



# **CHILD ABUSE REPORTING POLICY**

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# INTRODUCTION – Commitment Statement

Yeshivah College and Beth Rivkah Colleges (**the School**) is an Orthodox Jewish Independent School, providing Jewish and General education to school aged students. The School aims to provide students with a positive and enriching educational environment that promotes their religious, academic, social, physical and emotional development, based on Jewish heritage, commitment to Jewish Law (Halacha) and guided by the religious values (Hashkafa) of the Chabad movement.

The Board of Directors (**the Board**) of Yeshivah Beth Rivkah Schools Limited (**YBRSL**) ABN 614988911 is the governing body of **the School**.

The School and the Board are committed to the implementation of the Victorian Government Ministerial Order no. 870 - Child Safe Standards - Managing the risk of child abuse in schools. (<https://www.vrqa.vic.gov.au/childsafepages/documents/Min%20Order%20870%20Child%20Safe%20Standards.pdf>). The School and the Board are committed to the wellbeing, safety and protection of all students and have a zero tolerance of child abuse.

The School employs best practice to ensure that all students in our school are safe at all times. This applies to all activities under the school's auspices and in all school environments, during and outside of school hours.

There is a requirement for all School staff at the School, and the Board, to understand the important responsibility they have to:

- protect our students from all forms of child abuse, bullying and exploitation;
- be alert to incidents of child abuse and neglect occurring outside the scope of the school environment that may have an impact on our students; and
- create and maintain a child safe culture that is understood, endorsed and put into action by all School staff.

Our Child Protection Policies and Procedures demonstrate our zero tolerance for child abuse. In doing so, the school and the Board will take into account the diversity of all students, including but not limited to, the needs of Aboriginal and Torres Strait islander children, children from culturally and linguistically diverse backgrounds, children with disabilities and children who are vulnerable, ensuring to make reasonable efforts to accommodate the needs of each of the above.

The School explicitly recognises that it has a wide range of Jewish students from a variety of backgrounds and Jewish communities and caters to students with varying levels of religious knowledge and commitment.

All allegations of child abuse will be treated seriously and vigorously pursued. The School acknowledges its legal and moral obligations to report promptly to appropriate authorities when a child has been abused or is at risk of being abused and to provide support for victims or potential victims. We will foster a culture of openness that supports all adults and students to safely disclose risks of harm to students.

The School and the Board strongly supports these measures and will ensure that they are implemented.

The School Board is committed to safeguarding our students from child abuse and neglect and all of the School's Child Protection Policies are approved and endorsed by the Board of Directors of the School.

All Child Protection Policies including, but not limited to this *Child Protection Policy and Procedure*, the *Child Abuse Reporting Policy*, and the *School Staff Code of Conduct*, will be made available on the school's website (<https://www.ybr.vic.edu.au/ourpolicies.html>), and staff intranet.

Developed to protect students enrolled in our school, this policy has been formally approved and endorsed by **the Board**. The Principal is responsible for implementation of this policy, and may further delegate aspects to his Senior Staff and Welfare Committee members where appropriate. The Principal is also responsible to report on implementation of this policy back to **the Board**.

This policy acts as a guide to all our School staff in meeting their responsibilities in this area. The School staff are required to identify, report and respond to any concerns about, or incidents of, child abuse or neglect towards our students. The School staff are required to respond to abuse or neglect perpetrated by staff or by other persons.

This policy must be read in conjunction with the Schools' *Child Protection Policy and Procedure* and the *School Staff Code of Conduct*.

Wherever the Board is referenced in this document, the Board have delegated authority and responsibility of implementing Policy and Procedure to the College Principal. In doing so, the Board retains responsibility and oversight for the overall school compliance with this Policy and Procedure.

The Board will review this policy annually and after any serious, reportable incident or when recommended by the Principal, Senior Staff Members or Welfare Committee Members.

## Scope:

This policy applies to:

- a. Yeshivah College
- b. Beth Rivkah Ladies College
- c. All School staff of the School
- d. Activities within the School Environment

This policy relates to instances of alleged Child Sexual Abuse and matters of child safety as defined by reporting obligations under the Children, Youth & Families Act 2005

([http://www.legislation.vic.gov.au/Domino/Web\\_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/15A4CD9FB84C7196CA2570D00022769A/\\$FILE/05-096a.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/15A4CD9FB84C7196CA2570D00022769A/$FILE/05-096a.pdf)), the Crimes Act 1958,

([http://www.legislation.vic.gov.au/Domino/Web\\_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/15A4CD9FB84C7196CA2570D00022769A/\\$FILE/05-096a.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/15A4CD9FB84C7196CA2570D00022769A/$FILE/05-096a.pdf)), and Ministerial Order No. 870 – Child Safe Standards- Managing the risk of child abuse in schools.

Non-reportable issues relating to Jewish cultural, ethical and religious concerns should be referred to the Principal for consideration. The Principal may choose to consult with the Rabbinic Sub-Committee of the Board if necessary. If the matter is not resolved, or it involves the Principal directly, it may be brought to the Chair of the Board's attention. The Chair will consult with the Rabbinic Subcommittee of the Board and will respond as appropriate.

## Purpose:

The purpose of this policy is to define how to report any form of abuse, including:

- Sexual Abuse
- Physical Abuse
- Student to Student Peer Abuse
- Emotional or Psychological Abuse
- Neglect
- Grooming
- Bullying

## Definitions:

Please refer to Appendix 1 at the end of this document for all definitions

# 4 STEPS TO RESPONDING TO INCIDENTS, DISCLOSURES AND SUSPICIONS OF CHILD ABUSE

As a teacher or school staff member you play a critical role in protecting children in your care

- You **MUST** act by following the 4 steps below, as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of, being abused
- You **MUST** act if you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse)

For more details please refer to the School Child Abuse Reporting Policy

Please refer to the Colleges' *Child Protection Policy and Procedure* **and** *Child Abuse Allegation Reporting Policy* for more information

## STEP 1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to **Step 2**.

If a child is at immediate risk of harm you **must** ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling **000 for urgent medical and/ or police assistance** to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.
- Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence

## STEP 2 RESPONDING TO AUTHORITIES / REFERRING TO SERVICES

As soon as immediate health and safety concerns are addressed you **must** report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to do so may amount to a criminal offence

### REPORTABLE CONDUCT IS THE SOURCE OF SUSPECTED ABUSE AN EMPLOYEE?

You **MUST** report all instances of suspected child abuse involving a school staff member, contractor, volunteer or visitor to the relevant Senior Staff Member or School Welfare Committee Member, who will then notify the Principal. The Principal must then report (as per CCYP guidelines) to Police and CCYP. If the Principal is unavailable, the Principal's delegate takes on this responsibility.

### MANDATORY REPORTING

Note: Teachers are legally obliged to report matters relating to child abuse. All other staff/adults, whilst not legally obliged, should follow the same procedures as outlined below. **IS THE SOURCE OF SUSPECTED ABUSE WITHIN THE FAMILY OR COMMUNITY?**

If you believe a child is in need of protection from child abuse or harm within the family or community, you must report to the relevant Senior Staff Member or School Welfare Committee Member, who will then notify the Principal. The Principal will then report to relevant Government Agencies (DHHS and VIC Police) as appropriate. If the Principal is unavailable, the Principal's delegate takes on this responsibility.

For suspected student to student sexual assault, please refer to the 4 Critical Actions: Student Sexual Offending

### WELFARE CONCERNS OTHER THAN ABUSE:

If you believe a child is not subject to abuse but you still hold **significant concerns** for their wellbeing, you must report to the relevant Senior Staff Member or School Welfare Committee Member, and/or Principal who will then notify the relevant Government Agency to make a referral or seek advice (Child First, DHHS or Police)

## STEP 3 CONTACTING PARENTS / CARERS

Your Principal/Senior Staff/Welfare Committee Member **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact** the parents/carer (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- to contact** the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- how to communicate** with all relevant parties with consideration for their safety.

If the matter involves the Principal, or there is a conflict of interest, the matter must be reported to the Board Chair, or their delegate, who will then become the 'Head of the School' for the purposes of responding to and reporting the reportable allegation.

Adapted from:

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5\\_SchoolsGuide.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_SchoolsGuide.pdf)

## STEP 4 PROVIDING ONGOING SUPPORT

In addition to reporting and referral to relevant authorities, the school will ensure that students feel safe and supported. This will be done in partnership and with the consent of parents, carers or guardians (where appropriate) Support in the form of debriefing will also be provided to any impacted staff members.

## LEGAL RESPONSIBILITIES

Although MO870 - Child Safe Standards focuses on the obligations of the school, adults also have several obligations to report allegations and suspicions of abuse against a child, whether or not that child is involved with the school.

### Failure to disclose

All adults (aged 18 years or over) who hold a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 years must disclose that information to Victoria Police as soon as possible. Failing to disclose this information is a criminal offence, unless the adult who holds the belief has a reasonable excuse not to disclose the information, such as they fear for their safety or that of another person.

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

### Failure to protect

The offence of failure to protect applies where there is a substantial risk that a child under the age of 16 years under the care, supervision or authority of the School will become a victim of a sexual offence committed by an adult associated with the school. A person in a position of authority in the school will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently failed to do so.

### Duty of care

Under the statutory duty of care laws introduced in 2017, the school is required to take 'reasonable precautions' to prevent the abuse of children committed by individuals associated with the organisation. If a child is abused by an individual associated with the school, the organisation is presumed to have breached its duty unless it can prove it took 'reasonable precautions' to prevent the abuse in question.

## REPORTABLE CONDUCT: Allegation of abuse by a Staff Member

The school is required to report any allegations of sexual and physical abuse, sexual misconduct, significant emotional or psychological harm, or significant neglect by an employee towards a student in their care.

### What constitutes reportable conduct?

There are 5 types of Reportable Conduct listed in the Child Wellbeing and Safety Act 2005 (The CCYP Act). Please refer to Appendix 1 for definitions of the conducts listed below:

- a) a sexual offence committed against, with or in the presence of, a child
- b) sexual misconduct committed against, with or in the presence of, a child
- c) physical violence committed against, with or in the presence of, a child
- d) Any behaviour that causes significant emotional or psychological harm to a child. To be reportable:
  - i) the allegation must concern the worker's or volunteer's behaviour
  - ii) There must be a clear link between the worker's or volunteer's alleged behaviour and the harm suffered by the child. Signs that the behaviour has caused significant emotional or physical harm include:

- (a) Suicidal action, suicidal ideation or self-harm
- (b) Patterns of out-of-character, self-destructive, antisocial or anxious behaviour
- (c) Ongoing sleep disturbance, nightmares or bedwetting
- (d) Regression in behaviour
- iii) The harm must be significant
  - a. Under the Reportable Conduct Scheme, to be considered significant, the alleged harm must be more than trivial or temporary
- e) Significant neglect of a child
  - a. Under the Reportable Conduct Scheme, to be considered significant, the alleged harm caused by the neglect must be more than trivial or temporary

## Reasonable Belief

A reportable allegation is made where a person makes an allegation, based on a reasonable belief, that a worker, volunteer or contractor has committed reportable conduct or misconduct that may involve reportable conduct. This includes where a reportable allegation is made against the Principal.

A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it is not the same as having proof and does not require certainty.

For example, a person is likely to have a reasonable belief if they:

- observed the conduct themselves
- heard directly from a child that the conduct occurred
- Received information from another credible source (including another person who witnessed the reportable conduct or misconduct).

## What to do if there is an allegation of abuse by a staff member

Our Teachers and school staff are required to immediately report any instance of reportable conduct to the relevant Senior Staff Member, School Welfare Committee Member or Principal. If it is not possible to report it immediately, then it should be done no later than before ending that person's session of work with our School. If the report is made to a Senior Staff Member or Welfare Committee member, they will then notify the Principal.

The Principal as Head of the Organisation is primarily responsible for the Schools' compliance with the Reportable Conduct obligations of the Act and must notify the CCYP as soon as they become aware of a reportable allegation against an employee. The Principal is responsible for following up on the CCYP requirements and any required investigations, reporting and disciplinary actions. As such, if a reportable incident involving a staff member, volunteer, or contractor is disclosed to a School Welfare Committee Member or Senior Staff Member, and not directly to the Principal, the School Welfare Committee Member or Senior Staff Member must advise the Principal in order to proceed with the CCYP reporting process.

Should the Principal be unavailable (e.g. on leave), the Principal's delegate takes on the same responsibility as the Principal.

## MANDATORY REPORTING: Allegation of abuse by a non-Staff Member

The following people are considered Mandatory Reporters:

- Teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic)
- Principals of government and non-government schools
- Registered medical practitioners, nurses and all members of the police force
- School counsellors

### What to do if there is an allegation of abuse by a non-staff member

Our staff, as Mandatory Reporters, are required to report if, in the course of practicing their profession or carrying out their duties, they form reasonable belief (as defined above) that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child from that abuse. This report should be made to the relevant Senior Staff Member, School Welfare Committee Member or Principal.

If it is not possible to report it immediately, then it should be done no later than before ending that person's session of work with our School. If the report is made to a Senior Staff Member or Welfare Committee member, they will then notify the Principal.

The Principal as Head of the Organisation is primarily responsible for the School's compliance with the Mandatory Reporting obligations of the Act and must notify the Department of Health and Human Services – DHHS (Child Protection) as soon as they become aware of the report.

Should the Principal be unavailable (e.g. on leave), the Principal's delegate, takes on the same responsibility as the Principal.

### Staff not subject to mandatory reporting

Teachers are **legally** obliged under Mandatory Reporting to report all cases of suspected child abuse. Other staff, whilst not **legally** bound to report all types of child abuse, do have a legal obligation, and are obligated by our school policies, to report serious physical abuse, unexplained injury, a disclosure of physical and/or sexual abuse by a child or witness or a combination of factors that suggest the likelihood of physical and/or sexual abuse or any Child Safety concerns. Reports must be made to the Senior Staff Member/Welfare Committee Member as above.

Parents and students, should they wish to make a report of an allegation, disclosure or concern, whilst they may not be legally obliged, should follow these same procedures.

Reporting child physical and/or sexual abuse is a community-wide responsibility. Accordingly, a new criminal offence has been created in Victoria that imposes a clear legal duty upon all adults to report information about child physical and/or sexual abuse to police.

Any adult who forms a reasonable belief that a physical and/or sexual offence has been committed against a child has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

For more information, please click on the link - [Disclosing Sexual Abuse Q&A](#).



## CONCERNS OR ALLEGATIONS REGARDING ABUSE OR NEGLECT BY FAMILY OR OTHER EXTERNAL SOURCES

If you are not legally bound by Mandatory Reporting and you believe that a child is in need of protection from harm (other than physical injury or sexual abuse – see above) e.g. persistent neglect, lack of supervision, family violence, parental substance abuse, you should follow these procedures:

In any of the above circumstances, where appropriate:

- a) Speak to a Senior Staff Member, Member of the Welfare Committee from the appropriate campus, or Principal immediately
- b) The Senior Staff Member or Member of the Welfare Committee or Principal will follow the procedures for reporting abuse, allegations and welfare concerns i.e. notify the Principal (if the report was made to someone other than the Principal), document discussion, seek assistance and contact the relevant government agencies where necessary
- c) The situation is to be monitored to ensure that issues are resolved and that the child and family are supported

## CONCERNS OR ALLEGATIONS OF STUDENT TO STUDENT PEER ABUSE (STUDENT SEXUAL OFFENDING)

Student sexual offending refers to sexual behaviour that is led by a student 10 years and over which may amount to a sexual offence. [https://www.education.vic.gov.au/Documents/about/programs/health/protect/SSO\\_Policy.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/SSO_Policy.pdf)

All staff must report immediately, to the relevant Senior Staff Member or School Welfare Committee Member, or the Principal of YBR, any instance, allegation, disclosure or reasonable concern of or suspicion that a student is a victim of student sexual offending and/or a student is engaged in, or has committed, student sexual offending.

In any of the above circumstances, where appropriate:

- a) Speak to a Senior Staff Member or Member of the Welfare Committee from the appropriate campus, or Principal immediately
- b) The Senior Staff Member or Member of the Welfare Committee or Principal will follow the procedures for reporting abuse, allegations and welfare concerns i.e. notify the Principal (if the report was made to someone other than the Principal), document discussion, seek assistance and contact the relevant government agencies where necessary
- c) The situation is to be monitored to ensure that issues are resolved and that the child and family are supported

# 4 STEPS TO RESPONDING TO STUDENT SEXUAL OFFENDING

As a teacher or school staff member you play a critical role in protecting children in your care

- You **MUST** act by following the 4 steps below, as soon as you witness an incident, receive a disclosure or form a suspicion that a student is a victim of student sexual offending and/or a student has engaged in sexual offending
- You **MUST** act even if you are unsure and have not directly observed student sexual offending (e.g. if the victim or another person tells you about the offence)
  - You **MUST** use the **Responding to Student Sexual Offending template** to keep clear and comprehensive notes:

## STEP 1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to **Step 2**.

If a child is at immediate risk of harm you **must** ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling **000 for urgent medical and/ or police assistance** to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.
- Where necessary you may also need to maintain the integrity of the potential crime scene and preserve

## STEP 2 RESPONDING TO AUTHORITIES / REFERRING TO SERVICES

As soon as immediate health and safety concerns are addressed you **must** report all incidents, suspicions and disclosures of student sexual offending as soon as possible:

**INTERNALLY:**  
Report immediately to the relevant Senior Staff Member, School Welfare Committee Member or Principal. The Principal will identify the contact person at the school for future liaison with Victoria Police and/or Child Protection and seek advice about contacting parents/carers (see Step 3)

**VICTORIA POLICE:**  
All Instances on 000

**DHHS CHILD PROTECTION:**  
If you believe that:

- The victim's parents/carers are unable or unwilling to protect the child
- The student who is alleged to have engaged in the student sexual offending is:
  - Aged over 10 and under 15 years and may be in need of therapeutic treatment to address these behaviours
  - May be displaying physical and behavioral indicators of being the victim of child abuse\*

\* For suspected child abuse, please refer to the 4 Critical Actions: Responding to Incidents, Disclosures and Suspicions of Child Abuse

### CONTACT:

#### DHHS CHILD PROTECTION:

North Division: 1300 664 977 West Division (Rural): 1800 075 599  
**South Division: 1300 655 795** West Division (Metro): 1300 664 977 station  
 East Division: 1300 360 391 After hours/weekends/public holidays: 13 12 78

**CHILD FIRST:** www.dhs.vic.gov.au  
**VICTORIA POLICE:** 000 or your local

**INDEPENDENT SCHOOLS VICTORIA:**  
 (03)9825 7200

## STEP 3 CONTACTING PARENTS / CARERS

Your Principal/Senior Staff/Welfare Committee Member **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers of all impacted students. They may advise:

- not to contact the parents/carers** (e.g. in circumstances where contacting the parents/carers is likely to adversely affect a **Victoria Police** investigation or where the student is a mature minor and has requested that their parent/carer not be informed)
- to contact the parents/carers** and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)

## STEP 4 PROVIDING ONGOING SUPPORT

The School **MUST** provide support for students who are victim to a student sexual offence AND students who have engaged in a sexual offence. This is an essential part of our duty of care requirements.

This support will include the development of a **Student Support Plan** in consultation with the school welfare professionals and/or external welfare professionals outlining support strategies.

### Adapted from:

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_SSO.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_SSO.pdf)

## CONCERNS A CHILD MAY BE IN NEED OF PROTECTION FROM SIGNIFICANT HARM

**A report to Child Protection** should be made where you believe the child may be in need of protection from significant harm or damage to their health or development in connection with:

- physical abuse, non-accidental or unexplained injury (mandatory reporters must report)
- sexual abuse (mandatory reporters must report)
- emotional abuse or ill treatment
- persistent neglect, poor care or lack of appropriate supervision
- persistent family violence, parental substance misuse or psychiatric illness, or intellectual disability
- a child's actions or behaviour which places them at risk.

A report should also be made where a child appears to have been abandoned, or where the child's parents are dead or incapacitated, and no other suitable person is willing and able to care for the child

### What to do if there is a concern a child may be at risk of significant harm

In any of the above circumstances, where appropriate:

- a) Speak to a Senior Staff Member or Member of the Welfare Committee from the appropriate campus, or the Principal immediately
- b) The Senior Staff Member or Member of the Welfare Committee will follow the procedures for reporting abuse, allegations and welfare concerns i.e. notify the Principal, document discussion, seek assistance and contact the relevant government agencies where necessary
- c) The situation is to be monitored to ensure that issues are resolved and that the child and family are supported

## WELFARE CONCERNS OTHER THAN ABUSE OR SIGNIFICANT HARM

**A referral to Child FIRST** may be the best way of connecting children, young people and their families to the services they need, where families exhibit any of the following factors:

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

### What to do if there are welfare concerns

In any of the above circumstances, where appropriate:

- a) Speak to a Senior Staff Member or Member of the Welfare Committee from the appropriate campus, or the Principal immediately

- b) The Senior Staff Member or Member of the Welfare Committee will follow the procedures for reporting abuse, allegations and welfare concerns i.e. notify the Principal, document discussion, seek assistance and contact the relevant government agencies where necessary
- c) The situation is to be monitored to ensure that issues are resolved and that the child and family are supported

**In all circumstances of making a report, disclosure or referral:**

If a reportable incident involving a staff member, volunteer, contractor, or student to student peer abuse (student sexual offending), or a welfare concern is disclosed to a School Welfare Committee Member or Senior Staff Member, and not directly to the Principal, the School Welfare Committee member or Senior Staff Member must inform the College Principal of the incident, any actions taken and reports made.

The Principal will keep the Board Chair updated of any incidents of Reportable Conduct in their weekly catch up and/or the next Board meeting, as appropriate.

If the Principal is the subject of the complaint, or there is a clear conflict of interest, the matter must be reported to the Board Chair or Head of Human Resources, or the Principal’s delegate. The Board Chair or Head of Human Resources, or the Principal’s delegate will then become the ‘Head of School’ for the purposes of responding to and reporting the reportable allegation.

If the Principal is unavailable (e.g. on leave), the Principal’s delegate, takes on the responsibility of reporting to the relevant authorities in the circumstance of Reportable Conduct or Mandatory Reporting. In all other cases, the Senior Staff Member or Member of the Welfare Committee may do so, however the Principal must still be notified.

If a student is at imminent risk of harm or in immediate danger, all our staff are required to immediately report the situation directly to Victorian Police, Tel: 000 and/or Child Protection – Southern Region (1300 655 795) / Child Protection After Hours Service, Tel: 13 12 78.

Child First: South Metropolitan Region - 1330 667 441

Please see relevant Departmental, DHHS & Child First contact details:

Contact Numbers				
Department of Education and Early Childhood Development		Department of Human Services Child Protection		CHILD FIRST
<b>METROPOLITAN REGIONS</b>		<b>METROPOLITAN REGIONS</b>	<b>METROPOLITAN REGIONS</b>	<b>Local Catchment Area</b>
Eastern	(03) 9265 2400	Intake Unit	Regional Office	<b>Barwon South Western</b>
Northern	(03) 9488 9488	Eastern 1300 360 391	Box Hill (03) 9843 6000	Greater Geelong, Queenscliff, Surf Coast
Western	(03) 9291 6500	North and West 1300 664 977	Preston 1300 664 977	Colac – Otway, Corangamite
Southern	(03) 9794 3555	Southern 1300 655 795	Footscray 1300 360 462	Warrambool, Moyne, Glenelg, Southern Grampians
<b>RURAL REGIONS</b>		<b>RURAL REGIONS</b>		<b>Gippsland</b>
Barwon South Western	5225 1000	Intake Unit	Regional Office	East Gippsland
Gippsland	5127 0400	Barwon South Western	Geelong (03) 5226 4540	Wellington
Grampians	5337 8444	Gippsland 1800 020 202	Traralgon (03) 5177 2500	La Trobe, Baw Baw
Hume	5761 2100	Grampians 1800 000 551	Ballarat (03) 5333 6530	South Gippsland, Bass Coast
Loddon Mallee	5440 3111	Hume 1800 650 227	Wangaratta (02) 5722 0555	<b>Grampians</b>
<b>Office for Children and Licensed Children's Services:</b>		Loddon Mallee 1800 675 598	Wedonga (02) 6055 7777	Northern Grampians, West Wimmera, Hindmarsh, Yarrambat, Horsham
<b>METROPOLITAN REGIONS</b>		<b>After hours Child Protection Emergency Services (AHCPEs)</b>		Ararat, Pyrenees, Hepburn, Ballarat, Golden Plains, Moorabool
Eastern	(03) 9265 2400	Statewide number for all emergency child protection matters outside of normal business hours (24 hours, 7 days a week): <b>131 278</b>		<b>Hume</b>
Northern	(03) 9412 5333	<b>Victoria Police</b> 000		Wodonga, Towong, Indigo
Western	(03) 9275 7000	<b>Catholic Education Offices</b>		Alpine, Benalla, Mansfield, Wangaratta
Southern	(03) 9096 9555	Catholic Education Office, Melbourne (03) 9267 0228		Greater Shepparton, Strathbogie, Moira
<b>RURAL REGIONS</b>		Catholic Education Office, Ballarat Diocese 5337 7135		Mitchell, Murrindindi
Barwon South Western	5225 1000	Catholic Education Office, Sale Diocese 5622 6600		<b>Loddon Mallee</b>
Gippsland	5127 0400	Catholic Education Office, Sandhurst Diocese 5443 2377		Greater Bendigo, Campaspe, Central Goldfields, Loddon, Macedon Ranges, Mount Alexander
Grampians	5337 8444	<b>Independent Schools Victoria</b> (03) 9825 7200		Buloke, Goonawarra, Swan Hill, Mildura
Hume	5761 2100	Other		Eastern Metropolitan
Loddon Mallee	5440 3111	Victorian Aboriginal Education Association, Inc. (03) 9481 0800		Yarra Ranges, Knox, Maroondah
<b>Important information for government schools</b>		Victoria Police Sexual Offences and Child Abuse Unit (03) 9247 6666		Morshah, Whitehorse, Manningham, Boroondara
Principals of Victorian Government schools must report all incidents to the Emergency and Security Management Unit on 03 9589 6266.		Centre Against Sexual Assault 1800 806 292		<b>North and West Metropolitan</b>
Victorian Government schools should contact the Student Critical Incident Advisory Unit (SCIAU), Student Wellbeing Division, for advice and support when responding to allegations of student sexual assault or inappropriate sexual behaviours.		Gatehouse Centre, Royal Children's Hospital (03) 9345 6391		Nilumbik, Whittlesea, Banyule, Yarra and Darebin
The SCIAU can be contacted on 03 9637 2934 or 03 9637 2487.		Child Safety Commissioner (03) 8601 5884		Brimbank, Melton
Victorian Government School Principals should refer to the flowchart – Responding to Allegations of Student Sexual Assault Compulsory Actions for Principals at: <a href="http://www.education.vic.gov.au/healthwellbeing/safety/childprotection/childprotection.htm">http://www.education.vic.gov.au/healthwellbeing/safety/childprotection/childprotection.htm</a>		Victorian Aboriginal Child Care Agency (03) 8388 1855		Hume, Moreland
				Hobson's Bay, Maribymong, Melbourne, Moorree Valley and Wyndham
				<b>Southern Metropolitan</b>
				Casey, Cardinia, Greater Dandenong (03) 9705 3939
				Aboriginal children and families (Casey, Cardinia and Great Dandenong) (03) 9794 5973
				Frankston, Mornington Peninsula 1300 721 383
				Kingston, Bayside, Glen Eira, Stonington, Fort Phillip 1300 367 441

## SUPPORTING DISCLOSURE

The School supports and encourages teachers, school staff, parents and students to report incidents of child abuse.

In taking any report of concern, incident or allegation, School staff are:

- not to assess the validity or make judgement about the truth of such allegations or concerns, but to report all allegations or concerns to the nominated person or persons within our School as described in this policy. The validity of an allegation will then be assessed in the manner described in this policy
- not to state or imply that it is the victim's responsibility to inform the police or other authorities of the allegation
- 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.
- not to prohibit or discourage anyone from reporting an allegation of child abuse to a person external to the school

The legal obligation of reporters is not removed by a decision by a Senior Staff Member, Welfare Committee Member or the Principal not to contact an outside agency, and all our staff (or any other person concerned with the welfare of a child) retain the right to report directly to relevant authorities, i.e. call the Police, DHHS, CCYP etc. in relation to any concerns they may have about the safety and welfare of a student. This is true even if they have already reported the matter to a Senior Staff Member/Welfare Committee Member/Principal in line with our 'Child Abuse Reporting and Allegations Policy'. Any person that reports to relevant authorities, with or without formal approval, will be supported by the school. Fulfilling the roles and responsibilities contained in this policy does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk.

Teachers are also bound by Principle 3.2 of the VIT Code of Conduct regarding being aware of the legal requirements that pertain to their profession. In particular they must remain cognizant of their legal responsibilities in relation to:

- discrimination, harassment and vilification
- negligence
- mandatory reporting
- privacy
- occupational health and safety
- teacher registration.

## RAISING CONCERNS

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

- our School's policies designed to safeguard students – such as outlined in our *School Staff Code of Conduct*, *Child Protection Policy and Procedure* and in our *Child Abuse Reporting Policy*
- actions of other School staff within our School that contravene our policies, or that may otherwise have the potential to harm a student.

Students and Parents are encouraged, via informal and formal child safety programs and workshops, to report all cases of abuse to **any** staff member. The School staff member, to whom it was reported, will then follow the child abuse reporting and allegations policy in regards to reporting any alleged child abuse.

## WELFARE SUPPORT THROUGH THE REPORTING PROCESS

Experiences of child abuse can cause trauma and significantly impact the mental health and wellbeing of the student, family and staff members involved.

In addition to reporting and referral to relevant authorities, the school will ensure that students feel safe and supported. This will be done in partnership and with the consent of parents, carers or guardians.

Support in the form of debriefing will also be provided to any impacted staff members.

## CONFIDENTIALITY AND PRIVACY

All incidents, allegations or disclosure brought to the attention of the School will be thoroughly documented and recorded.

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

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

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

Our policy:

- prohibits all School staff from discussing any concerns or allegations with unauthorized staff – within or outside our 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 our School's commitment to ensuring privacy, confidentiality and natural justice
- prohibits all School staff from making deliberately false, misleading or vexatious allegations.

## CONSEQUENCES OF BREACHING POLICY

Failure to report instances, allegations, disclosures or concerns in relation to abuse or neglect of a student is a serious matter that depending on the circumstances may result in disciplinary action or be grounds for dismissal. This applies to both where the abuse or neglect was caused by school staff within our school and where it was by others.

As an employer of registered teachers, the school is also required to notify VIT if any action is taken against a registered teacher in response to an allegation(s) of:

- serious incompetence
- serious misconduct
- lack of fitness to teach
- a physical or mental impairment that adversely affects the teacher's ability to teach.

## DOCUMENTATION

As part of our policy for responding to reports or allegations of child abuse, we have developed a 'Record of a child abuse allegation, disclosure or concern' form, which is to be used by any of the School staff to document any allegation, disclosure, incident or concern regarding child abuse inside or outside the School.

## References

- **VRQA Child Safe Standards**  
<http://www.vrqa.vic.gov.au/childsafe/Pages/default.html>  
<https://www.vrqa.vic.gov.au/childsafe/Pages/resources.aspx>
- **VRQA Definitions**  
<https://www.vrqa.vic.gov.au/childsafe/Pages/schools.aspx#tab-schools-4>
- **CCYP:**  
<https://ccyp.vic.gov.au/assets/resources/Responsibilities-of-the-head-of-an-organisation.docx>
- **Department of Education Victoria**  
<http://www.education.vic.gov.au/about/programs/health/protect/Pages/childsafestandards.aspx>
- **Ministerial Order No. 870** Victorian Government, Education & Reform Act 2006, Gazette No. S2, January 2016, Child Safe Standards – Managing the Risk of Child Abuse in Schools,  
<http://www.gazette.vic.gov.au/gazette/Gazettes2016/GG2016S002.pdf>
- **VIT:**  
<https://www.vit.vic.edu.au/professional-responsibilities/investigations/notifying-the-institute-about-teacher-concerns>  
[https://www.vit.vic.edu.au/\\_data/assets/pdf\\_file/0018/35604/Code-of-Conduct-2016.pdf](https://www.vit.vic.edu.au/_data/assets/pdf_file/0018/35604/Code-of-Conduct-2016.pdf)
- **Betrayal of Trust Fact Sheets:**  
Grooming: [https://assets.justice.vic.gov.au/justice/resources/df7994c3-9238-4de5-9ff1-a5c0cf79a7fa/grooming\\_betrayal\\_of\\_trust\\_factsheet\\_2017.pdf](https://assets.justice.vic.gov.au/justice/resources/df7994c3-9238-4de5-9ff1-a5c0cf79a7fa/grooming_betrayal_of_trust_factsheet_2017.pdf)  
Failure to Protect: [https://www.justice.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2018/07/a9/431cfe3d9/failure\\_to\\_protect\\_betrayal\\_of\\_trust\\_factsheet\\_2017.pdf](https://www.justice.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2018/07/a9/431cfe3d9/failure_to_protect_betrayal_of_trust_factsheet_2017.pdf)  
Duty of Care: [https://www.justice.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2018/07/c1/67fe50c31/betrayal\\_of\\_trust-organisational\\_duty\\_fact\\_sheet\\_2018%20.doc](https://www.justice.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2018/07/c1/67fe50c31/betrayal_of_trust-organisational_duty_fact_sheet_2018%20.doc)  
Failure to Disclose: [https://assets.justice.vic.gov.au/justice/resources/ea484f74-feb7-400e-ad68-9bd0be8e2a40/failure\\_to\\_disclose\\_betrayal\\_of\\_trust\\_factsheet\\_2017.pdf](https://assets.justice.vic.gov.au/justice/resources/ea484f74-feb7-400e-ad68-9bd0be8e2a40/failure_to_disclose_betrayal_of_trust_factsheet_2017.pdf)

## Related Documentation

These documents can be found on our School Website: <https://www.ybr.vic.edu.au/ourpolicies.html>

Yeshivah Beth Rivkah Colleges Child Protection Policy and Procedure

Yeshivah Beth Rivkah Colleges School Staff Code of Conduct

Yeshivah Beth Rivkah Colleges Employment Policy

This policy and associated policies will be reviewed after any serious incident, otherwise at the review date.

<b><u>Status of Policy</u></b>	
<b>Last Reviewed:</b>	<b>May 2020</b>
<b>Next Reviewed:</b>	<b>May 2021</b>
<b>Approved by:</b>	<b>YBRSL Board</b>
<b>Approval Date:</b>	<b>4 May 2020</b>

## APPENDIX 1:

### Definitions (as per Ministerial Order No. 870)

In the Ministerial Order:

**ETR Act** means the Education and Training Reform Act 2006 as amended from time to time.

**Child** means a child enrolled as a student at the school.

**Child-connected work** means work authorised by the School governing authority and performed by an adult in a School environment while students are present or reasonably expected to be present.

**Child abuse** includes-

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

**Child safety** encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

**minister of religion** has the same meaning as in the Working with Children Act 2005.

**proprietor**, in relation to a school, means the person who is ultimately responsible for the way the school is managed and conducted:

- a) in the case of a Government school, the Secretary;
- b) in the case of a non-Government school, the proprietor of the school.

For the purposes of our School, the Proprietor is the Board of Directors

**school environment** means any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:

- a) a campus of the school;
- b) online school environments (including email and intranet systems); and
- c) other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).

**school governing authority means:**

- a) the proprietor of a school, including a person authorised to act for or on behalf of the proprietor; or
- b) the governing body for a school (however described), as authorised by the proprietor of a school or the ETR Act; or



- c) the principal, as authorised by the proprietor of a school, the school governing body or the ETR act

For the purposes of our School, the School Governing Body is the Board of Directors

**school staff** means:

- a) in a Government school, an individual working in a school environment who is:
- (i) employed under Part 2.4 of the ETR Act in the government teaching service; or
  - (ii) employed under a contract of service by the council of the school under Part 2.3 of the ETR Act; or
  - (iii) a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary).
- b) in a non-Government school, an individual working in a school environment who is:
- (i) directly engaged or employed by a school governing authority;
  - (ii) a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary); or
  - (iii) a minister of religion.
- (1) The following terms have the same meaning as in the ETR Act (as amended from time to time):
- (i) child abuse;
  - (ii) government school;
  - (iii) government teaching service;
  - (iv) non-Government school;
  - (v) parent;
  - (vi) principal;
  - (vii) registered school;
  - (viii) school; and
  - (ix) the Secretary.

## Other Definitions:

**Behaviour that causes emotional or psychological harm** includes severe or sustained instances of:

- Verbal abuse
- Coercive or manipulative behaviour
- Hostility towards, or rejection of, a child
- Humiliation, belittling or scapegoating

### **Bullying – verbal, physical and cyber**

Bullying involves the inappropriate use of power by one or more persons over another less powerful person or group and is generally an act that is repeated over time. Bullying has been described by researchers as taking many forms which are often interrelated and include:

- Verbal
- Physical
- Social
- Psychological

**Children's (or students') rights** – have the right to be safe and protected.

**Emotional or Physical Harm:** Emotional or psychological harm may be caused by severe or sustained instances of the following behaviours:

- Verbal abuse
- Coercive or manipulative behaviour
- Hostility towards, or rejection of, a child
- Humiliation, belittling or scapegoating

Emotional or psychological harm may also be caused where an existing mental health disorder such as anxiety or depression has been exacerbated.

### **Family violence**

Family violence is a specific form of emotional or psychological abuse. Family violence is violence between members of a family or extended family or those fulfilling the role of family in a student'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.

**Grooming** as defined by the *Crimes Amendment (Grooming) Act 2014* is:

The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.

- The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.
- Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.
- The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as upskirting and indecent behaviour in public.

**Halacha** means Jewish Law according to the Shulchan Aruch (Code of Jewish Law). The Rabbinic Sub-Committee of the School Board shall be the final arbiters of Halacha for the School.

**Hashkafa** means religious values of the Chabad movement. The Rabbinic Sub-Committee of the School Board shall be the final arbiters of Hashkafa for the School.

**Neglect** occurs when a worker or volunteer does not meet their obligations and responsibilities to keep a child safe and well. This may include:

- Supervisory neglect, which is the absence or inattention of a worker or volunteer which places the child at risk of physical harm or injury, sexual abuse, or allows other criminal behaviour towards the child
- Physical neglect, which is the failure to provide basic physical necessities for a child such as adequate food, clothing and housing

**Parent** includes the child's biological parent or legal guardian

**Physical Contact/Physical Violence:** Intentional or reckless physical force against, with or in the presence of a child without a lawful reason, which has the ability to cause injury or harm to the child, including hitting, punching, kicking, pushing or throwing something that strikes a child or another person

**Reportable conduct** is defined in the Child Wellbeing and Safety Act 2005 to include:

a sexual offence committed against, with or in the presence of, a child

- sexual misconduct committed against, with or in the presence of, a child
- physical violence committed against, with or in the presence of, a child
- any behaviour that causes significant emotional or psychological harm to a child
- Significant neglect of a child. Significant means in relation to emotional or psychological harm or neglect, refers to harm that is more than trivial but need not be as high as serious and need not have a lasting permanent effect.

**Senior Staff Member** includes Head of Students, Head of Teaching and Learning, Co-ordinator/Head of Jewish Studies, Campus Rabbi Pastoral, Head of School, Deputy / Assistant Principal or Principal, or any other member of the Senior Management Team (SMT). In relation to all student welfare and safety matters it also includes members of the Welfare Committee who may not be SMT members (see Welfare Committee definition).

### **Sexual Exploitation**

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.

**Sexual misconduct** captures a broader range of inappropriate behaviours of a sexual nature that are not necessarily criminal. It refers to conduct that:

- Amounts to misconduct
- Is of a sexual nature, and
- Occurred against, with, or in the presence of a child

**Sexual Offences** include

- Sexual assault
- Indecent acts
- Possession of child abuse material
- 'grooming' a child in order to commit a sexual offence

**Student** means a child within the School's care including children who are enrolled in the school, and children attending on a trial basis or short term placement.

### **Student to Student Peer Abuse (Student Sexual Offending)**

Student sexual offending refers to sexual behaviour that is led by a student 10 years and over which may amount to a sexual offence.

A sexual offence includes rape, sexual assault, indecent acts and other unwanted sexualised touching, all of which are offences under the *Crimes Act 1958*.

**Welfare Committee:** The Welfare Committee is a cross-campus body, committed to the wellbeing of all students. The Welfare Committee is an active extension of the School and is committed to safeguarding children through communication, support and comprehensive policies. The responsibility of the Welfare Committee is to promote the safety of all students and to foster academic, emotional, social, spiritual and physical development. See <https://www.ybr.vic.edu.au/welfarecommittee.html>