



LEIBLER YAVNEH COLLEGE
CHILD PROTECTION POLICY
PREVENTION – DETECTION - RESPONDING
2016/7

Last review September 2017
Next review September 2018

INDEX

Topic	Page No.
Purpose of Policy	3
Conduct and Behaviour Standards	3
Policy Implementation	3
Child Protection Reporting	3
Child Abuse and Child Protection	4
Definitions of forms of Child Abuse	4-5
Child Safety Legislation	5-6
General College Child Protection Guidelines	6-7
Supervision	7
Use of language	7
Electronic communication	7-8
One-on-one teaching/small group tutorials	8
Giving gifts	8
Use, possession or supply of alcohol or drugs	8
Transporting students	8-9
Change room arrangements	9
Overnight stays/Shabbatonim/Camps	9
Specific Camp guidelines/see Appendix 9	10-11
Mandatory Reporting (general)	12
Mandatory Reporting	12-13
All other reporting	13
Responding to a disclosure	13
Reporting legislation	13-14
Concurrent duty of care	14
Types of child abuse	14
Indicators of harm	15
What should be reported?	15
Follow-up and support for the people involved	16
Report storage	16
Making a child protection report	16-19
Investigation	19-20

Appendices

1. Risk management and reporting scenarios
2. Every Child Every Chance – Child First
3. A step by step guide to making a report to Child Protection or Child First
4. Safeguarding children and practice and behaviour guidelines in relation to Mandatory Reporting
5. Agreement/record form for employees or voluntary staff
6. Standard interview questions
7. Additional optional interview questions
8. Procedure for internal investigation of alleged incident taking place at the College
9. Child Protection Document – Camps/Extended Programs

The College has a holistic framework for addressing the individual learning needs of all students, including those with special needs and other unique areas of cultural diversity. The College is cognizant of ensuring the program and ethos of our school complements the varying cultural domains of our parent and student population in the context of meeting the minimal standards of child safety and child protection.

Please read this policy in conjunction with the College Child Protection and Mandatory Reporting Policies.

Purpose of Policy

The safety and welfare of children is of paramount concern to Leibler Yavneh College. The Child Protection Policy aims to provide policy guidance to assist College staff, volunteers and students to implement practices that minimise the risk of harm to children and promotes their participation and wellbeing.

Communication and contact with students in a relevant and appropriate manner is expected. It must be done in a manner whereby students are never put in a position where staff intentions may be misconstrued or where they can be vulnerable to accusations.

The watchword therefore is openness - all dealings with students must be visible and known to others.

Conduct and Behaviour Standards

At Leibler Yavneh College we expect standards of behaviour that exemplify the values and ethos of the College. These standards guide us in the way we conduct ourselves (manner of speech, dress and behaviour) and how we interrelate and respect others. They extend to staff/student, student/student and staff/staff interactions. As a school we strive to establish a safe environment for every child's physical, emotional and spiritual wellbeing.

This is clearly expressed in our Philosophy and Values and is core to the College's Strategic Framework and Vision:

"We believe that helping our students realise their potential requires a holistic emphasis on their overall sense of well-being: personal, emotional and intellectual needs."

Staff members have a responsibility to act as role models for our students. Staff are required to uphold these standards of behaviour during and beyond school hours. These standards govern staff professional and private interactions with colleagues and students. At Leibler Yavneh College, these expectations incorporate specific behaviours that relate to unwanted touch and the exertion of inappropriate verbal, physical or psychological influence or control on students and/or staff. Certain behaviours are regarded as incompatible with the values and standards of the College and are always prohibited as outlined in this policy.

Policy Implementation

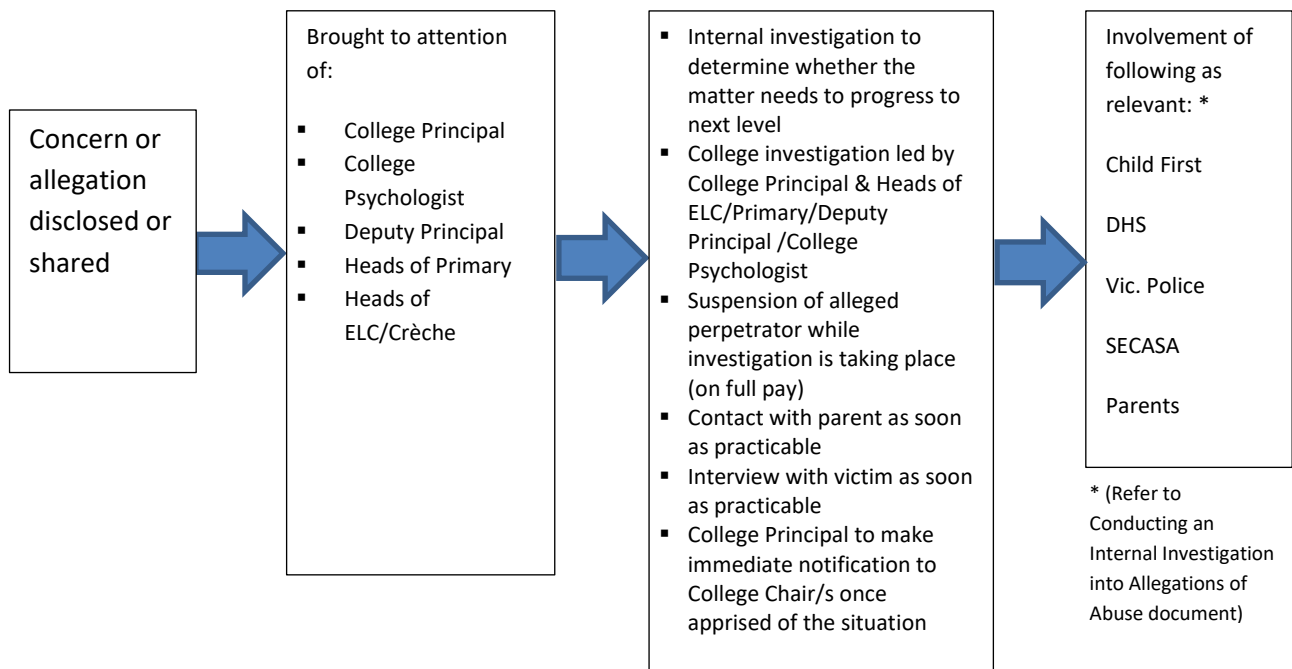
It is the responsibility of all staff to adhere to this policy. Ultimately, the Principal is accountable for monitoring compliance with the policy. Any violation of this policy or the guidelines within it regarding Child Protection, Conduct and Behavioural Standards will not be tolerated.

Please note that fulfilling the roles and responsibilities contained in the 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

Child Protection Reporting

Our collective understanding, adherence and monitoring of these policies and standards will help us achieve our goal of providing a safe environment for every child in our care.

Any concerns, suspicions or allegations of abuse, harassment or a violation of the behavioural standards should be promptly brought to the attention of the College Principal.



By following these procedures, we can ensure that we continue to serve our students' needs, without risk to them or us.

All employees, volunteer and transient staff members of the College must be provided with, understand and follow College policies on Child Protection and Mandatory Reporting. Everyone must be fully compliant with them in order to continue employment at the College. Failure to do so will incur severe disciplinary and/or legal action.

Child Abuse and Child Protection

Every person has a moral and legal responsibility to prevent and report suspected child abuse.

Leibler Yavneh College's policy requires that any Leibler Yavneh College's Representatives, who reasonably believe a child is at risk of being harmed, or has been harmed, must immediately follow the Leibler Yavneh College's Child Protection Reporting Process.

Definitions of Forms of Child Abuse

Physical abuse - Occurs when a person purposefully injures or threatens to injure a child. The abuse can take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. The injury may take the form of bruises, cuts, burns or fractures. This does not mean reasonable discipline, though it may result from excessive or inappropriate discipline.

Emotional abuse – Occurs when a child is repeatedly rejected or frightened by threats. The abuse can involve name-calling, being put down or continual coldness from a parent or caregiver to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired.

Neglect – Occurs when there is a failure to provide the child with the basic necessities of life, such as food, clothing, shelter, supervision, medical attention or care to the extent that the health, safety, or development of the child is significantly impaired or placed at risk.

Sexual abuse - Occurs when a child is used by an adult, another child or adolescent for his or her own sexual stimulation or gratification. These can be contact or non-contact acts, including grooming by perpetrators, inappropriate touching, penetrative abuse, exposure to pornography and accessing child pornography.

Exposure to Domestic Violence – Occurs when children witness or experience the chronic domination, coercion, intimidation and victimisation of one person by another by physical, sexual or emotional means within a domestic relationship.

Grooming – Occurs when communication or conduct is linked to the intention of facilitating the involvement of a child less than 16 years of age in sexual behaviour with an adult.

Indicators include but are not limited to:

- developing special relationships with, favouring or giving gifts to a child
- inappropriate interactions with children either in person or via forms of media and electronic devices
- asking a child to keep secret any aspect of their relationship
- testing of or ignoring professional boundaries or rules

Child Safety Legislation

The principal legislation underpinning this Policy and other related legislation includes:

United Nations Convention on the Rights of the Child (1989)

- The UN Convention is the foundation for child protection across the globe
- The fundamental principle is the recognition of children's rights as human rights
- The Convention sets out a framework of minimum standards for the protection and wellbeing of children
- Article 19 states "Parties shall protect the child from all forms of physical or mental violence, injury or abuse, neglect, maltreatment or exploitation including sexual abuse"

Charter of Human Rights and Responsibilities Act 2006 (Vic)

- Article 17 outlines "Protection of families and children"
- States every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child

Children, Youth and Families Act 2005 (Vic)

- The principal legislative document in Victoria
- Requirement to promote children's best interests
- Legislates the field of youth justice
- Sets out common principles to guide practice and decision making
- Sets Child Protection reporting and responses standards
- Authorises information sharing to promote children's safety, wellbeing and development

Since 2014 the following acts are also relevant in Victoria to child and youth wellbeing and safety:

Crimes Amendment (Grooming) Act 2014 (Vic)

- The Act establishes Grooming as a criminal offence in Victoria
- Prohibits communication or conduct that is linked to the intention of facilitating a sexual offence, whether an act has occurred or not
- Applies a maximum penalty of 10 years imprisonment

Crimes Amendment (Protection of Children) Act 2014 (Vic)

- Sections 49C relates to a failure by person in authority to protect child from sexual offence
- Section 327 relates to failure to disclose sexual offence committed against child under the age of 16 years
- Establishes an offence of 'child endangerment' by negligently failing to reduce or remove a substantial risk that a person will commit a sexual offence against a child
- Requires people to act on a risk of sexual abuse to children by an adult associated with an organisation
- Establishes an obligation to report to the police when there is a reasonable belief that a sexual offence has been committed against a child
- Applies a maximum penalty of 5 years imprisonment

Working with Children Check Act 2005 (Vic)

- Outlines the purpose of the WWC Check and what constitutes child-related work
- Outlines occupations that apply
- Explains relevant offences and findings that are relevant to the WWC Check
- Sets out obligations of individuals and organisations and how personal information is stored and disposed of

Child Wellbeing and Safety Act 2005 (Vic)

- Establishes the Victorian Children's Council and Child Safety Commissioner
- Establishes principles for the wellbeing of children in Victoria
- Provides for the notification of births to municipal councils

The Victorian Reportable Conduct Scheme seeks to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers.

The scheme is established by the *Child Wellbeing and Safety Act 2005*.

The Commission for Children and Young People is responsible for administering the scheme. Their role includes: supporting and guiding organisations that receive allegations in order to promote fair, effective, timely and appropriate responses independently overseeing, monitoring and, where appropriate, making recommendations to improve the responses of those organisations

General College Child Protection Guidelines

The College has both a moral and legal duty of care to ensure a child safe environment is maintained at all times.

- Staff or volunteers must not be alone with any child or children (excluding one's own children) in an area that they cannot be seen or observed by other staff members or adults (vehicles included).
- All staff must refrain from verbally or psychologically abusing or denigrating students publicly or privately or from attempts to control or manipulate students through psychological means.
- Physical force will never be used other than to safeguard against immediate physical danger (for example: separating students engaged in a fight is acceptable).
- Teachers, staff and volunteers will never forbid students from sharing conversations or information with parents or senior staff, nor instruct students to "keep secrets" from their parents.
- Teachers, staff and volunteers must refrain from any sexual attention towards others in the form of remarks, jokes or innuendos about a person's body or clothing etc., including threats of such behaviour.

- Teachers, staff and volunteers will not ever display attributes of Grooming as stated in this policy.
- Teachers, staff and volunteers must not display, distribute or share any demeaning, suggestive, objectionable or pornographic material.
- There can be no indirect or explicit invitations to engage in inappropriate, suggestive or sexual activities which may or may not include a promise of reward for complying, or a threat of reprisal for not complying.
- Teachers, staff and volunteers will not be alone with a student for any reason in a locked or closed room (unless there is clear visibility through a door pane or window).
- Doors equipped with windows to permit external viewing of the room should remain unobstructed.
- In complying with the child safe standards, the College is mindful of the diversity of students and school communities and applies the following inclusion principles as part of each standard:
 - promoting the cultural safety of Aboriginal and Torres Strait Islander children
 - promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds (CaLD)
 - promoting the safety of children with a disability.

Supervision

Teachers, staff and volunteers are responsible for supervising students at College programs, services and events, to ensure those participating:

- engage positively with the programs, services and events
- behave appropriately toward one another, for example, no bullying or untoward behaviour
- are in a safe environment and are protected from external threats and intruders and are supervised at all times
- comply with this policy at all times

Use of Language

Language and/or tone of voice used in the presence of children should:

- provide clear direction, boost their confidence, encourage and/or affirm
- not be harmful to children - with avoidance of language that is:
 - discriminatory, racist or sexist
 - derogatory, belittling or negative
 - intended to threaten or frighten
 - profane or sexual

Electronic Communication

- Staff are not permitted to share social media contact with students nor include students in their social media 'friend' accounts.
- Under extenuating circumstances, for non-academic information, permission for electronic communication with students may be obtained from the College Principal, Head of Jewish or General Studies (Primary) or Deputy Principal (Secondary).

- Electronic communication to parents and students must be sent from College email accounts. Personal email accounts should never be used by teachers, staff or volunteers.
- Text messages must only be sent to students as a matter of urgency and a copy of the text sent to and received from a student should be retained on the teacher's phone and advised to their immediate supervisor.

All these behavioural standards apply whether in person, on the telephone or through any form of electronic media. These standards also apply to student and student interaction when under the supervision of school employees and/or when participating in school-related programs.

One-on-One Teaching/Small Group Tutorials

(including Instrumental Music Program)

All meetings with students that take place outside of regular classes - either in school or outside - must be reported, in advance, to the Head of Jewish Studies/General Studies (Primary), relevant Convenor or Deputy Principal (Secondary). A clear reason for such events must be provided along with a detailed risk management plan to ensure all parties maintain a positive and safe environment.

When arranging extra tutorials, it is preferable for the tutorials to take place at the College (in rooms with windows and open doors). If this is not possible and the tutorial takes place out of school, there must be two or more students present, or alternatively, a single student accompanied by their parent.

When only one student is left after a group tutorial session, the teacher and student must wait in a public place, ideally College Reception.

Giving Gifts

Giving of gifts from teachers, staff and volunteers to students is subject to:

- the gift being in the manner of a reward or prize and in a public manner whereby there is no secrecy about the gift and why it is being awarded
- obtaining prior authorisation from the Heads of School (Primary), Head of Department or Deputy Principal (Secondary)

Use, possession or supply of alcohol or drugs

While on duty, teachers, staff and volunteers must not:

- use, possess or be under the influence of an illegal drug or alcohol
- be incapacitated by any other legal drug such as prescription or over-the-counter drugs
- supply alcohol or drugs (including tobacco) to children and young people participating in our programs, services and events.

Use of prescribed medications are permitted, provided such use does not interfere with our ability to care for children in our service.

Transporting Students

The College acknowledges that there may be certain circumstances whereby a student may travel alone in a teacher's car. Whilst the College does not encourage this practice, we are cognisant that as a community school this may occur.

In these occurrences, teachers must email the student's parent/s and obtain their permission in writing prior to the lift taking place. In all instances, teachers must email the student's parent/s, Head of Jewish/General Studies (Primary), Convenor or Deputy Principal (Secondary), after the lift has occurred, to make it known that the lift has occurred, when and the reasons for the transport. It may be advisable for students to sit in the back seat.

Change Room Arrangements

Staff are required to supervise children and young people in change rooms while balancing that requirement with a child or young person's right to privacy. To ensure this:

- Teachers, staff and volunteers need to provide the level of supervision required for preventing abuse by members of the public, adult service users, peer service users, or general misbehaviour, while also respecting a child's privacy.
- Teachers, staff and volunteers should avoid one-to-one situations with a child or young person in a change room area.
- Teachers, staff and volunteers are not permitted to use the change room area to, for example, undress, while children and young people are present.
- Supervision is to be undertaken by the same gender supervisor. Female staff are not to enter male change rooms and male staff are not to enter female change rooms for any reason.

Overnight Stays/Shabbatonim/Camps

Overnight stays are to occur only with the authorisation of the College Principal and the parents/guardians of the student(s) involved.

Practices and behaviour by teachers, staff and volunteers during an overnight stay must be consistent with this policy incorporating the practices and behaviours expected during delivery of all College programs, services and events at other times.

Standards of conduct that must be observed by teachers, staff and volunteers during an overnight stay include:

- Providing children and young people with privacy when bathing and dressing.
- Observing appropriate personal standards when children and young people are present. Under no circumstances should children be exposed to adult nudity or states of undress.
- Ensuring children or young people are not exposed to pornographic material of any kind including movies, television, the internet or magazines.
- Not leaving children under the supervision or protection of unauthorised persons such as maintenance staff, hotel staff or friends.
- Under no circumstances will adults, teachers, staff and volunteers sleep in the same bed as a child or young person, or share a room on their own with a student.
- The right of children to contact their parents, or others, if they feel unsafe, uncomfortable or distressed during the stay.

Specific Camp Guidelines

Physical Contact

Physical contact with Secondary School students of either gender is not permitted, unless strictly for medical or emergency purposes. Even in those circumstances, it must only be conducted in sight of others.

Physical contact with students may be permitted for pastoral care or wellbeing reasons in a manner which is in keeping with appropriate standards and should be carried out in a public place (eg to comfort a distressed child - use of side hugs instead of front body embraces).

Security

All staff should monitor any unknown person/s on the camp grounds at all times and unknown person/s should be approached and questioned as to the reason for their presence and asked to leave where reasons are inappropriate. Where possible, staff should not approach any stranger alone.

Supervision

All areas that are required for camp activities must be under supervision when being used by the students.

Student Accommodation

Student accommodation must be kept safe and secure at all times.

Staff accommodation should be in close proximity to student accommodation. If medical or emotional circumstances warrant separate sleeping arrangements, two staff members or two students must always be present.

Staff Interaction with Students

In addition to items under *Physical Contact*, staff/volunteers and camp staff must not be alone in an enclosed or secluded area with a student at any time.

Privacy

Staff must ensure children are always given time and privacy while changing clothes and/or showering.

Safety

Staff must respond immediately to the needs of students who may feel unsafe.

Alcohol and Drugs

No non-prescribed drugs or alcohol are to be brought to the camp by any person.

Reporting of Incidents

All teachers, staff and volunteers must report any situations of concern to the authorised person who is in charge of the camp. If a child discloses that they are scared or feel unsafe, this must be reported to the Principal.

After Camp

A full debrief must be held at the conclusion of the camp. Any issues or potential ongoing risks should be discussed with the teacher in charge, Head of School (Primary) and/or the Deputy Principal (Secondary).

These discussions should be properly documented and then forwarded to the authorised person as relevant.

Mandatory Notification of Suspected Child Abuse

Camps create opportunities for extended and relaxed contact with students during which supervisors might observe physical or emotional signs that suggest possible physical, sexual or emotional abuse or neglect, either at home, at school or at the camp.

If a member of staff has reasonable grounds for suspecting such abuse or neglect they must inform the College Principal as prescribed in the College's Mandatory Reporting Policy.

Where an individual staff member who is a mandatory reporter is not satisfied a mandatory report has been made by the College, they must make a report directly to Child Protection to meet their legal requirements. Mandatory reporting responsibilities cannot be outsourced.

In the event of a disclosure of a physical or sexual abusive act involving any student, the staff member must contact either the College Principal or the Deputy Principal immediately.

The College Principal and/or Deputy Principal will follow through with the appropriate and mandated course of action.

In the event of a disclosure made to a staff member of an incident that may have taken place immediately prior to the current camp, the relevant staff member must inform the College Principal or Deputy Principal immediately on their return from camp, if they are not able to do so beforehand.

Mandatory Reporting (General)

Purpose of this policy

The purpose of this policy is to protect children and young people from abuse and neglect and ensure that all instances of child abuse are reporting to the relevant authorities. The College needs to ensure all teachers, staff and volunteers:

- understand their moral, mandatory and statutory reporting responsibilities and duty of care obligations to protect children and young people from child abuse including physical and sexual abuse
- know how to make a child protection report to the Department of Human Services (DHS) Child Protection if they have formed a belief on *reasonable grounds* that a child or young person is at risk of significant harm.
- Are able to identify and be aware of the indicators of child abuse.

This policy should be read in conjunction with the Child Protection Policy document, located in this policy document.

See: Flowchart: *A step-by-step guide to making a Child Protection report* in this policy document.

Policy

Leibler Yavneh College adheres to and enacts both in word and deed all legislation that applies in the State of Victoria. Following the 2014 Victorian Parliamentary Enquiry into institutional child abuse and the Betrayal of Trust Report, a variety of Victorian legislation has been introduced to further strengthen the laws relating to Grooming, Child Endangerment and Mandatory Reporting. Leibler Yavneh College is committed to implementing these changes and will ensure that they are reflected in all documents and practices relating to activities with children.

Mandatory Reporting

Under Mandatory reporting laws any person who is registered as a teacher under the *Education and Training Reform Act (2006)*, or any person who has been granted permission to teach under the Act, including principals, is mandated to make a report to the Department of Human Services (DHS) Child Protection.

School staff should discuss any concerns about the safety and wellbeing of students with the College Principal or member of the Senior Management team, especially if they have a suspicion of abuse but have not formed a belief at that time.

If the College Principal or member of the Senior Management team does not believe that a mandatory report is warranted, this does not discharge the teacher of their obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the teacher's concerns continue, even after consultation with the College Principal, that teacher is still legally obliged to make a mandatory report of his/her concerns.

All other Reporting

Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are required to report the matter to police. Non mandated staff are also encouraged to speak to their College Principal as well as being able to make a report to the Police and/or DHS Child Protection.

School staff who have concerns about a child or young person because they have been made aware of possible harm via their involvement in the community external to their professional role must make a (protective) report to the Police and DHS Child Protection.

The challenge of protecting children is everyone's responsibility: parents, schools, communities, governments and businesses. The Department expects all school staff to protect and preserve the safety, health and wellbeing of all children and young people.

Responding to a Disclosure

Children or adults who disclose should be listened to and supported by the College Representative receiving their disclosure.

Where the disclosure is made by a child, the College Representative should take special care to show that they are concerned for the child by listening carefully and telling them:

- you believe them – your role is not to make a judgement on the alleged behaviour of the abuser. The onus is not on the child to prove the abuse occurred to form a reasonable belief
- it is not the child's fault and he/she is not responsible for the abuse – a child is never responsible for abuse
- thank the child for sharing the information – the child is doing the right thing by disclosing
- that you will need to tell somebody else and that they (the child) will be supported to get the help they need – if the parent is the alleged perpetrator they must not be investigated by the person taking the disclosure OR if the child asks that their parents are not told, you must respect this.

If a child discloses an incident of abuse to you

Try and separate them from the other children discreetly and listen to them carefully.

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 others, such as with their parent/carer, specific people in your organisation, or the 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.

Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.

Provide them with an incident report form to complete, or complete it together, if you think the child is able to do this.

As soon as possible after the disclosure, record the information using the child's words and report the disclosure to your manager or your organisation's child safety officer/champion,¹ police or child protection.

¹ A child safety officer/champion is a person in your organisation who has knowledge of child safety issues, and could be a point of contact for others who have questions or concerns or want to report an allegation of child abuse. You could consider including child safety officer/champion duties in the person's job description.

Ensure the disclosure is recorded accurately, and that the record is stored securely.

If a parent/carer says their child has been abused in your organisation or raises a concern

Explain that your organisation 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 organisation's management or Child Safety Officer, the 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 an incident report 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.

You need to be aware that some people 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. You need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member).

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

Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters. Advice on [communicating with people with a disability](#) can be found on the Department of Health and Human Services website <www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities>.

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

Once a report is made to the authorities it is imperative that their advice and guidance is sought in protecting the child until after the allegations are resolved.

Legal responsibilities

While the child safe standards focus on organisations, every adult who reasonably believes that a child has been abused, whether in their organisation or not, has an obligation to report that belief to authorities.

The **failure to disclose** criminal offence requires all adults (aged 18 and over) who hold a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 to disclose that information to police (unless they have a reasonable excuse not to, for example because they fear for their safety or the safety of another).

More information about [failure to disclose](#) is available on the Department of Justice and Regulation website

<www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>

While failure to disclose only covers child sexual abuse, all adults should report other forms of child abuse to authorities. Failure to disclose does not change mandatory reporting responsibilities.

More information about [mandatory reporting](#) is available in the *Child protection manual* <www.cpmmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting>.

Mandatory reporters (doctors, nurses, midwives, teachers (including early childhood teachers), principals and police) must report to child protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

See the Department of Health and Human Services website for information about [how to make a report to child protection](#) <www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first>

College Representatives must not investigate any abuse matters – investigations will be undertaken by the relevant authorities.

Reporting Legislation

Teachers and principals are mandated by law under section 184 of the *Children Youth and Families Act 2005* (CYFA) to make a report to child protection. School Nurses are also mandatory reporters.

A mandatory reporter who, in the course of practising his or her profession or carrying out the duties of his or her office, position or employment as set out in section 182, forms the belief on reasonable grounds that a child is in need of protection must report to Child Protection as soon as practicable after forming the belief and after each occasion on which they become aware of any further reasonable grounds for the belief.

Under the *Crimes Amendment (Protection of Children) Act 2014 (Vic)*, Sections 49C relates to a failure by persons in authority to protect a child from sexual offence and Section 327 relates to failure to disclose sexual offences committed against children under the age of 16 years.

This Act also establishes an offence of ‘child endangerment’ by negligently failing to reduce or remove a substantial risk that a person will commit a sexual offence against a child and requires people to act on a risk of sexual abuse to children by an adult associated with an organisation.

Importantly, this Act also establishes an obligation to report to Police when there is a *reasonable belief* that a sexual offence has been committed against a child. Failure to report attracts a maximum penalty of 5 years imprisonment.

Concurrent duty of care

A teacher, principal and staff have a duty of care to protect a student from harm that is reasonably foreseeable. A breach of this duty of care may lead to legal action being taken against the individual teacher, principal or teachers concerned.

A breach of this duty of care will be established if a teacher, principal and staff failed to take immediate and positive steps after having acquired actual knowledge or formed a belief that there is a risk that a child is being abused or neglected including sexual abuse.

Types of child abuse

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger a child is, the more vulnerable they are and the more serious the consequences are likely to be.

Types of child abuse include:

- Physical
- Emotional
- Neglect
- Medical Neglect
- Sexual Abuse
- Family Violence
- Female Genital Mutilation

Indicators of harm

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert teachers to the possibility of child abuse and neglect.

Teachers may observe:

- one or several indicators are displayed
- indicators occur repeatedly
- changes in relation to the child's behaviour.

What should be reported

Leibler Yavneh College representatives should lodge a Child Protection Report for reasonable concerns relating to:

- a. Indicators of abuse
- b. Indicators of grooming
- c. Breaches of the Leibler Yavneh College Positive Behaviour and/or Positive Peer Relations (Anti-Bullying) Policies where they relate to Child Protection

These include (but are not limited to):

- any expression of concern from a child regarding their personal safety
- suspicious bruising, cuts, fractures, burns
- lack of food, clothing, place to sleep, which is impacting the child's ongoing health or wellbeing and the parents/guardians are unwilling or unable to provide for the child
- regular and/or severe negative self-talk, unusually aggressive, overly compliant and fearful, overly anxious, regressive behaviour

- persistent or significantly inappropriate discussion or writing about sexual activities, particularly sexual interest or information that is age inappropriate
- ongoing and unexplained health or wellbeing concerns such as tummy aches, headaches, crying, sensitivity
- disclosure of suicidal thoughts or plans made by a child
- observations or disclosures relating to the grooming behaviour of any adult in contact with children, including any combination of special gifts, secrets, time alone together, special names, online contact
- concerns about the actions or behaviour of any Leibler Yavneh College Representative, including suspected or confirmed breaches of the College Code of Conduct

Follow-up and support for the people involved

- Leibler Yavneh College may offer the child and family referral to appropriate external support or counselling services, if needed.
- The Child Protection Officer (the College Principal) will conduct debriefing with any other Leibler Yavneh College representatives as necessary and referral to appropriate external support or counselling services may be made, if needed.
- Leibler Yavneh College representatives who require support, will be provided the opportunity for debriefing as necessary and referral to appropriate external support or counselling services may be made, if needed.

Report Storage

All Reports and any supporting documentation will be forwarded to the College Principal. Reports will be stored securely and confidentially at Leibler Yavneh College with limited access allowed. Paper based files and reports will be archived and kept indefinitely. Reports may be digitalised and stored in an online document management system.

Making A Child Protection Report

Who	Details
<p>Mandated staff:</p> <ul style="list-style-type: none"> • Principals • Primary and secondary teachers • School nurses 	<p>Must:</p> <ul style="list-style-type: none"> • Report to the Department of Human Services (DHS) Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person is at risk of significant harm, and the child's parents are unable or unwilling to protect the child.
<p>Non-mandated school staff (section 183, CYFA 2005) and <u>Crimes Amendment (Protection of Children) Act 2014 (Vic)</u></p>	<ul style="list-style-type: none"> • Any person who believes on reasonable grounds that a child is in need of protection may make a protective report regarding their concerns to DHS Child Protection. • School staff who form a belief on reasonable grounds should inform the principal of any concerns.
<p>All school staff: forming a belief on reasonable grounds</p>	<p>A belief is formed when a person has:</p> <ul style="list-style-type: none"> • more than a suspicion • is more likely to believe rather than disbelieve that a student is at risk. <p>Note: If a staff member has unresolved suspicions that do not lead them to form a belief they should initially consult with the principal, a member of the school's leadership team or DHS Child Protection. A referral to Child First may also be appropriate to engage support for the family.</p> <p>Reasonable grounds are established when:</p> <ul style="list-style-type: none"> • a child or young person states that they have been physically or sexually abused • a child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves) • someone who knows the child or young person states that the child or young person has been physically or sexually abused. • a child shows signs of being physically or sexually abused • the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child and young person's safety, stability or development

	<ul style="list-style-type: none"> • the staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision • a child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child.
--	---

<p>School staff seeking consultation</p>	<p>Consult with:</p> <ul style="list-style-type: none"> • school leadership or specialist staff • network support staff (Student Support Services) • regional wellbeing staff • DHS Child Protection • Student Critical Incident Advisory Unit on (03) 9637-2934 or (03) 9637-2487. <p>See: Flowchart: <i>A step-by-step guide to making a report to Child Protection or Child FIRST</i> below</p>
--	---

<p>Teacher & Principal actions</p>	<p>Teachers should:</p> <ul style="list-style-type: none"> • only gather enough information to form the belief • use open ended questions when talking to the student. <p>Teachers should not:</p> <ul style="list-style-type: none"> • conduct their own investigation • ask leading questions that suggest the abuse took place • interview witnesses • take statements • collect evidence • conduct a physical examination. <p>However if the need to preserve evidence arises, Teachers should take photographs of such evidence. (eg. Physical indicators such as bruises or other markings).</p> <p>School staff should keep comprehensive, chronologically ordered notes that describe the source of their concerns, e.g. from obvious injuries, behaviours or comments made outlining related events, actions taken and further considerations determining the need for help. Notes should also reflect who the staff member has been in contact with.</p>
<p>Information required when making a report to Child Protection</p>	<p>The following information is required to make the report:</p> <ul style="list-style-type: none"> • name of family and children • addresses, language spoken and student's date of birth • factual and specific reason for concern • the reporter's involvement with the family • any other people or agencies involved • concerns about a child protection worker's safety in visiting the family • best time to find the parents/guardians at home • if the family knows the report is being made. <p>Note: An inability to provide all of this information should not delay the making of the report. Further information can be provided after the initial report is made.</p>
<p>Professional Protection for Reporters</p>	<p>Teachers and principals making mandatory reports:</p> <ul style="list-style-type: none"> • are protected against legal, professional and civil actions by the CYFA as long as they are acting: <ul style="list-style-type: none"> - in good faith - for the best interests of the child • cannot be held to have acted unprofessionally.
<p>Confidentiality of identity</p>	<p>Information about the identity of a person making a report to Child Protection must be kept confidential unless the reported consents to it being disclosed.</p>

Information Sharing	<p>Teachers and principals making reports or providing information to Child Protection, Child FIRST and Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT) are specifically protected against legal, professional and civil actions by the CYFA provided they are “acting in good faith” in the interests of the child.</p> <p>School staff are allowed to share information with Child Protection that may help them to make an initial assessment about a child. Any information that is relevant to the protection or development of a child when Child Protection is investigating a report, or during subsequent child protection intervention is allowed to be shared.</p>
Referral to Child First	<p>A referral to Child FIRST is the best way of connecting children, young people and their families to the services they need. School staff should make a referral to Child First where school staff have concerns about a child’s wellbeing but do not believe the child is in need of protection.</p> <p>Note: <i>Protecting the safety and wellbeing of children and young people</i> provides full information for school staff about mandatory reporting, responsibilities of schools and school staff and the roles and responsibilities of other agencies (see below).</p>

Investigation

This table describes the responsibilities during an investigation.

Who	Responsibility
Department of Human Services, Child Protection	<p>Determine if the circumstances:</p> <ul style="list-style-type: none"> warrant an investigation should be referred to Child FIRST.
Police	<ul style="list-style-type: none"> Investigate the circumstances. May ask teachers or principals for a statement relating to: <ul style="list-style-type: none"> mandatory reports allegations of student sexual assault.

- *Children, Youth and Families Act 2005 - Sections 183/184*
- *Crimes Act 1958*
- *Education and Training Reform Act 2006*
- *Victorian Institute of Teaching Act 2001*

Hiring Staff

All staff and volunteers employed by the College must have either current VIT registration or a current Working with Children Certificate. The Working with Children Certificate holder must ensure the College is linked to their WWCC to ensure ongoing monitoring. A copy of the WWCC will be taken prior to commencement of any work at the College. In some cases, a National Police Check will be mandated.

All staff and volunteers will also be required to provide two professional references and one personal reference which must be checked prior to commencement of employment.

Risk Management & Reporting Scenarios (see Appendix 1)



Leibler Yavneh College

SAFEGUARDING CHILDREN and PRACTICE AND BEHAVIOUR GUIDELINES in relation to Mandatory Reporting

Leibler Yavneh College provides holistic education, events and services for students, College family members and the wider community.

We take seriously our responsibility to deliver a safer environment that is caring, nurturing and protective. At Leibler Yavneh College, we believe that the welfare of all children and young people is of paramount importance and that our organisation has an obligation to defend the child's right to care and protection. Staff and management have a responsibility to take action to protect children they suspect may be abused or neglected. We have a zero tolerance policy towards abuse or bullying of any kind.

Leibler Yavneh College is committed to ensuring that ALL involved personnel, including all employees, contractors and volunteers, will be informed of our 'safeguarding children and young people' statement and will be given a hard copy of the statement. In particular, we are committed to safeguarding the children and young people in our care from:

Sexual Abuse

Sexual abuse is any act in which a person with power or authority over a child (female or male) uses a child for sexual gratification. An abuser can be an adult, adolescent or other children. Sexual abuse spans a range of contact and non-contact behaviour.

Non-contact behaviour includes:

- Making sexual comments (in person, in letters, or by telephone, text messages or email)
- Voyeurism - including commenting on physical attractiveness
- Exposing a child to pornography
- Nudity - an abuser exposing parts of their body or the child's body

Contact behaviour includes:

- Fondling or kissing
- Sexual penetration
- Exploiting a child through prostitution

Physical abuse

Physical abuse occurs when a parent or caregiver subjects a child to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a child. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning and kicking.

Emotional or psychological abuse

Emotional or psychological abuse occurs when a caregiver or parent repeatedly rejects or threatens a child. Often there is a pattern of emotional or psychological abuse, rather than a single incident. Such abuse may involve humiliating, terrorising, name-calling, belittlement, inappropriate symbolic acts or continual coldness from the caregiver or parent, to an extent that results in significant damage to the child's physical, intellectual or emotional wellbeing and development.

Neglect

Neglect occurs when a parent or caregiver fails to provide a child with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, medical attention or supervision to the extent that the child's health and development is, or is likely to be, significantly harmed.

Witnessing Family Violence

Witnessing family violence is a specific form of emotional or psychological abuse. Family violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a child or young person's life. Exposure to family violence places children and young people at increased risk of physical injury and harm and has a significant impact on their wellbeing and development.

We expect all involved personnel within our organisation, regardless of their role or level of responsibility, to act to safeguard children from such harm by:

- Adopting the practices and behaviour we have set as our standard when carrying out their roles and
- Reporting any abuse or neglect of which they become aware to the management responsible for child protection, regardless of whether that abuse is being perpetrated by personnel within our organisation or by those outside our organisation, including those from the child's family, extended family, their family's extended network or strangers.

Our College's commitment to providing a safe environment for the children and young people to whom we provide services is endorsed and approved by the Executive of the College.

Inclusion Principles and Diversity

In complying with the child safe standards, the College is mindful of the diversity of students and school communities and applies the following inclusion principles as part of each standard:

- promoting the cultural safety of Aboriginal and Torres Strait Islander children
- promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds (CaLD)
- promoting the safety of children with a disability.



LEIBLER YAVNEH COLLEGE

For Employees or volunteer staff

Contents:

- Staff Handbook (must be read)
- Contract (as relevant- must be signed)

I have completed the Online Safeguarding Children training course

<http://www.elearn.com.au/deecd/mandatoryreporting/external>

username: deecd

password: external

I have a current VIT registration

OR

I have a current Working with Children's Check which has been linked to Leibler Yavneh College

I have read the Leibler Yavneh College

Child Protection Policy and Mandatory Reporting Policy

[Child Protection Mandatory Reporting Policy](#)

[Child Protection Policy](#)

Code of Conduct (Prep – 2)

[Prim-Behaviour-Code-Foundation-to-Year-2](#)

Code of Conduct (Y3 – 6)

[Prim-Behaviour-Code-Years-3-to-6](#)

Positive Behaviour Policy (Secondary)

[Positive-Behaviour-Uniform-Policy-for-Parents-Students-2016](#)

Positive Peer Relations Anti-Bullying/Harassment Policy for students

[Positive Peer Relations Antibullying Harrassment Policy 2015](#)

ICT Correct Usage Policy for staff

[Staff ICT Acceptable Use Policy](#)

Social Media Policy for staff

[Social Media Policy for Staff](#)

Discrimination, Bullying and Harassment Policy for staff

[LYC Staff Bullying Policy](#)

- I acknowledge and accept the following safeguarding children and young people statement.

Leibler Yavneh College is committed to protecting children and young people from harm. Leibler Yavneh College requires all applicants who work with children and young people to undergo an extensive screening process prior to appointment, a process that includes, but is not limited to, comprehensive reference checks, an identity check, VIT registration and a Working with Children check.

Signed _____

Name _____

Date



Standard Interview Questions (in keeping with our Child Protection/Mandatory Reporting Policy)

Prospective teachers, staff and volunteers will be asked to complete this questionnaire as part of the screening process prior to the offer of employment taking place

Please complete the following Interview questions.

Answers may be filled out on a separate sheet of paper if you would like more space.

Please tell us about your experience in relation to working with children and young people.

Please outline any action taken against you in relation to working or volunteering with children and young people. This includes, but is not limited to, allegations, substantiated cases and disciplinary action.

How do you think your peers, supervisors and referees would describe the way you work with children and young people?

Are there any children with whom you would not wish to work and if so, why?

In a situation where you felt you had lost control of your emotions with your students, how have you managed it? What strategies have you implemented on reflection?

How would you respond to a child or young person who disclosed that they were being subjected to abuse?

What would you do if you thought another staff member or employee was harming a child or young person?

What do you find most rewarding about working with children and young people?

What do you find most challenging about working with children and young people?

How would you handle a child who is behaving in a manner that is disruptive in a group setting?

How would you deal with a child or young person who is acting aggressively?

A parent of a child attending the College wants someone from the organisation to care for their child out of hours. What would be your response to this request?

What would you do if you thought a child or young person was being abused at home?

Can you tell us about children or young people you have found challenging to work with? What strategies do you use to handle challenging behaviour?

How would you handle a child who appears sad and refuses to participate in activities?
