropriate behaviour, fear of failure, and depression

- Serious neglect and medical neglect

*Physical indicators* could include consistently being unwashed, inappropriate dressing for weather conditions, consistent hunger and tiredness, and unattended health problems

*Behavioural indicators* could include begging or stealing food, gorging food, alienation from peers, withdrawal, aggressive behaviour, appearing miserable and irritable, and poor attendance at school

In addition to the difficulties faced by children with an Autism Spectrum Disorder in disclosing abuse, some children from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police and communicating in English may be a barrier for some. Lyrebird College staff need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present.

If an allegation of abuse involves an Aboriginal child, we need to ensure a culturally appropriate response. A way to assist in ensuring this could be to engage with a local Aboriginal community group or an Aboriginal community controlled organisation to review College policy and procedures.

For further definitions of all types of child abuse, a comprehensive list of the indicators of harm and advice on identifying perpetrators of child sexual abuse, refer to [Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

### **3.2 Mandatory reporting of child abuse**

#### **Who is a mandatory reporter and when should they make a report?**

Mandatory reporting is a legal requirement under the *Children, Youth and Families Act 2005* (Vic) (CYFA) to protect children from harm relating to physical injury and sexual abuse. A child, for the purposes of the mandatory reporting provisions of the CYFA, is any person under 17 years of age. The College Principal and teachers are mandatory reporters under the CYFA (see the definitions section at the end of the policy for the full definition of mandatory reporters).

At Lyrebird College, College staff who are mandatory reporters are required by law to report to relevant authorities all matters in which they have formed a reasonable belief that a child is in need of protection because he/she (the child) has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and his/her (the child's) parents have not protected, or are unlikely to protect, him/her (the child). It is the relevant authorities (Child Protection and/or Victoria Police) who have the role of investigating an allegation of child abuse.

Staff members should discuss any concerns they may have about the safety and wellbeing of students with the Principal prior to making a report to authorities. This will enable the College to best provide support to the child, their family and our staff, where appropriate. Note that Child FIRST can also be contacted for advice if desired.

There may be times when two or more mandatory reporters – for example, a teacher and the Principal – have formed a belief about the same child on the same occasion. In this situation it is sufficient for only one of the mandatory reporters to make a report. The other staff member is obliged to ensure that the report has been made, and that all of the grounds for that staff member's own belief were included in the report made by the other staff member.

If the Principal does not wish to make a mandatory report, this does not discharge the mandatory reporter's obligation to do so if he or she has formed a reasonable belief that abuse may have occurred. If the mandatory reporter's concerns continue, even after consultation with the Principal, that staff member is still legally obliged to make a mandatory report of his or her concerns.

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.

To assist mandatory reporters to comply with their reporting obligations, the College uses the threshold for reporting child protection incidents, disclosures, concerns or suspicions set by the Protect guidance developed for Government, Catholic and Independent Schools, [Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools](#). This guidance focuses on Four Critical

Actions (refer to section 4.2 below and Appendix 1) that College staff must take if they form a suspicion or reasonable belief that child abuse has occurred, or that a child is at risk of suffering abuse.

### **When does a staff member form a 'reasonable belief'?**

Where College staff members are concerned about the safety and wellbeing of a child, they must assess that concern to determine if a report should be made to the relevant agency. If a staff member has witnessed potentially abusive behaviour, has a suspicion or has received a disclosure of child abuse, they must determine whether these observations or receipt of such information have caused the staff member to form a 'reasonable belief'.

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than 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.

A reasonable belief might be formed if:

- a child states that they have been physically or sexually abused
- any person tells you that they believe someone has been abused; this may include a child who is talking about themselves
- you observe physical or behavioural indicators of abuse, as described in section 3.1 above (see also [Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools](#))
- a child exhibits sexually abusive or age-inappropriate behaviour(s)
- professional observations of the child's behaviour or development cause you to form a belief that the child has been physically or sexually abused or is likely to be abused

While any indicators of possible child abuse or neglect are concerning, it is important to understand that the presence of a number of indicators that suggest either physical or sexual abuse of a child may be sufficient to form a reasonable belief in a staff member's mind which must be reported.

### **Making a report to Child Protection**

The CYFA allows for two types of reports to be made in relation to significant concerns for the safety or wellbeing of a child – a report to Child Protection or a referral to Child FIRST.

A report to Child Protection should be considered if, after taking into account all of the available information, the staff member forms a view that the child is in need of protection, because:

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

Where, during the course of carrying out his or her normal duties, a staff member forms the belief on reasonable grounds that a child is in need of protection, a report to Child Protection regarding this belief, and the reasonable grounds for it, should be made as soon as practicable to do so.

Staff members may form a professional judgment or belief, in the course of undertaking their professional duties, based on:

- warning signs or indicators of harm which have been observed or inferred from information about the child
- legal requirements, such as mandatory reporting
- knowledge of child and adolescent development
- consultation with colleagues and other professionals
- professional obligations and duty of care responsibilities
- established protocols and internal policies and procedures at the College

The following information is requested when making a report:

- the child's name, age and address
- the reporting person's reason for believing that the injury or behaviour is the result of abuse;

- the reporting person's assessment of immediate danger to the child or children (information may be requested about the whereabouts of the alleged abuser/s)
- the reporting person's description of the injury or behaviour observed
- the current whereabouts of the child
- any other information about the family
- the reporting person's relationship to the child

When making a report to Child Protection, the name of the Protective Worker receiving the report must be obtained.

When receiving a report, Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required. In most circumstances, Child Protection will inform the reporter of the outcome of the report.

### **Making a referral to Child FIRST**

A referral to Child FIRST should be considered if, after taking into account the available information, a staff member forms a view that the concerns have a low to moderate impact on the child, and the immediate safety of the child is not compromised.

A referral to Child FIRST can connect children and their families to the services they need, when the following factors may affect a child's safety, stability or development:

- significant parenting problems that may be affecting the child's development
- family conflict, including family breakdown
- families under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- young, isolated and/or unsupported families
- significant social or economic disadvantage that may adversely impact on a child's care or development

On receiving a referral from a staff member, the Child FIRST team will conduct a further assessment of the family and may consult an experienced community-based Child Protection practitioner. This assessment may lead to the involvement of a local family services organisation. In most circumstances, Child FIRST will inform the referrer of the outcome of the referral.

If a Child FIRST team or a registered family services organisation forms a view that a child is in need of protection, they must report the matter to Child Protection.

If there is uncertainty about whom to report or refer to, contact can be made with either Child Protection or Child FIRST for further advice.

### **Contacts for making report or seeking advice**

Department of Fairness, Family and Housing	East Division Intake - 1300 360 452 <a href="#">Reporting Child Abuse</a>
Child Protection Emergency after hours	131 278
Child FIRST	1300 369 146

### **Protecting the identity of the reporter**

Confidentiality is provided for reporters under the CYFA. The CYFA prevents disclosure of the name of, or any information likely to lead to, the identification of a person who has made a report under the Act, except in specific circumstances. It is an offence for any person, other than the person making the report, to breach this obligation of confidentiality.

The identity of a reporter must remain confidential, unless:

- the reporter chooses to inform the child or family of the report
- the reporter consents in writing to his or her identity being disclosed
- a court or tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child

- a court or tribunal decides that, in the interests of justice, the reporter is required to attend court to provide evidence

Information provided during a protective investigation may be used in a court report if the risks to the child require the case to proceed to court. In these circumstances, the reporter may be required to provide evidence to the court.

If Child Protection decides that the report raises significant concerns about the wellbeing of a child, it may refer the report to a community-based child and family service, and disclose the identity of the reporter to that service.

However, the CYFA provides that neither Child Protection nor the community-based child and family service may disclose the reporter's identity to any other person without the reporter's consent.

Note, in addition, that if a report is made in good faith:

- it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter
- the reporter cannot be held legally liable in respect of the report
- it is the responsibility of Child Protection, Child FIRST or Victoria Police to investigate the matters reported

### **Reporting to Victoria Police**

If there is an allegation of physical abuse or sexual abuse against a staff member or visitor to the College (that is, where the source of the abuse comes from within the College), the Principal must be informed and the matter must be immediately reported directly to Victoria Police for investigation, by telephoning the emergency number 000. If the allegation relates to the Principal, the Chair of the College Board must be informed, and is required to report the matter to Victoria Police.

### **Failure to report**

A failure by mandatory reporters to report a reasonable belief that a child is in need of protection from significant harm as a result of physical or sexual abuse is an offence under the CYFA, and may result in the staff member being prosecuted and a court imposing a fine.

### **Informing parents and guardians**

Staff members do not require the permission of parents or guardians to make a report to or undertake an interview with Child Protection, nor are they required to tell parents or guardians that they have done so. It is the responsibility of Child Protection to advise parents or guardians as soon as possible of any interview. This should occur by the time the child arrives home, or before this time.

### **Confidentiality**

Staff members must respect confidentiality when dealing with cases of suspected child abuse and neglect. They may only discuss case details and the identity of the child and the child's family with those directly involved in the management of the child's situation.

### **Staff awareness**

All mandatory reporters will be given training about their mandatory reporting obligations. Staff who are mandatory reporters will be reminded at the start of each year of their obligations with regard to mandatory reporting as outlined in this policy.

## **3.3 Reporting criminal offences**

### **Reporting sexual offences involving children**

An act involving a child that is sexual in nature is a criminal offence and must be reported to Victoria Police. Such offences include:

- rape
- indecent assault
- incest

- sexual penetration of or indecent act with a child
- grooming, that is, communicating with a child under the age of 16 years or with a person under whose care, supervision or authority the child is, with the intention of facilitating the child's involvement in a sexual act. All adults are required to report to police if they know or reasonably believe that a sexual offence has been committed by an adult against a child under the age of 16.

There are serious penalties for failing to act in relation to sexual offences involving children. Specifically, a person who fails to make a report may be convicted of one of two offences:

- Failure to disclose a sexual offence
- Failure to protect a child

To assist College staff to comply with their reporting obligations in relation to sexual offences involving children, the College uses the threshold for reporting child protection incidents, disclosures, concerns or suspicions set by the Protect guidance for Government, Catholic and Independent Schools, [Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools](#). This guidance sets out the Four Critical Actions (refer to section 4.2 below and Appendix 1) that all College staff must take if they suspect a sexual offence involving a child has occurred.

### **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 the age of 16 has an obligation to report that information to Victoria Police.

However, a report is not required to be made to Victoria Police if the person required to make the report has a reasonable excuse for not doing so.

A reasonable excuse includes:

- the person reasonably fears for the safety of any person (other than the alleged perpetrator of the offence) if Victoria Police were informed
- the person reasonably believes that Victoria Police have already been informed about the information
- the information came from the victim when he or she was over 16 years of age and the victim requested that the information not be disclosed (except if the victim had an intellectual disability and did not have the capacity to make an informed decision)
- where the information was a confidential communication from the victim to a registered medical practitioner or counsellor who is treating the victim for an emotional or psychological condition.

A person who makes a report to Victoria Police in good faith will not be liable in any way for making the disclosure and their identity will be confidential, unless they disclose their identity themselves or consent to it being disclosed or a Court considers it necessary for them to be identified.

### **Failure to protect offence**

This offence provides, that a person, who by reason of the position of authority he or she occupies within a relevant organisation, 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, who 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.

At Lyrebird College, those in positions of authority include the Principal and the lead teacher. This offence means that if these staff members become aware that an adult associated with the College poses a risk of sexual abuse to a child under 16 who is in the care or supervision of the College, that staff member must take all reasonable steps to reduce or remove that risk.

### **3.4 Reporting children in need of therapeutic treatment**

Any person who believes on reasonable grounds that a child over 10 but under 15 years of age has been exhibiting sexually abusive behaviours and may be in need of therapeutic treatment should make a report to Child Protection.

Sexually abusive behaviours can be exhibited when a child uses their power, authority or status to engage another person in sexual activity that is unwanted, or where the other party is incapable of giving informed consent, such as other children who are younger or who have cognitive impairments.

College staff should follow the reporting procedures set out in section 4 below.

### **3.5 Reporting obligations under the Reportable Conduct Scheme**

#### **College's obligations**

The Reportable Conduct Scheme requires schools to notify the Commission for Children and Young People if an allegation of reportable conduct (a reportable allegation) is made against one of their 'employees' (see definition in section 9 below). The Scheme does not change mandatory reporting or other reporting obligations, including internal reporting and reporting criminal behaviour to Victoria Police. Reportable conduct reporting should be done in addition to these other reporting obligations.

At Lyrebird College, the Principal is responsible for ensuring the College's compliance with its obligations under the Reportable Conduct Scheme. In particular, the Principal will ensure that the College has in place:

- a system for preventing the commission of reportable conduct by an employee of the College within the course of his or her employment
- a system for enabling any person, including employees of the College, to notify the Principal of a reportable allegation of which the person becomes aware, or to notify the Chair of the College Board of an allegation involving the Principal
- a system for investigating and responding to a reportable allegation against an employee of the College.

The Principal must investigate and report to the Commission allegations of reportable conduct, or misconduct that may involve reportable conduct, committed by College staff.

#### **Reportable allegation**

Any person, including employees, students, parents/guardians, or members of the public, may form a reasonable belief that an employee of the College has engaged in reportable conduct, or misconduct that may involve reportable conduct.

A reportable allegation must be made to the Principal:

- in writing addressed to the Principal in a sealed envelope marked 'Private and confidential' and delivered to the College office or to the Principal's office
- in writing sent by post in an envelope marked 'Private and confidential' and addressed to:

The Principal  
Lyrebird College  
5/12 Kelso Street  
Coldstream 3770

- by email marked – Reportable Conduct – and sent to – [admin@lyrebirdcollege.vic.edu.au](mailto:admin@lyrebirdcollege.vic.edu.au)
- by telephone advising that the person wishes to report an allegation of reportable conduct to the Principal – Telephone: 0407 175 507

Where a verbal report is made via telephone, the person should provide a written report to the Principal within 48 hours of the verbal report.

If the person has information of a reportable allegation involving the Principal, the person must directly notify the Chair of the College Board:

- in writing addressed to the Chair in a sealed envelope marked 'Private and confidential' and delivered to the College office
- in writing sent by post in an envelope marked 'Private and confidential' and addressed to:

The Chair  
Lyrebird College Board  
5/12 Kelso Street  
Coldstream 3770

- by email marked – Reportable Conduct – and sent to –  
Melissa.handbury@lyrebirdcollege.vic.edu.au

A reportable allegation may also be made directly to the Commission at:

Commission for Children and Young People  
Level 18, 570 Bourke Street  
Melbourne Vic 3000

By telephone: (03) 8601 5281  
By email: [childsafestandards@ccyp.vic.gov.au](mailto:childsafestandards@ccyp.vic.gov.au)

A report may be made whether or not the conduct or misconduct is alleged to have occurred within the course of the employee's employment with the College.

### Reportable allegation investigation

As soon as practicable after becoming aware of a reportable allegation against an employee, the Principal will commence an investigation, which may include appointing an independent investigator. Depending on the nature of the allegation, the Principal may follow the processes set out in the other College policies.

Generally, the person appointed to conduct the investigation will decide on the appropriate process for the investigation, taking into account the principles of natural justice, and will advise the parties of such matters.

The investigator will, as soon as practicable to do so:

- conduct an investigation into the allegation
- conduct interviews of relevant persons and seek any further information he/she deems necessary
- provide to the Principal a confidential report of his/her findings in relation to the allegation against the employee
- if requested, make recommendations about what disciplinary or other action should be taken (if any)

The Principal will consider the findings, and recommendations if any, and determine what further action, if any, to take in relation to the allegations.

If an allegation involves a possible criminal offence, the Principal will first obtain clearance from Victoria Police before beginning an investigation.

### Notification to Commission

The Principal is responsible for notifying the Commission of a reportable allegation in line with the Reportable Conduct Scheme and for investigating such allegations and providing the findings to the Commission. If the Principal becomes aware of a reportable allegation against an employee of the College, they will notify the Commission in writing of the following:

Within 3 business days after becoming aware of the allegation	<ul style="list-style-type: none"><li>• the name and date of birth (if known) of the employee involved</li><li>• whether Victoria Police has been contacted</li></ul>
---	---

	<ul style="list-style-type: none"> <li>• contact details for the College and the Principal</li> </ul>
As soon as practicable and within 30 calendar days	<ul style="list-style-type: none"> <li>• details of the allegation</li> <li>• details of the College's response to the allegation</li> <li>• reasons for whether or not any disciplinary or other action is proposed</li> <li>• any written response from the employee concerning the allegation that the employee wished to have considered in determining what, if any, disciplinary or other action should be taken</li> </ul>
Advice on investigation – as soon as practicable	<ul style="list-style-type: none"> <li>• name of investigator</li> </ul>
Outcomes of investigation – as soon as practicable	<ul style="list-style-type: none"> <li>• a copy of the findings and reasons for the findings</li> <li>• details of any disciplinary or other action that the Principal proposes to take</li> <li>• reasons for taking or not taking any disciplinary or other action</li> </ul>
Additional documents and information	<ul style="list-style-type: none"> <li>• any information or documents relating to the allegation or an investigation that the Commission may request</li> </ul>

### **3.6 Duty of care reporting obligations**

College staff have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care they should take immediate action.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, College staff can discharge this duty of care by taking action which includes the following:

- reporting their concerns to the DFFH Child Protection or another appropriate agency (as identified in this policy)
- notifying the Principal of their concerns and the reasons for those concerns

In addition, reasonable steps include giving the child supports they need, such as arranging counselling and/or other appropriate welfare support for the child and sharing information with other staff who will also be responsible for monitoring and providing ongoing support to the child.

### **3.7 Child Information Sharing Scheme**

Lyrebird College provides a respectful, safe, positive and supportive school that aims to protect all children and in particular children with an Autism Spectrum Disorder. Lyrebird College is committed to the Information Sharing and Family Violence Reform Ministerial Guidelines made under section 41ZA of the Child Wellbeing and Safety Act, ensuring that our organisational policies and practices meet all Information Sharing and Family Violence Reform guidelines inclusive of:

- Child Information Sharing Scheme (CISS)
- Family Violence Information Sharing Scheme (FVISS)
- Multi-Agency Risk Assessment and Management Framework (MARAM)

### **3.8 Working with Children Checks and VIT registration**

In accordance with the Child Safety Policy, all College staff must undergo a Working with Children Check (WWC Check). Teachers registered with the Victorian Institute of Teaching (VIT) are not required to have a WWC Check.

The College must immediately notify the VIT if the College becomes aware that a teacher has been charged with or committed for trial or convicted of a sexual offence (including grooming and child pornography offences). The College is required to notify VIT if the College has taken action against a registered teacher in response to allegations of serious misconduct.

## **4 REPORTING PROCEDURES AT LYREBIRD COLLEGE**

### **4.1 Guiding principles**

The procedures should be followed in line with the following principles:

- the welfare of the alleged victim(s) involved remains paramount
- children with an Autism Spectrum Disorder are offered supports to assist with making disclosures about child abuse and neglect and to minimise harm during and after the reporting process
- the trust of the person making the allegation is maintained
- confidentiality is provided for all children, teachers and families involved
- access to support is provided, both internally and through any appropriate external agency, to all children, teachers and families involved, as needed

By following these procedures, those charged with the responsibility of reporting allegations of abuse can form a comprehensive understanding of all related matters and incidents. These procedures acknowledge that issues of abuse and reporting are often highly emotional, and by discussing concerns with the Principal, the person making the allegation can:

- view their concerns objectively
- be supported against feelings of isolation and vulnerability
- be supported in dealing with their emotional responses or related personal experiences
- further support the alleged victim

### **4.2 Roles and responsibilities within the College**

Every staff member has responsibility for responding appropriately to a child who makes or is affected by an allegation of child abuse in accordance with this policy and these procedures.

The Principal has additional responsibilities under the procedures as set out below, including:

- promptly managing the College's response to an allegation or disclosure of child abuse, and ensuring that the allegation or disclosure is taken seriously
- monitoring overall compliance with this procedure

In the event that the Principal is unable to perform his or her role, a staff member who is a senior teacher will be appointed by the College Board to act in the Principal's role.

### **4.3 Reporting procedure**

There are Four Critical Actions (Appendix 1) which staff must take when responding to and reporting a child protection incident, disclosure or suspicion:

1. Responding to an Emergency
2. Reporting to Authorities
3. Contacting Parents/Carers
4. Providing Ongoing Support

**Critical Action 1** arises where a child is at *imminent risk of harm* or in *immediate danger*. This requires:

- separating the alleged victim and others involved, ensuring that if the parties involved are all present at the school, they are supervised separately by a staff member
- arranging and providing urgent medical assistance where necessary, including administering first aid or calling 000 for an ambulance
- calling 000 for urgent police assistance if the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person.

**Critical Action 2** involves reporting all forms and instances of suspected or alleged child abuse to the appropriate authority in accordance with this sections 3.1-3.3 of this policy.

College staff are required to report any instance of serious abuse or neglect (cases in which a child has suffered, or is likely to suffer, significant harm from abuse or neglect) to Victoria Police or Child Protection and to document the report with advice/support from the Principal immediately or no later than before ending that person's work day.

If the child protection incident has occurred at the college, college staff should also ensure that reasonable steps are taken to preserve the environment, the clothing and other items and to prevent any potential witnesses (including school staff members, volunteers and contractors) from discussing the incident until Victoria Police or relevant authorities arrive on the premises.

Note that the Principal is available for advice and support in any matter concerning potential child abuse. The Principal has ultimate responsibility for managing the College's response to any allegations or disclosures of child abuse, and for monitoring the College's compliance with this policy and these procedures.

In the case of an allegation of sexual abuse, the Principal will immediately inform the Chair of the College Board.

**Critical Action 3** involves contacting parents/carers. Where it is suspected that a child at the school has been or is at risk of being abused, it is critical that parents/carers of the child are notified as soon as practicable after a report is made to the authorities. The College must always seek advice from Victoria Police or DFFH Child Protection to ensure that it is appropriate to contact the parents/carers, especially in cases of family violence.

**Critical Action 4** is to providing ongoing support to students impacted by a child protection matter to ensure that they feel supported and safe at school, in accordance with section 5 below.

#### **4.4 College specific procedures for taking a report of a concern or incident**

College staff must make a clear and contemporaneous record of any disclosure or allegation of child abuse made to them. Accurate records of all supportive and protective measures, meetings, interviews, telephone conversations and the procedures followed by the College and its response will be maintained and stored securely in accordance with the College's privacy obligations and under the supervision of the Principal.

In taking a report of a concern, or of an incident, from others within the college, College staff are:

- not to assess the validity of such allegations or concerns, but to report all allegations or concerns to the Principal (the validity of an allegation will then be assessed in the manner described in this policy and these procedures)
- to disregard factors such as the authority or position of the persons involved and any pre-existing views about the good character, or otherwise, of any person involved or under investigation

In situations where a child is making an allegation, College staff member is required to:

- try and separate them from the other children discreetly and listen to them carefully
- listen to the allegation or disclosure supportively, without dispute
- if required, use aids and resources (such as the [Scope toolkit](#)) to assist children with complex communication needs to make the disclosure
- clarify the basic details, without seeking detailed information or asking suggestive or leading questions, using the Child Safety Incident Form as a guide

- let the child use their own words to explain what has occurred
- reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing
- explain to them that this information may need to be shared with others in order to stop what is happening, such as with their parent/carer, specific people within the College, or Victoria Police
- do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe
- provide reassurance that the school will take immediate action in response to the allegation
- do not leave the child in a distressed state – if they seem at ease in your company, stay with them
- as soon as possible after the disclosure, record the information using the child's words and report the disclosure to the Principal, Police or Child Protection, as required
- record on the Child Safety Incident Form what was said (where possible, noting the exact words used by the person making the allegation), signing and dating it
- report the matter in accordance with this policy and these procedures
- ensure the supports set out in section 5 below are instigated

Where a parent/carer raises a concern:

- explain that the College has processes to ensure all abuse allegations are taken very seriously
- ask about the wellbeing of the child
- allow the parent/carer to talk through the incident in their own words
- advise the parent/carer that you will take notes during the discussion to capture all details
- explain to them the information may need to be repeated to authorities or others, such as the College Principal, Victoria Police or Child Protection
- do not make promises at this early stage, except that you will do your best to keep the child safe
- provide them with the Child Safety Incident form to complete, or complete it together
- ask them what action they would like to take and advise them of what the immediate next steps will be
- ensure the report is recorded accurately, and that the record is stored securely

#### **4.5 College specific procedures for making a report regarding abuse or neglect**

The person making the allegation, or the staff member contacted, should, in the first instance, discuss the matter with the Principal. In the case of an allegation of sexual abuse, the Principal should be informed as soon as is practicable to do so.

All College staff must use the Child Safe Incident Form in Appendix 2 to document any allegation, disclosure, incident or concern regarding child abuse. In situations where staff become aware of abuse whether through observation or potential indicators, such as bruises or cuts, or by directly observing potentially abusive behaviour towards a child, they should use the Child Safety Incident Form to record their observations and concerns as accurately as possible.

The Principal, in consultation with appropriate authorities, will oversee creation of a report to include the completed Child Safety Incident Form and any other documentation relating to the allegation and subsequent action. The Principal will use the [Responding to Suspected Child Abuse template](#) to complete the overall report (Appendix 3).

The Principal has overall responsibility for making secure and retaining records of any allegations of child abuse and the College's response to it.

In cases where a report has not already been made under mandatory reporting legislation, the Principal, with the assistance of one or more designated staff members, will make a report to Victoria Police and/or Child Protection. This contact will be documented by the Principal, and the person who brought the matter forward will be informed that the relevant agency has been contacted. Once a report has been made, the College will act under the direction of the relevant

agency. An investigation of an allegation at College level will not proceed without clearance from the relevant authorities.

#### **4.6 Special procedure where concerns or allegations involve student sexual offending**

In the case of student sexual offending, college staff must immediately discuss their concerns with the Principal, who will initiate the special procedures that apply to such allegations and oversee the reporting and support process.

#### **4.7 Special procedure where concerns or allegations involve College staff**

Additional requirements apply where concerns or allegations of abuse or neglect involve College staff, including employees and volunteers.

College staff must report, immediately, to the Principal any breach of the Child Safety Code of Conduct arising from an action by a College staff member.

In response to any instance of 'serious' breaches which relate to abuse or neglect ('serious' being cases in which the abuse or neglect has resulted in, or is likely to result in, significant harm to a child) the Principal will report the matter to the College Board, and will investigate and deal with allegations of inappropriate and unacceptable behaviour towards a child in line with the Victorian Reportable Conduct Scheme (see section 3.1 above), the College's general procedures for complaint resolution and disciplinary measures and in consultation with Victoria Police and other authorities.

In response to a serious breach of the Child Safety Code of Conduct resulting in significant harm to a child or children the Principal will report the matter to the College Board and will:

- take any action necessary to safeguard the child and other children in the College's care from additional harm through options such as:
  - redeploying that staff member to a position where they do not work with children
  - additional supervision of that staff member
  - removing/suspending that staff member from duty until the validity of the allegations is determined
- assist in addressing the support needs of those impacted by the allegation including:
  - the child and their family (this includes any specific support needs for those from an Aboriginal and Torres Strait Islander; Culturally and Linguistically Diverse; or person with a disability background)
  - the person against whom the complaint is made by, for example, offering professional counselling
  - other staff impacted by the allegations
- make clear to all College staff who are aware of the allegation that:
  - the allegation does not mean the person is guilty, and that the allegation will be properly investigated
  - they are not to discuss the matter with any person, except as directed by Victoria Police, child protection authorities and/or the Principal and only in direct relation to investigation of the allegation

If the allegation is made against the Principal, that person will be excluded from the process and subject to the same conditions as indicated above. The matter will be handled by the Chair of the School Board.

All instances, allegations, disclosures or reasonable concerns of abuse or neglect of a child arising from an action by a College staff member will be investigated (after the necessary clearance from Victoria Police where required) and will be the subject of a critical incident review.

#### **4.8 Confidentiality and privacy**

The College maintains the confidentiality and privacy of all concerned (including the alleged perpetrator), except if doing so would compromise the welfare of the child and/or investigation of the allegation.

So as to prevent access by unauthorised persons, the College stores any documentation associated with an allegation of abuse or neglect of a child by having:

- hard-copy documentation stored in a locked filing cabinet (or similar)
- electronic documentation stored in a password-protected folder (or similar)

## **5 SUPPORT FOR CHILDREN CONNECTED WITH ALLEGED ABUSE**

Once aware of the allegation, the College will act immediately to provide appropriate support and protection for the alleged victim of abuse and all other children involved.

Any supports given will be tailored to children with an Autism Spectrum Disorder and will take into account the child's:

- chronological age, developmental age and their cognitive functioning in order to tailor developmentally appropriate support strategies
- vulnerability to ongoing abuse (children with disabilities disproportionately fall prey to child abuse, in particular child sexual abuse)

Advice regarding the form and source of this support and protection will be sought from relevant external agencies, ensuring that the College is sensitive to the diversity of all children, and the vulnerability of children with an Autism Spectrum Disorder. The College will also utilise support strategies and resources available through the Department of Families, Fairness and Housing Services website's [Disability Abuse Prevention Resources](#)

The support might include:

- developing a case management plan for students
- working with the student's family to ensure the College's response is in the best interests of the safety and welfare of the student
- appointing a support staff member to oversee the student's safety and welfare while at school, and to monitor the student's ongoing needs

Support and protection for the children involved, their families and anyone else affected will be arranged by the Principal.

## **6 BREACH OF POLICY**

If a member of the College staff fails to report instances, allegations, disclosures or concerns in relation to abuse or neglect of a child by College staff or by others, the College will view such failure as a serious matter.

This policy prohibits all College staff from:

- discussing any concerns or allegations with unauthorised persons in order to ensure privacy, confidentiality and adherence to the principles of natural justice
- making deliberately false, misleading or vexatious allegations.

College staff are obliged to raise any concerns they might have in relation to:

- College policies designed to safeguard children, including this policy and these Procedures and the Child Safety Code of Conduct
- actions of other College staff that contravene our policies, or that may otherwise have the potential to harm a child

## **7 RAISING AWARENESS**

### **Staff awareness**

The following strategies will be employed to raise the awareness of all staff to their responsibilities with regard to child protection, including the failure to disclose offence and the failure to protect offence.

All staff will be given the opportunity to undertake the Department of Education and Training [Mandatory Reporting and Other Obligations eLearning module](#) for Government and non-Government schools.

All staff will be reminded at the start of each year:

- that each child has the right to a safe and protective environment at all times
- of their responsibilities with regard to reporting allegations or beliefs of sexual offences against a child under the age of 16

In addition to this, all mandatory reporters will be reminded at the start of each year of:

- their obligations with regard to mandatory reporting as outlined in this policy
- their obligations, and expectations of behaviour, with regard to duty of care, as outlined in the VIT Code of Conduct, the VIT Code of Ethics, and the Lyrebird College Staff Handbook.

### **Student awareness**

At the start of each year, each child will be reminded in language and a manner that suits their developmental age and cognitive functioning that he or she has the right to a safe and protective environment at all times, and that they can seek assistance from the Principal if a situation arises that he or she feels threatens his safety.

### **Community awareness**

The College community, including parents and volunteers, will be informed of their responsibilities with regard to reporting allegations or beliefs of a sexual offence against a child under the age of 16 via the newsletter and the school website.

A copy of this policy and procedures document will be placed on the College's website so that it is accessible to all members of the College community.

## **8 EVALUATION**

The Principal will monitor overall compliance with this policy and these procedures and will periodically report the outcome to the College Board.

This will include maintaining and regularly monitoring records of child abuse reports as part of the College's incident management processes to ensure that they are responded to effectively in accordance with this policy and procedures and that requirements for reporting to external authorities are complied with. These records will inform reviews of this policy.

This document will be reviewed if legislative or other changes required in the interim or as part of the two year cycle.

## **9 DEFINITIONS**

### **Child**

A person under the age of 18 who is enrolled at the College, unless otherwise specified.

### **Child abuse includes—**

- any act committed against a child involving—
  - a sexual offence; or
  - an offence under section 49B(2) of the Crimes Act 1958 (grooming); and
- the infliction, on a child, of—
  - physical violence; or
  - serious emotional or psychological harm; and
- serious neglect of a child

### **College community**

Existing and prospective College staff, parents, guardian, students, College Board, and other stakeholders

## **College environment**

Any physical or virtual place made available or authorised by the College governing authority for use by a child during or outside College hours, including:

- a campus of the College
- online College environments (including email and intranet systems)
- other locations provided by the College for a child's use (including, locations used for College camps, sporting events, excursions, competitions, and other events)

## **College staff**

An individual working in a school environment who is:

- directly engaged or employed by the Board or the Principal
- a volunteer
- a contracted service provider and their employees

## **Commission**

Commission for Children and Young People

## **Employee**

A person of or over the age of 18 years who is:

- an employee of the College, whether or not the person is employed in connection with any work or activities of the College that relate to children
- engaged by the College to provide services, including as a volunteer, contractor, office-holder or officer, whether or not the person provides services to children.

## **Mandatory reporters**

A sub-group of employee with additional legal responsibilities for reporting a reasonable belief of abuse, Mandatory reporters include:

- teachers
- the Principal
- medical practitioners
- nurses
- school counsellors, ie a person employed or engaged (other than on a voluntary basis), to provide direct support to school students, at or directly connected with a school, for mental, emotional or psychological wellbeing
- registered psychologists
- religious clergy
- youth justice officers and youth parole officers

## **Physical violence**

Conduct committed against, with, or in the presence of a child, including an act that causes physical injury or pain such as hitting, kicking, punching, pushing, shoving, grabbing, throwing, shaking, hitting or striking with an object or using inappropriate restraint or excessive force

## **Reportable allegation**

Information that leads a person to form a reasonable belief that a College staff member has committed:

- reportable conduct
- misconduct that may include reportable conduct

## **Reportable conduct**

- a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded
- sexual misconduct committed against, with or in the presence of, a child
- physical violence committed against, with or in the presence of a child

- any behaviour that causes significant emotional or psychological harm to a child significant neglect of a child

**Sexual offence**

Includes rape, attempted rape, sexual assault, incest, various sexual offences against or involving a child, persistent sexual abuse of a child, grooming, and the production, distribution or possession of child abuse material.

**Significant**

In relation to emotional or physical harm to a child, or neglect, that the harm is more than trivial or insignificant, but need not be as high as serious and need not have a lasting permanent effect.

**Sexual misconduct**

Includes behaviour, physical contact or speech or other communication of a sexual nature, inappropriate touching or physical contact, grooming behaviour and voyeurism



Melissa Handbury

**Board Chair**

**APPENDIX 2**

<b>Child Safe Incident Report</b>	
<b>If you believe a child is at immediate risk of abuse phone 000.</b>	
<b>Responsible Officer:</b> The Principal	<b>Incident Reporter:</b>

<b>Date of incident:</b>	
<b>Time of incident:</b>	
<b>Location of incident:</b>	
<b>Name(s) of child/children involved:</b>	
<b>Name(s) of staff/volunteer/parent involved:</b>	

**DETAILS OF INCIDENT**

<b>When did it take place?</b>	
<b>Who was involved?</b>	
<b>What did you see?</b>	
<b>Other information including other witnesses</b>	

**Principal Report**

<b>Date incident report received:</b>	
<b>Staff member managing incident:</b>	
<b>Follow-up date:</b>	
<b>Details of follow up action including dates and times:</b>	

<b>Incident ref. number:</b>	

**Has the incident been reported?**

<b>Child protection</b>	
<b>Police</b>	
<b>Another third party (please specify):</b>	

**Does the incident reporter wish to remain anonymous?**

Yes  No

**All incident reports must be stored securely in the Principal's office.**

***\*This report may be provided to a child or their family if they disclose an allegation of abuse or safety concern.***