Child Safe Standard 5
Processes for responding to and reporting suspected child abuse

Rationale

Schools must be fully supportive of children, families and staff who have a child safety concern or have reported or witnessed abuse. For Catholic schools this standard engages deeply with the understanding of being in community with one another and the social principles of acting in solidarity and for the common good.

Creating child-safe school environments is a dynamic process that involves active participation and responsibility by schools, families and their communities. It is marked by collaboration, vigilance and proactive approaches across policies, procedures, curriculum and practices (CECV 2016).

In Brief

Standard 5 specifies the conditions that schools should establish to ensure that all members of the community are well informed and well supported and have the confidence to recognise and respond sensitively to disclosures or instances of child abuse. They should understand the responsibility to report allegations of child abuse where there is a reasonable belief that a child is in need of protection or a criminal offense has been committed. These conditions embrace the knowledge, understandings, policies and procedures required to develop the capacity of your community to take a pro-active role in creating a child-safe environment. There should also be an understanding that the Child Protection reporting obligations fall under a separate piece of legislation with different requirements.

Ministerial Order Requirements

The Victorian government has introduced minimum Child Safe Standards into law to ensure organisations providing services for children create child-safe environments. In accordance with Ministerial Order No. 870 (State of Victoria, Department of Education and Training 2016) all Victorian schools are required to comply with these standards as part of their registration requirements.

The Ministerial Order specifies the following requirements for schools regarding Standard 5:

1. The school governing authority must have a clear procedure or set of procedures for responding to allegations of suspected child abuse in accordance with this clause and other legal obligations.

2. The school governing authority must ensure that the procedure is:
   a. sensitive to the diversity characteristics of the school community;
   b. made publicly available; and
   c. accessible to children, school staff, and the wider community.

3. The procedure must:
   a. cover all forms of 'child abuse' as defined in the ETR Act;
   b. 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;
   c. identify the positions of the person or people who are responsible for:
      i. promptly managing the school's response to an allegation or disclosure of child abuse, and ensuring that the allegation or disclosure is taken seriously;
      ii. responding appropriately to a child who makes or is affected by an allegation of child abuse;
      iii. monitoring overall school compliance with this procedure; and
      iv. managing an alternative procedure for responding to an allegation or disclosure if the person allocated responsibility under Clause 11(3)(c)(i) cannot perform his or her role;
   d. include a statement 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;

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e. clearly describe the actions the school will take to respond to an allegation of child abuse, including actions to:
    i.   inform appropriate authorities about the allegation (including but not limited to mandatory reporting);
    ii. protect any child connected to the alleged child abuse until the allegation is resolved; and
    iii. make, secure, and retain records of the allegation of child abuse and the school's response to it.
4. The procedure must not:
    a. prohibit or discourage school staff from reporting an allegation of child abuse to a person external to the school;
    b. state or imply that it is the victim's responsibility to inform the police or other authorities of the allegation;
    c. require staff to make a judgment about the truth of the allegation of child abuse; or
    d. prohibit staff from making records in relation to an allegation or disclosure of child abuse (State of Victoria, Department of Education and Training 2016).

Ongoing Compliance

Monitoring the school's compliance with reporting procedures

- Identify the person(s) in the school to have responsibility for managing the school's internal response to allegations or disclosures of child abuse. This person may be designated as the child safety officer/leader.
- Allocate responsibility including alternative arrangements for the child safe practices and assisting staff with responding and reporting allegations of suspected child abuse.
- Ensure that the designated person(s) understands what the responsibility entails and is supported to fulfil this responsibility.
- Develop a clear policy and set of procedures for responding to allegations of suspected child abuse internally and externally in line with legislation and the cross sectoral PROTECT protocol *Identifying and Responding to All Forms of Abuse in Victorian Schools*.
- Ensure that the policy and procedure is endorsed by the school governing authority.
- Ensure that school policies cover the requirements for mandatory reporting and the three new criminal offences introduced under the *Crimes Act 2005* (Vic.).

- Ensure information on policies and procedures for reporting child abuse is made publicly available; and is accessible to children, school staff, and the wider community.
- Ensure the internal procedure(s) are sensitive to the diversity of the school community and adapted in ways that respond to the diverse contexts and needs of Aboriginal and Torres Strait Islander people and community organisations, people from culturally and/or linguistically diverse backgrounds and people with a disability.
- Ensure the procedure(s) covers all forms of child abuse; is relevant to all allegations or disclosures connected to the school environment; identifies the position(s) of the person(s) with responsibility for managing and fulfilling the procedure(s); clearly describes the actions the school will take to respond to an allegation of child abuse in line with the *Children Youth and Families Act 2005* (Vic.).
- Comply with all legal requirements to report child abuse to the appropriate authorities through the robust implementation of processes that are accessible to all members of the community.
- Ensure that all staff engage in professional learning regarding their obligations in line with the cross sectoral PROTECT protocol *Identifying and Responding to All Forms of Abuse in Victorian Schools* and the Four Critical actions.
- Ensure that in addition, all school staff complete annually the Victorian Department of Education and Training (DET) child safety online module/s and records of completion are maintained.
- Publicise and make accessible to families and children the avenues for reporting child abuse incidents or concerns.
- Ensure that procedures for responding to alleged child abuse are fair, culturally appropriate and focus on child safety, in particular providing support and comfort to a child who reports concerns
- Provide ongoing support, or referrals for support, to alleged victims, their families and affected staff as required.
- Provide access to and contact details for internal and/or external expertise so that staff have access to advice when managing child safety incidents.
- Review organisational responses to disclosures and reporting of concern to help drive continuous improvement.

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Sustaining a Culture of Child Safety

- Ensure that teachers complete the mandatory reporting online module annually and consider extending this module to non-teaching staff and volunteers to build awareness.
- Ensure staff receive ongoing training in responding to disclosures in timely and appropriate ways.
- Ensure that all children in the school understand what child abuse is, know their rights and can easily access reporting procedures when they feel unsafe.
- Monitor the school's risk indicators with respect to identifying, reporting and responding to abuse.
- Ensure that the school has comprehensive processes around the support to students and staff following disclosure.
- Develop a process for regular review and continuous improvement of these procedures.

Indicators of Effective Implementation

Typical features of a school where process for responding to and reporting suspected child abuse are embedded are that:

- policies and procedures comply with requirements for mandatory reporting, the three new crimes offences introduced under the *Crimes Act 2005* (Vic.) and the Victorian Reportable Conduct Scheme introduced in July 2017
- procedures reflect the cross sectoral PROTECT protocol *Identifying and Responding to All Forms of Abuse in Victorian Schools* and the Four Critical actions
- staff and volunteers know and follow the appropriate course of action when an incident or allegation occurs, including compliance with all legal requirements for reporting suspected child abuse
- effective procedures for recording and securely storing allegations of abuse and safety are in place

- suitable steps are taken to ensure children are safe if an allegation of child abuse is reported and clearly defined disciplinary measures are actioned when necessary
- any child reporting an abuse or a safety concern is provided with support and comfort in accordance with culturally safe and appropriate practices, ensuring that the child and family are supported to understand the situation
- develop a process for regular review and continuous improvement of procedures including checking in with students and staff about what's working well and what could be improved
- the processes are children- and young-people-friendly to ensure children know who to talk to if they feel unsafe or have a concern.

Resources

Catholic Education Commission of Victoria Ltd (CECV) 2021, *Employee Relations Page*, accessed 8 April 2021 www.cecv.catholic.edu.au/Employee-Relations/Child-Safety-Reportable-Conduct. For information about and resources from the CECV Employee Relations Unit, including Reportable Conduct.

Royal Commission into Institutional Responses to Child Sexual Abuse 2016, *Royal Commission into Institutional Responses to Child Sexual Abuse website*, accessed 16 May 2016 www.childabuseroyalcommission.gov.au. For information about the focus of the Royal Commission including its research agenda and reports

State of Victoria, Commission for Children and Young People 2018, *A Guide for Creating a Child Safe Organisation,* Version 4, State Government of Victoria, Melbourne, accessed 8 April 2021 https://ccyp.vic.gov.au/assets/resources/CSSGuideFinalV4-Web-New.pdf.

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State of Victoria, Department of Justice 2016, *Betrayal of Trust implementation*, State Government of Victoria, Melbourne, accessed 8 April 2021 www.justice.vic.gov.au/safer-communities/protecting-children-and-families/betrayal-of-trust-implementation. For information about the Betrayal of Trust Inquiry response including Criminal Law reform.

Truth, Justice and Healing Council 2016, *Melbourne Response*, Truth Justice and Healing Council, Canberra, accessed 16 May 2016 www.tjhcouncil.org.au/about-us/about-the-council.aspx. For information about the Catholic Church's response to the Royal Commission into Institutional Responses to Child Sexual Abuse.

Victorian Registration & Qualifications Authority (VRQA) 2021, *Child Safe Standards*, State of Victoria (Department of Education and Training), Melbourne, accessed 8 April 2021 https://www.vrqa.vic.gov.au/childsafe/Pages/Home.aspx. For compliance information and advice on implementation of Ministerial Order No. 870 by the regulatory authority responsible for the registration of Victorian schools.

References

Catholic Education Commission of Victoria Ltd (CECV) 2016, *Commitment Statement to Child Safety: A safe and nurturing culture for all children and young people in Catholic schools*, CECV, East Melbourne, accessed 8 April 2021 www.cecv.catholic.edu.au/getmedia/b5d43278-51b9-4704-b45a-f14e50546a70/Commitment-Statement-A4.aspx.

State of Victoria, Department of Education and Training 2016, *Child Safe Standards – Managing the Risk of Child Abuse in Schools Ministerial Order No. 870*, Education & Training Reform Act 2006, Gazette No. S2, accessed 16 May 2016 www.gazette.vic.gov.au/gazette/Gazettes2016/GG2016S002.pdf.

State of Victoria, Department of Education and Training, 2018, Cross-Sectoral Protocol: *PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools*, State government of Victoria, Melbourne, accessed 8 April 2021 https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_SchoolsGuide.pdf. ✝