

# CHILD SAFE POLICY AND STATEMENT OF COMMITMENT (Standard 2)

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

To find out what to do if a child discloses an incident of abuse, or if a parent/carer raises a concern or allegation of abuse which may have taken place at MMS please see [ATTACHMENT 2 \(pg 10\) Process after an allegation is made.](#)

## PURPOSE

In accordance with the desire to keep all children safe, and in response to regulatory changes introduced in 2016, specifically the Ministerial Order No. 870 (Child Safe Standards – Managing the risk of child abuse in schools), Melbourne Montessori School (the School) has further detailed our expectations of the treatment of children enrolled in our school. The Child Safe Policy aims to protect children from all abuse, including physical violence, sexual abuse, serious emotional or psychological abuse and serious neglect.

## SCOPE

This policy applies to all staff, students on placements, volunteers, parents/guardians, students and others attending programs and activities of Melbourne Montessori School, including offsite excursions and activities.

A: BACKGROUND

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## A: BACKGROUND

A child safe policy is an overarching document that provides an overview of key elements of Melbourne Montessori Schools approach to child safety.

## B: STATEMENT OF COMMITMENT TO CHILD SAFETY

Melbourne Montessori School's mission is to:

- provide excellence in Montessori education
- provide an enriched and welcoming learning community that embodies the Montessori principles of respect for self, respect for others and respect for the environment as well as respect for our country's freedoms and democratic principles
- nurture, inspire and support each child's individual development
- foster the growth of self-confidence, independence, self-discipline, personal and social responsibility
- foster children's innate love of learning and to make their introduction to education a joyful and purposeful start to a journey of life-long learning

As outlined in our Mission Statement, MMS is committed to child safety.

We want children to be safe, happy and empowered. We support and respect all children, as well as our staff and volunteers.

We are committed to the safety, participation and empowerment of all children.

We have zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently with our robust policies and procedures.

We have legal and moral obligations to contact authorities when we are worried about a child's safety, which we follow rigorously.

MMS is committed to preventing child abuse and identifying risks early, and removing and reducing these risks.

We have robust human resources and recruitment practices for all staff and volunteers and are committed to regularly training and educating our staff and volunteers on child abuse risks.

MMS supports and respects all children, as well as our staff and volunteers. We are committed to the cultural safety of Aboriginal children, the cultural safety of children from a culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability.

We have specific policies, procedures and training in place that support our leadership team, staff and volunteers, to achieve these commitments.

### **Our children**

This policy is intended to empower children who are vital and active participants in our organisation. We involve them when making decisions, especially about matters that directly affect them. We listen to their views and respect what they have to say.

We promote diversity and tolerance at Melbourne Montessori School, and people from all walks of life and cultural backgrounds are welcome. In particular we:

- promote the cultural safety, participation and empowerment of Aboriginal children
- promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds
- ensure that children with a disability are safe and can participate equally

## **C: LEGISLATION AND STANDARDS**

Working with Children Act 2005

Crimes Act 1958 (grooming)

Education and Training Reform Act 2006

## **D: DEFINITIONS**

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

***Child abuse*** includes—

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

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

**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.

**Child Safety Officer** is a person at MMS who has knowledge of child safety issues, and could be a point of contact for others who have questions or concerns or want to report an allegation of child abuse. Until a responsible person is elected, the Principal will be the delegated Child Safety Officer.

**Child FIRST** : The Family Information Referral Support Team is run a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to DHS

**Child Protection:** The Victorian Government agency, provided by DHS, that protects children at risk of significant harm. Child Protection has statutory powers and can use these to protect children.

**ETR** means The Education and Training Reform Act 2006 (as amended from time to time).

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

**Proprietor** In relation to a school this means the person who is ultimately responsible for the way the school is managed and conducted. In the case of a non-Government school (MMS), the proprietor of the school.

**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 campus of the school
- online school environments (including email and intranet systems)
- 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 staff** At MMS this means an individual working in our school environment who is:

- directly engaged or employed by the school governing authority
- a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary)
- a minister of religion (**minister of religion** has the same meaning as in the *Working with Children Act 2005*).

**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.

## **E: PROCEDURES**

**E1) ALL STAFF, STUDENT PLACEMENTS, VOLUNTEERS, PARENTS/GUARDIANS are responsible for accepting and agreeing with the following statements:**

### **In relation to abiding by policy:**

This policy guides our staff and volunteers in our school environment on how to behave with children in our organisation. Further information on expectations are listed in our Code of Conduct.

All of our staff and volunteers must agree to abide by this policy, our Code of Conduct and other policies which specify the standards of conduct required when working with children. All staff and volunteers, as well as children and their families, are given the opportunity to contribute to the development of the Code of Conduct and policies.

### **In relation to privacy:**

All personal information considered or recorded will respect the privacy of the individuals involved, whether they be staff, volunteers, parents or children, unless there is a risk to someone's safety. We have safeguards

and practices in place to ensure any personal information is protected. Everyone is entitled to know how this information is recorded, what will be done with it, and who will have access to it.

### **In relation to allegations, concerns and complaints**

The safety and wellbeing of children is our primary concern. We record all allegations of abuse and safety concerns using our incident reporting form (see Appendix A), including investigation updates. All records are securely stored. If an allegation of abuse or a safety concern is raised, where appropriate, we provide updates to children and families on progress and any actions MMS take.

MMS takes all allegations seriously and has practices in place to investigate thoroughly and quickly. Our staff and volunteers are trained to deal appropriately with allegations.

We work to ensure all children, families, staff and volunteers know what to do and who to tell if they observe abuse or are a victim, and if they notice inappropriate behaviour.

We all have a responsibility to report an allegation of abuse if we have a reasonable belief that an incident took place (see information about failure to disclose below).

If an adult has a **reasonable belief** that an incident has occurred then they must report the incident. Factors contributing to reasonable belief may be:

- a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves)
- behaviour consistent with that of an abuse victim is observed. For example behaviour or more information see Source: [An Overview of the Victorian child safe standards:](http://www.dhs.vic.gov.au/___data/assets/word_doc/0005/955598/Child-safe-standards_overview.doc)  
<[www.dhs.vic.gov.au/\\_\\_\\_data/assets/word\\_doc/0005/955598/Child-safe-standards\\_overview.doc](http://www.dhs.vic.gov.au/___data/assets/word_doc/0005/955598/Child-safe-standards_overview.doc)
- someone else has raised a suspicion of abuse but is unwilling to report it
- observing suspicious behaviour.

### **In relation to legislative responsibilities**

MMS take our legal responsibilities seriously, including:

- Follow our reporting obligations. Every adult who reasonably believes that a child has been abused, whether at MMS or not, has an obligation to report that belief to authorities.

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.

To find out what the MMS process is if a child discloses an incident of abuse, or if a parent/carer raises a concern or allegation of abuse which may have taken place at MMS please see **ATTACHMENT 2 (page 10 & 11) - Process after an allegation is made.**

- **Failure to disclose:** Reporting child sexual abuse is a community-wide responsibility. **All adults who have a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 have an obligation to report that information to the police.** A person will not commit this offence if they have a reasonable excuse for not disclosing the information, including a fear for their safety or where the information has already been disclosed. While failure to disclose only covers child sexual abuse, all adults should report other forms of child abuse to authorities.

Failure to disclose does not change mandatory reporting responsibilities. Further information about the failure to disclose offence is available on the [Department of Justice and Regulation website](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence) [www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence)

- **Failure to protect:** People of authority at MMS will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. Further information about the failure to protect offence is available on the [Department of Justice and Regulation website](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence)

[www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence)

- Any **mandatory reporters** (doctors, nurses, midwives, teachers (including early childhood teachers), principals and police) must comply with their duties and report to child protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse. See the Department of Health and Human Services website for information about [how to make a report to child protection www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first)

Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to Department of Health and Human Services (DHHS) Child Protection.

- All other school staff members who form a belief on reasonable grounds that a child or young person:
  - is in need of protection, should report their concerns to DHHS Child Protection or Victoria Police.
  - is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to DHHS Child Protection.
- If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to DHHS Child Protection or Child FIRST.
- In cases where staff have concerns about a child or young person, they should also discuss their concerns with the principal or a member of the school leadership team

### **Contact Details**

FOR MANDATORY REPORTING contact: **Child Protection, Department of Human Services (DHHS)**  
DHS Southern Region  
**Phone 1300 655 795**  
[www.dhs.vic.gov.au/regional/southern](http://www.dhs.vic.gov.au/regional/southern)

FOR Referrals & Community Support **Child FIRST**  
Southern Metropolitan, Glen Eira & Bayside  
**1300 367 441**

**After Hours Child Protection Emergency Services 131 278** (24hrs/7days per week)

### **E2) THE PRINCIPAL is responsible for accepting and agreeing with the following statements:**

#### **In relation to training and supervision**

Training and education is important to ensure that everyone at MMS understands that child safety is everyone's responsibility.

Our schools culture aims for all staff and volunteers (in addition to parents/carers and children) to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. We train our staff and volunteers to identify, assess, and minimise risks of child abuse and to detect potential signs of child abuse.

We also support our staff and volunteers through ongoing supervision to: develop their skills to protect children from abuse; and promote the cultural safety of Aboriginal children, the cultural safety of children from linguistically and/or diverse backgrounds, and the safety of children with a disability.

New employees and volunteers will be supervised regularly to ensure they understand MMS's commitment to child safety and that everyone has a role to play in protecting children from abuse, as well as checking that their behaviour towards children is safe and appropriate (please refer to Melbourne Montessori School's Code of Conduct to better understand appropriate behaviour). Any inappropriate behaviour will be reported through

appropriate channels, including the Principal, Leadership and Department of Health and Human Services and Victoria Police, depending on the severity and urgency of the matter.

The Principal is responsible for:

- a) promptly managing the school's response to an allegation or disclosure of child abuse, and ensuring that the allegation or disclosure is taken seriously
- b) monitoring overall school compliance with this procedure
- c) managing an alternative procedure for responding to an allegation or disclosure if the person allocated responsibility cannot perform under clause E2 a. in his or her role.

### **In relation to fair procedures for personnel**

The safety and wellbeing of children is our primary concern. We are also fair and just to personnel. The decisions we make when recruiting, assessing incidents, and undertaking disciplinary action will always be thorough, transparent, and based on evidence.

We record all allegations of abuse and safety concerns using our incident reporting form (SEE ATTACHMENT 1), including investigation updates. All records are securely stored.

If an allegation of abuse or a safety concern is raised, where appropriate, we provide updates to children and families on progress and any actions we as an organisation take.

### **Recruitment**

We take all reasonable steps to employ skilled people to work with children. We develop selection criteria and advertisements which clearly demonstrate our commitment to child safety and an awareness of our social and legislative responsibilities. Our school understands that when recruiting staff and volunteers we have ethical as well as legislative obligations.

We actively encourage applications from Aboriginal peoples, people from culturally and/or linguistically diverse backgrounds and people with a disability. We appoint staff with diverse backgrounds to support our values, current and future goals.

All people engaged in child-related work, including volunteers, are required to hold a Working with Children Check and to provide evidence of this Check (a VIT covers this for Teachers).

We carry out reference checks, and in some cases a police record check, to ensure that we are recruiting the right people. In the event a police record check has been used, it will only be used for the purposes of recruitment and will be discarded after the recruitment process is complete. We do retain for our own records (but not the actual criminal record) if an applicant's criminal history affected our decision making process.

If, during the recruitment process, a person's records indicate a criminal history then the person will be given the opportunity to provide further information and context.

### **E3): THE BUSINESS MANAGER is responsible for accepting and agreeing with the following statements:**

#### **In relation to risk management**

In Victoria, organisations are required to protect children when a risk is identified (see information about failure to protect above). In addition to general Occupational Health and Safety risks, we proactively manage risks of abuse to children.

We have risk management strategies in place to identify, assess, and take steps to minimise child abuse risks, which include risks posed by physical environments (for example, any doors that can lock), and online environments (for example, no staff or volunteer is to have contact with a child at MMS on social media).

It is the Business Manager's responsibility:

- to ensure reporting procedures and relevant policies are updated to reflect legislative and contemporary practice to protect children from harm
- to inform the staff and volunteers of any changes in risk management or reporting policy or procedures

See Attachment 3 which highlights a process to take when disclosure of abuse have been made.

## **F: LINKED WITH:**

- Code of Conduct
- Philosophy of the school
- Critical Incident Policy
- Mandatory Reporting of Child Abuse Policy
- Privacy & confidentiality Policy
- Risk Management Policy
- Staffing Policy
- Staff Recruitment Policy
- Supervision of Children Policy

## **G: SOURCES**

- [Working with Children Check](http://www.workingwithchildren.vic.gov.au) website <www.workingwithchildren.vic.gov.au>
- Further information about the failure to disclose offence is available on the [Department of Justice and Regulation website](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence) <www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>.
- Further information about the failure to protect offence is available on the [Department of Justice and Regulation website](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence) www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence>.
- mandatory reporting See the Department of Health and Human Services website for information about [how to make a report to child protection](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first) [www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first)
- <http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>
- An overview of the Victorian Child Safe Standards document saved in J:\HR\Staffing\HR Policies 2016\Child Safety Standards\_2016 or sourced from DHHS website [www.dhs.vic.gov.au/\\_\\_data/assets/word\\_doc/0005/955598/Child-safe-standards\\_overview.doc](http://www.dhs.vic.gov.au/__data/assets/word_doc/0005/955598/Child-safe-standards_overview.doc)

## **H: REVIEW**

This policy will be reviewed every two years and following significant incidents if they occur. We will ensure that families and children have the opportunity to contribute. Where possible we do our best to work with local Aboriginal communities, culturally and/or linguistically diverse communities and people with a disability.

**Reviewed  
July 2018**

## **I: ATTACHMENTS**

**ATTACHMENT 1: Incident Report**

**ATTACHMENT 2: Process – What to do when allegation of child abuse is made**

**ATTACHMENT 3: Ministerial Order No. 870 -Child Safe Standards – Managing the risk of child abuse in schools**

# ATTACHMENT 1: INCIDENT REPORT

This document sets out MMS processes for responding to and reporting suspected child abuse. This document can be provided to a child or their family if they disclose an allegation of abuse or safety concern in MMS. Our staff can also use this resource to record disclosures.

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

All incident reports must be stored securely. Contact the Business Manager or Principal about where these reports need to be stored at MMS.

## Incident details

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

Does the child identify as Aboriginal or Torres Strait Islander? (Mark with an 'X' as applicable)

**No**  **Yes, Aboriginal**  **Yes, Torres Strait Islander**

Please categorise the incident

**Physical violence**

**Sexual offence**

**Serious emotional or psychological abuse**

**Serious neglect**

Please describe the incident

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



Parent/carer/child use

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

Office use:

<b>Date incident report received:</b>	
<b>Staff member managing incident:</b>	
<b>Follow-up date:</b>	
<b>Incident ref. number:</b>	

Has the incident been reported?

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

Incident reporter wishes to remain anonymous? (Mark with an 'X' as applicable)

Yes  No

### **Contact Details**

**Registered schools** can contact the Department of Education and Training:

[child.safe.schools@edumail.vic.gov.au](mailto:child.safe.schools@edumail.vic.gov.au)

Early childhood services operating under the *National Quality Framework* or *Children's Services Act 1996* should

contact: [licensed.childrens.services@edumail.vic.gov.au](mailto:licensed.childrens.services@edumail.vic.gov.au)

Licensed children's services enquiry line: 1300 307 415

FOR MANDATORY REPORTING contact: **Child Protection, Department of Human Services**

DHS Southern Region

**Phone 1300 655 795**

[www.dhs.vic.gov.au/regional/southern](http://www.dhs.vic.gov.au/regional/southern)

FOR Referrals & Community Support **Child FIRST**

Southern Metropolitan, Glen Eira & Bayside

**1300 367 441**

**After Hours Child Protection Emergency Services 131 278** (24hrs/7days per week)

## **ATTACHMENT 2: PROCESS - WHAT TO DO WHEN AN ALLEGATION OF CHILD ABUSE IS MADE**

These steps below set out Melbourne Montessori School (MMS) process for responding to and reporting suspected child abuse. This resource is designed to provide guidance on what to do if a child discloses an incident of abuse, or if a parent/carer raises a concern or allegation of abuse which may have taken place at MMS.

**IMPORTANT NOTE: Any questions about this process or clarification on what your responsibilities are, please contact the Business Manager, Principal or the Child Safety Officer\*\* at MMS.**

\*\*A Child Safety Officer is a person at MMS who has knowledge of child safety issues, and could be a point of contact for others who have questions or concerns or want to report an allegation of child abuse.

Contained below is information on the following:

- 1) Process of what to do when allegation is made when a child discloses an incident to you
- 2) Process of what to do when allegation of child abuse is made when a parent/carer says their child has been abused at MMS or raises a concern
- 3) Complete Incident Report (See Attachment 1, page 8 & 9)
- 4) Legal Responsibilities
- 5) Contacts

### **1) What to do when an allegation of child abuse is made when a child discloses an incident of abuse to you could include the following steps:**

- 1.1 Try and separate them from the other children discreetly and listen to them carefully.
- 1.2 Let the child use their own words to explain what has occurred.
- 1.3 Reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
- 1.4 Explain to them that this information may need to be shared others, such as with their parent/carer, specific people in at MMS, or the police.
- 1.5 Do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
- 1.6 Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
- 1.7 Provide them with an incident report form to complete, or complete it together, if you think the child is able to do this.
- 1.8 As soon as possible after the disclosure, record the information using the child's words and report the disclosure to the Principal or MMS Child Safety Officer, the police or child protection.
- 1.9 Ensure the disclosure is recorded accurately, and that the record is stored securely.

### **2) What to do when an allegation of child abuse is made when a parent/carer says their child has been abused at MMS or raises a concern could include the following steps:**

- 2.1 Explain that MMS has processes to ensure all abuse allegations are taken very seriously.
- 2.2 Ask about the wellbeing of the child.
- 2.3 Allow the parent/carer to talk through the incident in their own words.
- 2.4 Advise the parent/carer that you will take notes during the discussion to capture all details.
- 2.5 Explain to them the information may need to be repeated to authorities or others, such as the Principal, the Child Safety Officer at MMS, the police or child protection.
- 2.6 Do not make promises at this early stage, except that you will do your best to keep the child safe.

- 2.7 Provide them with an incident report form to complete, or complete it together.
- 2.8 Ask them what action they would like to take and advise them of what the immediate next steps will be.
- 2.9 Ensure the report is recorded accurately, and that the record is stored securely.

You need to be aware that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. You need to be sensitive to these issues and meet people’s needs where possible, such as having an interpreter present (who could be a friend or family member).

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

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

### 3) COMPLETE INCIDENT REPORT – See Attachment 1 (page 8 & 9)

### 4) LEGAL RESPONSIBILITIES

Follow our reporting obligations. Every adult who reasonably believes that a child has been abused, whether at MMS or not, has an obligation to report that belief to authorities.

- The **failure to disclose** criminal offence requires all adults (aged 18 and over) who hold a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 to disclose that information to police (unless they have a reasonable excuse not to, for example because they fear for their safety or the safety of another). More information is available on the Department of Justice and Regulation website: [www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence)

While failure to disclose only covers child sexual abuse, all adults should report other forms of child abuse to authorities. Failure to disclose does not change mandatory reporting responsibilities. More information about mandatory reporting is available in the *Child protection manual* [www.cpmmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting](http://www.cpmmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting)

- The **failure to protect** criminal offence (commenced on 1 July 2015) applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation 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.

Further information about failure to protect can be found on the Department of Justice and Regulation website [www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence) and the Department of Health and Human Services website

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

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

- All other school staff members who form a belief on reasonable grounds that a child or young person:
  - is in need of protection, should report their concerns to DHHS Child Protection or Victoria Police.
  - is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to DHHS Child Protection.
- If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to DHHS Child Protection or Child FIRST.
- In cases where staff have concerns about a child or young person, they should also discuss their concerns with the principal or a member of the school leadership team.

## 5) CONTACTS:

**MMS Child Safety Officer:** The Principal, unless someone else at the school is elected or appointed to hold such a position of responsibility.

**Registered schools** can contact the Department of Education and Training:  
[child.safe.schools@edumail.vic.gov.au](mailto:child.safe.schools@edumail.vic.gov.au)

Early childhood services operating under the *National Quality Framework* or *Children's Services Act 1996* should contact: [licensed.childrens.services@edumail.vic.gov.au](mailto:licensed.childrens.services@edumail.vic.gov.au)

Licensed children's services enquiry line: 1300 307 415

FOR MANDATORY REPORTING contact: **Child Protection, Department of Human Services (DHHS)**

DHS Southern Region

**Phone 1300 655 795**

[www.dhs.vic.gov.au/regional/southern](http://www.dhs.vic.gov.au/regional/southern)

FOR Referrals & Community Support **Child FIRST**

Southern Metropolitan, Glen Eira & Bayside

**1300 367 441**

**After Hours Child Protection Emergency Services 131 278** (24hrs/7days per week)

## **ATTACHMENT 3: Ministerial Order No. 870 - Child Safe Standards – Managing the risk of child abuse in schools** (View full 9 page document on our website)



The Hon James Merlino MP

Deputy Premier  
Minister for Education

1 Treasury Place  
Melbourne Victoria 3002  
Telephone: +613 9651 1222

Mr Michael Perry  
Acting Chair  
Victorian Registration and Qualifications Authority  
GPO Box 2317  
MELBOURNE 3001

Dear Mr Perry

### **Ministerial Order No. 870 – Child Safe Standards - Managing the risk of child abuse in schools**

I enclose a copy of Ministerial Order No 870, which I have made for the purpose of section 4.3.1(6)(d) of the *Education and Training Reform Act 2006*. The Ministerial Order is a key part of the Government's response to the recommendations of the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations.

The Inquiry's *Betrayal of Trust* report made a number of recommendations aimed at protecting children from all forms of abuse and neglect. In particular, Recommendation 12.1 of the *Betrayal of Trust* report recommended that the government implement minimum standards for maintaining 'child-safe environments' for all organisations with direct and regular contact with children.

The Government has commenced a program of policy initiatives and legislative changes to implement the *Betrayal of Trust* recommendations. In September 2015, the Government released new minimum Child Safe Standards which aim to create child safe cultures and environments in organisations that work with children. These standards will be implemented and enforced in Victorian schools through the school registration framework. As a minimum standard for school registration under the *Education and Training Reform Act 2006*, schools must take action, in accordance with the enclosed Ministerial Order, to manage and reduce the risk of child abuse. The Ministerial Order spells out what the Child Safe Standards mean in a school environment, and demonstrates the Government's "zero tolerance" for child abuse in Victorian schools.

As the regulator for Victorian schools, the Victorian Registration and Qualifications Authority (the VRQA) will play a key role in monitoring and enforcing compliance with the new standard. During 2016 I would ask the VRQA to assist and support schools to prepare to achieve compliance with the new standard, when it comes into force from 1 August 2016. The VRQA will play an important leadership role in informing and educating school system owners and school leaders to understand and implement what is required. While the VRQA may develop supporting materials as it considers

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necessary, I wish to identify four key areas in which schools may benefit from particular support and guidance.

First, schools may benefit from information and education regarding the scope and effect of key definitions used in the Ministerial Order, including the definitions of “child abuse” and “child connected work”. The Ministerial Order defines these concepts broadly in order to capture the many types of activities and locations where schools have contact with children, and the variety of conduct that constitutes child abuse. It is important that schools understand that the definition of “child connected work” used in the Ministerial Order is broader than the definition of “child-related work” used in the *Working with Children Act 2005*. Similarly, the definition of “child abuse” used in the *Education and Training Reform Act 2006* (as recently amended) and the Ministerial Order goes beyond child sexual abuse, which has been the primary focus of the *Betrayal of Trust* inquiry and the current Royal Commission into Institutional Responses to Child Sexual Abuse. This expansive approach is deliberate. My intention is for the new Child Safe Standards to make schools consider and address child abuse situations and risks in an integrated and proactive fashion.

Second, the Ministerial Order places accountability for managing the risk of child abuse with school governing authorities. The intent of the Ministerial Order is not to require the school governing authorities to make every decision that relates to every matter specified in the Ministerial Order. Rather, the intention is for schools – through their school governing authorities – to have appropriate arrangements (including clear and comprehensive policies, procedures and accountability mechanisms) to regulate the conduct and decisions of school staff for the benefit of its students. The objective is for both the school governing authority and the wider community to be confident in the school’s capacity to make and implement appropriate decisions, with child safety front of mind.

Third, the Ministerial Order in several places requires schools to take ‘appropriate’ actions regarding certain matters. This is intended to allow schools flexibility in the manner in which they respond to meet the standards. The VRQA is well placed to provide some additional guidance to schools on the essential elements of an appropriate response, although my Department will also support schools in this regard. Further, the Department will provide advice on ways schools can continue to improve their approach to child safety to exceed the minimum standards set by the Ministerial Order.

Finally, in developing strategies to minimise or prevent the risk of child abuse, schools need to be mindful of the diversity of students and school communities. Schools may benefit from additional guidance about ways in which their strategies, policies, procedures, and practices can be inclusive of the needs of all children, particularly students who are vulnerable due to age, family circumstances, abilities, or Indigenous, cultural, or linguistic background. While the Department will provide guidance on these matters, I anticipate that the VRQA will also play an important role in assisting schools to consider the circumstances of their students.

I look forward to hearing from the VRQA about its activities to support the implementation of this Ministerial Order. If you have questions about the enclosed Ministerial Order, please do not hesitate to contact Kathryn Johnson, A/Executive Director, Legal Division, Department of Education and Training, on 9637 3713 or by email [johnson.kathryn.k@edumail.vic.gov.au](mailto:johnson.kathryn.k@edumail.vic.gov.au).

Yours sincerely

**The Hon James Merlino MP**  
Deputy Premier  
Minister for Education