



St Michael's Collegiate

## Mandatory Reporting Policy (responding to child abuse reports and allegations)

Reference	Date approved	Date last amended	Date of next review	Status
STU11 V4	February 2019	25 March 2021	February 2023	Endorsed by: Board Approved by: Principal

### 1. Purpose

St Michael's Collegiate School is committed to protecting the students and children who attend our School. Accordingly, we have developed this policy on how to respond to child abuse disclosures, reports and allegations as a guide for our staff, volunteers and contractors in meeting their responsibilities in this area. Our staff, volunteers and contractors are required to identify, report, and respond to any concerns about, or incidents of, child abuse or neglect towards students or children in our community. Our staff, volunteers and contractors are required to respond to abuse or neglect perpetrated by staff or by other persons.

St Michael's Collegiate School will promote equity and respect diversity of the students or children and their parents who access our services as part of our reporting policy. This includes students or children who are Aboriginal and Torres Strait Islanders, from culturally and linguistically diverse backgrounds or with a disability.

We take seriously our responsibility to deliver a rich learning program in an environment that is caring, nurturing and safe. The Board of St Michael's Collegiate School is committed to ensuring the safety of all students or children who participate in our programs and has endorsed this Policy. There is a form to be completed on page 9 and to be forwarded to the Deputy Principal on completion.

As part of that commitment, the St Michael's Collegiate School Board states:

- St Michael's Collegiate School is committed to the safety, wellbeing and protection of all students or children in our care. This commitment includes the provision of a safe and supportive learning environment for all students and requires all employees, volunteers, contractors and visitors to model and encourage exemplary behaviour that protects students from harm.
- We promote a culture where children feel safe and have a voice in decisions that affect them. The School has the responsibility to ensure that every member of our community understands the responsibility they have and the important role they play to ensure the safety of all children in our care. We will take a proactive and preventive role in child safety and support a climate where all children and people feel safe to report concerns. The School is committed to following employment procedures that accord to the principles of the Australian Childhood Foundation Safeguarding Children Program.

### Related Policies

WH16 - Critical Incident Policy

HR13 - Safeguarding Students and Children Policy

HR13a - Safeguarding Practices and Behaviours Guidelines and Policy

HR1 - Code of Conduct Policy

## 2. Related Legislation

Our guidelines comply with relevant legislation:

- Children, Young People and Their Families Act 1997
- Family Violence Act 2004

## 3. Scope

- All Staff (employees, contractors and volunteer) within our School are required to meet the requirements of our policy on responding to child abuse disclosures, reports and allegations. Which includes: physical abuse, sexual abuse, emotional /psychological abuse, neglect and exposure to family violence.

No one within our School is exempt from meeting the standards and requirements set out in this policy.

## 4. Definitions

<b>Abuse</b>	Includes physical abuse and/or sexual abuse and/or sexual exploitation and/or a child whose safety, psychological wellbeing or interests are affected or likely to be affected by Family Violence
<b>Child and student</b>	Any child or student who participates in the early learning, educational, co-curricular, boarding or recreational programs run by the School.
<b>Emotional or psychological abuse</b>	Emotional or psychological abuse occurs when a child does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse may involve repeated rejection or threats to a child. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. These behaviours continue to an extent that results in significant damage to the child's physical, intellectual or emotional wellbeing and development.
<b>Family Violence</b>	Family violence occurs when children are forced to live with violence between adults in their home. It is harmful to children. It can include witnessing violence or the consequences of violence. 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 student's life. Exposure to family violence places students or children at increased risk of physical injury and harm and has a significant impact on their wellbeing and development.
<b>Grooming</b>	Grooming is a term used to describe what happens when a perpetrator of abuse builds a relationship with a child with a view to abusing them at some stage. There is no set pattern in relation to the grooming of children. For some perpetrators, there will be a lengthy period of time before the abuse begins. The child may be given special attention and, what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a child in and abuse them relatively quickly. Some abusers do not groom children but abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports and religious activities, or in internet chat rooms, in social media or by other technological channels.
<b>Harm</b>	Harm to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by: <ul style="list-style-type: none"><li>• physical, psychological or emotional abuse or neglect;</li><li>• sexual abuse or exploitation;</li><li>• a single act, omission or circumstance; and</li></ul>

	<ul style="list-style-type: none"> <li>• a series or combination of acts, omissions or circumstances.</li> </ul>
<b>Neglect</b>	Neglect is the persistent failure or deliberate denial to provide the child with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the child's health and development is, or is likely to be, significantly harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of neglect must be considered within the context of resources reasonably available.
<b>Staff</b>	All Staff, volunteers and contractors who work for or provide services to the School whether in a paid or unpaid capacity.
<b>Physical abuse</b>	Physical abuse occurs when a person 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, excessive and physically harmful over training, and kicking. It also includes giving children harmful substances such as drugs, alcohol or poison. Certain types of punishment, whilst not causing injury can also be considered physical abuse if they place a child at risk of being hurt.
<b>Sexual abuse</b>	Sexual abuse occurs when an adult or a person of authority (e.g. older) involves a child in any sexual activity. Perpetrators of sexual abuse take advantage of their power, authority or position over the child or student for their own benefit. It can include making sexual comments to a child, engaging children to participate in sexual conversations over the internet or on social media, kissing, touching a child's genitals or breasts, oral sex or intercourse with a child. Encouraging a child to view pornographic magazines, websites and videos is also sexual abuse. Engaging children to participate in sexual conversations over the internet is also considered sexual abuse.
<b>Sexual exploitation</b>	Sexual exploitation occurs when children are forced into sexual activities that are then recorded in some way and/or used to produce pornography. Such pornography can be in the form of actual photos or videos or published on the internet. Exploitation can also involve children who are forced into prostitution.

## 5. Responsibilities

Position	Responsibility
Board  Principal	<ul style="list-style-type: none"> <li>• Approve policies and procedures and ensures they are in alignment with legislative responsibilities</li> <li>• Receive information on reports as appropriate and information regarding compliance with this Policy</li> <li>• Oversee, review and ensure continuous improvement of the processes and procedures under this Policy</li> <li>• Implement policies and procedures across the School</li> <li>• Ensure Staff have access to and understand this policy and related procedures</li> <li>• Ensure all managers/supervisors have access to support and advice to understand and implement policies and procedures and monitor compliance by Staff</li> </ul>
Deputy Principal, Chief Operating Officer, HR Coordinator	<ul style="list-style-type: none"> <li>• Review and update this document and supporting resources in consultation with relevant stakeholders</li> <li>• Support the coordination of Safeguarding Students and Children (SSC) framework and implementation</li> <li>• Provide training and advice in the application of policies and procedures</li> </ul>
Managers	<ul style="list-style-type: none"> <li>• Ensure policies and procedures are followed and implemented</li> </ul>
Employees/Volunteers/Contractors	<ul style="list-style-type: none"> <li>• Compliance with policy and procedure.</li> </ul>

## 6. Key Requirements

Our Staff are required to report any instance of abuse or neglect (cases in which a child or student is suffering or has suffered, or is likely to suffer, harm from abuse or neglect) as soon as practicable. Any Staff member who has reasonable grounds in suspecting abuse or harm to a child should consult the Principal or his delegate immediately for advice, however this does not abrogate the teacher's responsibility to report. This consultation will help establish whether you have reasonable grounds and receive help if are unsure if something is reportable.

If a child or student is at **imminent risk** of harm or in **immediate danger**, our Staff are required to immediately, or if that is not possible, no later than before end of their work day at the School:

- report the situation directly to Tasmanian Police Force **131 444** and;
- Child Safety Service on **1800 000 123**. This state-wide number can be used 24 hours a day to report concerns about children. However, outside of usual business hours (8:30am to 5:00pm) it should only be used to report emergencies or urgent concerns regarding risk of immediate harm.

If a child or student is at **immediate** risk and Police or medical assistance is required, dial **000**.

For urgent matters, where a child or student needs **immediate** protection, call **1800 000 123** at any time.

Every adult who knows, or believes or suspects on reasonable grounds, that a child or student is suffering, has suffered or is likely to suffer abuse or neglect, has a responsibility to take steps to prevent the occurrence or further occurrence of the abuse or neglect. Prescribed persons (who are often called 'mandatory reporters') have a special duty to inform Child Safety Service if they believe, suspect or know that a child has been or is being abused or neglected. Mandatory reporters may face penalties if they fail to inform Child Safety Service of their knowledge, belief or suspicions. Teachers and Early Childhood Education and Care Staff fall in the category of mandatory reporters.

In their responses they will need to consider the specific needs of the child or student. They will also need to consider the unique qualities of the child or young person including, for example, whether they are Aboriginal or Torres Strait Islander, have a disability and/or have a culturally and linguistically diverse background.

### **Consequences of breaching policy**

If our Staff fail to report instances, allegations, disclosures or concerns in relation to abuse or neglect of a child or student – by Staff within our School or by others – we view such failure as a serious matter that, depending on the circumstances, may result in disciplinary action or be grounds for dismissal or termination of services.

Our policy prohibits all Staff from:

- discussing any concerns or allegations with unauthorised Staff – within or outside the School – such prohibition not being designed to limit, in any way, their rights and responsibilities to report their concerns or allegations, but rather as part of the School's commitment to ensuring privacy, confidentiality and natural justice;
- making deliberately false, misleading or vexatious allegations.

Our Staff are obliged to raise any concerns they might have in relation to:

- The School's policies designed to safeguard children and students – such as outlined in our 'Safeguarding Practices and Behaviour Guidelines and Policy' and in our 'Mandatory Reporting Policy (responding to child abuse reports and allegations)';
- actions of other Staff within the school community that contravene our policies, or that may otherwise have the potential to harm a child or student.

### **Reporting of concerns or allegations regarding abuse or neglect by family or other external sources**

St Michael's Collegiate School requires all of its Staff to report any instance (past or current) of child abuse or neglect that has resulted in, or is likely to result in, harm to a child or student, to either:

- Tasmanian Police 131 444 for Police Assistance and Child Safety Service on 1800 000 123 immediately (i.e. before the end of the work day)
- If a child is at immediate risk and Police or medical assistance is required, dial **000**.
- For urgent matters, where a child or student needs immediate protection, please call 1800 000 123 at any time.
- The Principal will ensure that the incident is reported to Tasmanian Police and Child Safety Service, immediately (i.e. before the end of the work day). If the Principal is unavailable (or they are the subject of the complaint), our staff are required to report the matter to the Deputy Principal.

Staff are not required to report if they honestly and reasonably believe a report, together with the grounds of their belief, suspicion or knowledge, has already been made by another person.

The following legal mandatory reporting requirements also apply to Staff within the School:

(please refer to <https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>)

Mandatory reporting legislation and summary	Relevant Staff who must comply
Children, Young Persons and Their Families Act 1997. is to provide for the care and protection of children in a manner that maximises a child's opportunity to grow up in a safe and stable environment and to reach his or her full potential.	All Staff, registered teachers, early childhood education and care workers, registered psychologist, all employees, volunteers or other persons who work or participate in education.
Information Sharing	Principal

### Procedures

We ask that our Staff inform the Principal of any report they make to these authorities, to enable our School to best provide support to the students or children, their family and our Staff, where appropriate.

All our Staff retain the right to report directly to relevant authorities, such as police or child safety, any concerns they may have in relation to the safety and welfare of a child or student, regardless of whether or not they have also reported that matter internally.

In taking a report of concern, or of an incident, from others within our School our Staff are:

- not to assess the validity of such allegations or concerns, but to report all allegations or concerns to the nominated person or persons within the School as described in this policy (the validity of an allegation will then be assessed in the manner described in this policy);
- 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 or student is making an allegation or disclosure, our Staff are required to:

- listen to the allegation or disclosure supportively, without dispute;
- clarify the basic details, without seeking further detailed information or asking suggestive or leading questions, using our School's 'Child Abuse Incident Form';
- record on the Child Abuse Incident Form what was said (where possible, noting the exact words used by the person making the allegation);
- date and sign the record;
- explain to the child (if present) that other people may need to be told, in order to stop what is happening; and
- provide reassurance that our School will take immediate action in response to the allegation.

Report the matter as per School policy requirements (as stated earlier). Additional requirements where concerns or allegations of abuse or neglect involve our employees or volunteers.

All Staff must report, immediately, to the Principal any breach of the Safeguarding Practices and Behaviour Guidelines and Policy / Code of Conduct arising from an action by an employee or volunteer within our School.

In response to any instance of breaches which relate to abuse or neglect (being cases in which the abuse or neglect is or has resulted in, or is likely to result in, harm to a child or student) our Principal or their delegate will investigate and deal with allegations of inappropriate and unacceptable behaviour

towards a child in line with our school's general procedures for complaint resolution and disciplinary measures and in consultation with police and other authorities.

If an allegation has been made against a Staff member of our School, the Principal or their delegate will:

- fill in a 'Child Abuse Incident Form' form to ensure all relevant details are documented.
- cooperate with the Police and other authorities and assist in their investigation of the allegation.
- notify the Board Chair
- take any action necessary to safeguard the child or student (or other students or children in our care) from additional harm through options such as:
  - removing/suspending that Staff person from duty or service until the validity of the allegations is determined.
- assist in addressing the support needs of those impacted by the allegation including considerations of cultural safety for:
  - 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 other 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 and will include the right to 'procedural fairness';
  - they are not to discuss the matter with any person, except as directed by police, child safety authorities, Safe Guarding Children Program Coordinator, and/or the Principal or their delegate and only in direct relation to investigation of the allegation.

All instances, allegations, disclosures or reasonable concerns of abuse or neglect of a child or student arising from an action by Staff within our School will be investigated (subject to advice from Police and relevant authorities) and will be the subject of a critical incident review. This will also be reported to the Australian Childhood Foundation within 28 days, in accordance with the requirements of the Safeguarding Children Program. This report will be made by the Principal or their delegate.

### **Confidentiality and Privacy**

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

### **Documentation and Notification**

As part of our policy for responding to disclosures, reports or allegations of child abuse, we have developed a Child Abuse Incident Form, which is to be used by any of our people to document any allegation, disclosure, incident or concern regarding child abuse. In situations where our Staff become aware of abuse or neglect whether through observation of potential indicators, such as bruises or cuts, or by directly observing potentially abusive behaviour towards a child or student, they are required to use our Child Abuse Incident Form to record their observations and concerns as accurately as possible.

In addition, and as part of the school's partnership with the Australian Childhood Foundation there is a requirement to report incidences of Child Abuse using the School's Child Abuse Incident – ACF Report Form.

The Principal or their delegate will oversee creation of a file to contain the completed Child Abuse Incident Forms and any other documentation relating to the allegation and subsequent action. This confidential file system on the Principal (P) Drive (School Server). Management Confidential Files.

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

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

We maintain and regularly monitor records of child abuse reports as part of our Critical Incident Management processes to ensure that they are responded to effectively in accordance with this policy and that requirements for reporting to external authorities are complied with. These records will inform reviews of the policy as detailed in Section 8.

**7. Communication**

We communicate our Policy requirements to all our Staff involved with students or children in our School. We involve our Staff in reviews of our Mandatory Reporting (responding to child abuse reports and allegations policy) requirements. We communicate any significant alterations to our Mandatory Reporting (responding to child abuse reports and allegations policy) requirements and resources to all Staff.

**8. Monitoring and Review**

This document will be reviewed at least every 3 years, in consultation with stakeholders. Some circumstances may trigger an early review, this includes but is not limited to legislative changes, organisational changes, incident outcomes and other matters deemed appropriate by the Board and/or Principal. We retain 'evidence' to document each review undertaken. Such evidence may include minutes of meetings and documentation of changes to policies and procedures that result from a review.

External audit and verification based on a sample, conducted by the Australian Childhood Foundation shall occur at 3 yearly intervals.

**9. Supporting Resources**

Mandatory Reporting Policy STU11 V4
Child Abuse Incident Report Form
Child Abuse Incident – ACF Report Form
Mandatory Reporting Fact Sheet – myCollegiate



## Mandatory Reporting

# Child Abuse Incident Report Form

[This form must be used to record details of a Child Abuse Incident or Allegation]

<b>Child / Client Name:</b>			
Program:			
Date of incident:		Site where incident occurred:	
Person making Report:		Role & Relationship to Child:	
Type of incident (tick all that apply):			
<input type="checkbox"/>	Suspicion or allegation of abuse or neglect of client	<input type="checkbox"/>	Serious breach of client confidentiality
<input type="checkbox"/>	Suspicion of potential harm to a client	<input type="checkbox"/>	Serious breach of duty of care
<input type="checkbox"/>	Potential abuse by or criminal matters involving an employee	<input type="checkbox"/>	A complaint
<input type="checkbox"/>	An episode of severe challenging behaviour	<input type="checkbox"/>	A complaint involving legal proceedings
<input type="checkbox"/>	Potential harm to an employee resulting from harassment/bullying	<input type="checkbox"/>	A serious incident as defined in the Incident Management policy

### Details of the child / student affected by the incident

[A Separate Child Abuse Incident Report Form should be completed for each child]

Full name			
Date of birth		Gender	
Any communication or medical requirements			
Parent / guardian name			
Parent / guardian contact/s phone	(Home) (Mobile)	(Work)	
Parent / guardian address			
Any known parent / guardian communication requirement			

**Details of other persons involved**

<b>Alleged perpetrator(s) details:</b>	
Name – if known.	
Connection with the child – if known	
Any other relevant factors:	
<b>Were there any other witnesses to the incident? Yes <input type="checkbox"/> No <input type="checkbox"/></b> <b>If yes, please provide their details below:</b>	
Full name	
Involvement as witness	
Contact phone number	
Full name	
Involvement as witness	
Contact phone number	

**Details of incident**

(Please describe the incident including alleged perpetrator/s behaviour, sighted injury or other indicators of abuse, conversations with the child)

**Action undertaken (if any):**

To ensure the safety of child/client:	
To address the support needs of the child / client and their family:	
To address the support needs of the alleged perpetrator:	
To address the support needs of other personnel involved:	

**Incident response**

<b>Please tick who of the following have been informed of this incident:</b>	
Externally	Police <input type="checkbox"/> Child Safety <input type="checkbox"/> Ambulance <input type="checkbox"/> Doctor <input type="checkbox"/> Family / Carer <input type="checkbox"/> Other (please specify) <input type="checkbox"/> _____
Internally	Manager (please specify): <i>Please note that a Manager must be informed</i>

**Police**

Date:		Time:	
Name of person notified:		Position:	
Department / region:		Contact detail/s:	
Advice provided:			

**Child Safety Service**

Date:		Time:	
Name of person notified:		Position:	
Department / region:		Contact detail/s:	
Advice provided:			

**Parent / Guardian**

<b>Has the parent / guardian been informed of the incident: Yes <input type="checkbox"/> No <input type="checkbox"/></b> <b>(If appropriate) has the parent / guardian been informed of the authorities being notified: Yes <input type="checkbox"/> No <input type="checkbox"/></b>	
If yes, please provide relevant details of conversations:	<i>E.g. (information provided, reactions, concerns and admissions)</i>
If no, please explain why:	

<b>Please provide details of which manager/s or other personnel has been informed of the incident?</b>	
Full name:	
Position / title:	
Date and time informed:	
Full name	
Position / title:	
Date and time informed:	

**Additional comments:**

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**Acknowledgement of form completion**

<b>I have completed this form to the best of my knowledge and ability</b>			
Name		Position	
Signed		Date	

**Supervisor**

<b>I have checked that all sections of this form are complete</b>			
Name		Position	
Signed		Date	

**Privacy Disclaimer:**

St Michael's Collegiate School acknowledges and respects the privacy of all its Staff, volunteers, contractors and patrons. The information being collected is for the purposes of obtaining details of and assessing the incident in question. Information disclosed on this form may be passed on to the appropriate authorities, as required. By signing this form, you have consented to this information being collected, used and disclosed for the purposes it intended. You have the right to access and alter personal information concerning yourself in accordance with the Commonwealth Privacy Act (amended 2001) and St Michael's Collegiate Privacy Policy.

**OFFICE USE ONLY**

**Incident Management and Review**

Have you undertaken a review of the management of the incident?	
What was the nature of the review?	
What implications does the alleged incident have for your procedure, policies and Safeguarding Accreditation?	
What changes (if any) will be made to your operations and/or your policies and procedures to reduce the likelihood of this situation arising again?	