CHILD SAFETY REPORTING OBLIGATIONS POLICY AND PROCEDURES (Mandatory Reporting) 2024-2026

Help for non-English speakers

If you need help to understand the information in this policy, please email the General Office cranbourne.east.sc@education.vic.gov.au.

PURPOSE

The purpose of this policy is to ensure that all staff and members of our school community understand the various legal and other reporting obligations related to child safety that apply to Cranbourne East Secondary College. This policy outlines the procedures our school has in place to respond to complaints or concerns relating to child abuse and to ensure that all staff and members of our school community understand and follow the various legal obligations that apply to the reporting of child abuse to relevant authorities.

The specific procedures that are applicable to our school are contained in Appendix A.

SCOPE

This policy applies to applies to complaints and concerns relating to child abuse made by or in relation to a child or student, school staff, volunteers, contractors, service providers, visitors or any other person while connected to the school (physical and online. It also applies to all staff, volunteers, visitors and students engaged in any school and School Council-run events, activities and services.

DEFINITIONS

Child abuse

Child abuse includes:

- physical violence inflicted on a child
- sexual offences committed against a child
- grooming of a child by an adult
- family violence committed against or in the presence of a child
- serious emotional or psychological harm to a child
- serious neglect of a child.

The definition of child abuse is broad and can include student to student incidents and concerns, as well as behaviour committed by an adult.

Grooming

Grooming is a criminal offence under the *Crimes Act 1958* (Vic) and is a form of child abuse and sexual misconduct. This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in sexual activity at a later time. Grooming can include communicating

(including electronic communications) and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer.

School staff member

For the purpose of this policy a school staff member includes a contractor engaged by the school or school council to perform child-related work.

POLICY

All children and young people have the right to protection in their best interests. Cranbourne East Secondary College understands the important role our school plays in protecting children from abuse including:

- Physical abuse
- Sexual abuse (including sexual exploitation)
- Family violence
- Emotional abuse
- Neglect (including medical neglect)
- Grooming

We have a range of policies and measures in place to prevent child abuse from occurring at our school or during school activities. The staff at Cranbourne East Secondary College are required by law to comply with various child safety reporting obligations. For detailed information about each obligation, please refer to the Identifying and Responding to All Forms of Abuse in Victorian Schools document. At Cranbourne East Secondary College, we also recognise the diversity of the children at our school and take account of their individual needs and backgrounds when considering child safety.

Mandatory Reporting

A broad range of professional groups are identified in the *Children Youth and Families Act 2005* (CYFA) as mandatory reporters. Mandated staff members **must** make a report to Child Protection in line with the child safe standards as soon as practicable after forming a belief on reasonable grounds that a child or young person is in need of protection from significant harm as a result of physical, psychological or emotional injury or of sexual abuse, and the child's parents are unable or unwilling to protect the child.

The following individuals are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic):

- Victorian Institute of Teaching (VIT) registered teachers, including principals
- School staff who have been granted permission to teach by the VIT
- registered medical practitioners and nurses
- registered psychologists
- all members of the police force
- People in religious ministry
- Staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare coordinators, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff

All mandatory reporters must make a report to the Department of Health and Human Services (DHHS) Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/ or sexual abuse, and
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Cranbourne East Secondary College to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the Principal does not share their belief that a report is necessary. At our school, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually.

For more information about Mandatory Reporting see the Department's *School Policy and Advisory Guide*: Child Protection – Reporting Obligations.

Child in need of protection

Any person can make a report to DHHS Child Protection (131 278 – 24 hour service) if they believe on reasonable grounds that a child is in need of protection. The policy of the Department of Education and Training (DET) requires **all mandated staff and visitors** who form a reasonable belief that a child is in need of protection to report their concerns to DHHS or Victoria Police, and discuss their concerns with the school leadership team. For more information about making a report to DHHS Child Protection, see the Department's *School Policy and Advisory Guide*: Child Protection – Making a Report and Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse.

At Cranbourne East Secondary College, we also encourage all staff to make a referral to Child FIRST when they have significant concern for a child's wellbeing. For more information about making a referral to Child FIRST see the School Policy and Advisory Guide: Child Protection – Reporting Obligations.

Reportable Conduct

Our school must notify the Department's Employee Conduct Branch (9637 2594) if we become aware of an allegation of 'reportable conduct'.

There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been:

- a sexual offence (even prior to criminal proceedings commencing), sexual misconduct or physical violence committed against, with, or in the presence of a child
- behaviour causing significant emotional or physical harm to a child
- significant neglect of a child
- misconduct involving any of the above.

The Department, through the Employee Conduct Branch, has a legal obligation to inform the Commission for Children and Young People when an allegation of reportable conduct is made. Our Principal must notify the Department's Employee Conduct Branch of any reportable conduct allegations involving current or former teachers, contractors, volunteers (including parents), visitors allied health staff and school council employees. If school staff become aware of reportable conduct

by any person in the above positions, they should notify the school Principal immediately. If the allegation relates to the Principal, they should notify the Regional Director. For more information about Reportable Conduct see the Department's *School Policy and Advisory Guide*: Reportable Conduct Scheme.

Failure to disclose offence

Reporting child sexual abuse is a community-wide responsibility. All adults (i.e. persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 by another person aged 18 years or over. Failure to disclose information to Victoria Police (by calling 000 or local police station) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so. "Reasonable belief" is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child's behaviour or development lead a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse lead to a belief that the child has been sexually abused.

"Reasonable excuse" is defined by law and includes:

- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
- where the information has already been disclosed, for example, through a mandatory report to DHHS Child Protection.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: Failure to disclose offence.

Failure to protect offence

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk. This may include removing the adult (i.e. persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: Failure to protect offence.

Reviewed: Term 2 2024
Date of Next review: Term 2 2026

Grooming

Grooming is a criminal offence under the *Crimes Act 1958* (Vic). This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in sexual activity at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer.

For more information about this offence and reporting obligations see: Child Exploitation and Grooming.

FURTHER INFORMATION AND RESOURCES

The following Department of Education and Training policies and guidance are relevant to this policy:

- Child Safe Standards
- Protecting Children — Reporting and Other Legal Obligations
- Managing and Reporting School Incidents
- Reportable Conduct
- Restraint and Seclusion
- Identify child abuse
- Report child abuse in schools (including four critical actions)
- Identify and respond to student sexual offending

RELATED CRANBOURNE EAST SECONDARY COLLEGE POLICIES AND FURTHER INFORMATION

- Child Safety Policy
- Child Safety Code of Conduct
- Statement of Values and School Philosophy
- Student Wellbeing and Engagement Policy
- Volunteer Policy
- Duty of Care Policy
- Inclusion and Diversity Policy
- Statement of Commitment to Child Safety

COMMUNICATION

This policy will be communicated to our school community in the following ways:

- Available publicly on our school's website (or insert other online parent, carer, student communication method)
- Included in staff induction processes and annual staff training
- Included in volunteer induction processes and training for relevant volunteers
- Discussed an annual staff briefings or meetings
- Included in staff handbook or manual
- Hard copy available from school administration upon request

Reviewed: Term 2 2024
Date of Next review: Term 2 2026

POLICY REVIEW AND APPROVAL

Policy last reviewed	Term 2 - 2024
Consultation	Consultation process during term 3 2022 included the following groups: • School council policy subcommittee • School council • Teaching staff – weekly news • Student representative committee (SRC)
Approved by	Principal
Next scheduled review date	Term 2 – 2026 minimum review cycle is 2 years or following a relevant child safety incident

Reviewed: Term 2 2024
Date of Next review: Term 2 2026

APPENDIX A

CHILD SAFETY REPORTING PROCEDURES AT CRANBOURNE EAST SECONDARY COLLEGE

For students

- All students should feel safe to speak to any staff member to raise any concerns about their safety or any other concerns that they have.
- If a student does not know who to approach at Cranbourne East Secondary College, they should start with their Year Level Leader, a member of the Principal team or the Child Safety Officer
- Student Year Level Briefings
- Child Safe Protect Posters in school buildings.
- our Student Wellbeing and Engagement Policy and Bullying Prevention Policy for complaints and concerns relating to student physical violence or other harmful student behaviours.

Identifying child abuse

To ensure we can respond in the best interests of students and children when complaints or concerns relating to child abuse are raised, all staff and relevant volunteers must:

- understand how to identify signs of child abuse and behavioural indicators of perpetrators - for detailed information on identifying child abuse and behavioural indicators of perpetrators refer to Identify child abuse.
- understand their various legal obligations in relation to reporting child abuse to relevant authorities - for detailed information on the various legal obligations refer to Appendix A
- follow the below procedures for responding to complaints or concerns relating to child abuse, which ensure our school acts in the best interests of students and children and complies with both our legal and Department policy obligations.

At CESC we recognise the diversity of the children, young people, and families at our school and take account of their individual needs and backgrounds when considering and responding to child safety incidents or concerns.

Managing disclosures made by students

When managing a disclosure you should:

- listen to the student and allow them to speak
- stay calm and use a neutral tone with no urgency and where possible use the child's language and vocabulary (you do not want to frighten the child or interrupt the child)
- be gentle, patient and non-judgmental throughout
- highlight to the student it was important for them to tell you about what has happened
- assure them that they are not to blame for what has occurred
- do not ask leading questions, you might gently ask, "What happened next?" rather than "Why?"
- be patient and allow the child to talk at their own pace and in their own words
- do not pressure the child into telling you more than they want to, they will be asked a lot of questions by other professionals and it is important not to force them to retell what has occurred multiple times
- reassure the child that you believe them and that disclosing the matter was important for them to do

- use verbal facilitators such as, “I see”, restate the child’s previous statement, and use non-suggestive words of encouragement, designed to keep the child talking in an open-ended way (“what happened next?”)
- tell the child in age appropriate language that you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate (for a young child this may be as simple as saying “I will need to talk to people to work out what to do next to help you”).

When managing a disclosure you should AVOID:

- displaying expressions of panic or shock
- asking questions that are investigative and potentially invasive (this may make the child feel uncomfortable and may cause the child to withdraw)
- going over the information repeatedly (you are only gathering information to help you form a belief on reasonable grounds that you need to make a report to the relevant authority)
- making any comments that would lead the student to believe that what has happened is their fault
- making promises to the child about what will occur next or that things will be different given the process can be unpredictable and different for each child depending on their circumstances (instead, reassure them that you and others will do your best to help).

General procedures

In responding to a child safety incident, disclosure, allegation or suspicion of child abuse, CESC will follow:

- the Four Critical Actions for Schools for complaints and concerns relating to all forms of child abuse
- the Four Critical Actions: Student Sexual Offending for complaints and concerns relating to student sexual offending

All staff at our school who believe that a child is in need of protection, even if it doesn’t meet the threshold required for mandatory reporting or the staff member is not a mandatory reporter, should in the first instance, speak to a member of the Principal team or the Child Safety Officer before making the required reports to DHHS Child Protection and/or Victoria Police as necessary. At our school the Child Safety Officer will be responsible for monitoring overall school compliance with this procedure. Nothing in this procedure prevents a staff member or any other person from reporting to the relevant authorities if they form a reasonable belief that a child is at risk of abuse.

Reporting suspicions, disclosures or incidents of child abuse

Responsibilities of all school staff

If a school staff member reasonably suspects or witnesses an incident of child abuse or receives a disclosure of child abuse, they must:

- If a child is at immediate risk of harm, separate alleged victims and others involved, and if required, administer first aid and/or call 000.
- Speak to the Child Safety Officer, or member of the Principal team as soon as possible, who will follow the Four Critical Actions.

- Make detailed notes of the incident or disclosure (using the Responding to Suspected Child Abuse: Template if available) and ensure that those notes are kept and stored securely in a locked office filing cabinet.
- If the concerns relates to the conduct of child safety officer, notify the principal or the relevant regional office where the person nominated above is the principal who must then take on responsibility for ensuring our school follows these procedures.

- If the staff member is a mandatory reporter and reasonably believes that a student has suffered physical and/or sexual abuse they must ensure that a report is made to DHHS Child Protection or Victoria Police (report should be made with support from the Child Safety Officer or a member of the Principal team).
- If the staff member has formed a 'reasonable belief' that a sexual offence has been committed against a child, they must make a report to Victoria Police (report should be made with support from the Child Safety Officer or a member of the Principal team).

In circumstances where a member of the leadership team disagrees that a report needs to be made, but the staff member has formed a 'reasonable belief' that the child is in need of protection and/or has been the victim of sexual abuse, the staff member must still contact DHHS Child Protection and/or Victoria Police to make the report.

Responsibilities of the Child Safety Officer and Principal team

The Child Safety Officer and/or member of the Principal team is responsible for promptly managing the school's response to an incident, suspicion or disclosure of child abuse, and ensuring that the incident, suspicion or disclosure is taken seriously. The Child Safety Officer and/or member of the Principal team is also responsible for responding appropriately to a child who makes or is affected by an allegation of child abuse.

If the Child Safety Officer and/or member of the Principal team receives a report from a school staff member or member of the school community of a suspicion, disclosure or incident of child abuse, they must:

Follow the Four Critical Actions as soon as possible, including:

1. Responding to an emergency

The Child Safety Officer and/or member of the Principal team must ensure:

- all relevant information is reported to the Department of Families, Fairness and Housing (DFFH) Child Protection, Victoria Police or relevant services where required
- make a referral to Child FIRST/Orange Door when they have significant concern for a child's wellbeing. For more information about making a referral to Child FIRST/Orange Door see the Policy and Advisory Library: Protecting Children – Reporting and Other Legal Obligations.
- the incident is reported to the Department's eduSafe Plus portal or the Incident Support and Operations Centre (1800 126 126) in accordance with the severity rating outlined in the Managing and Reporting School Incidents Policy
- all reportable conduct allegations or incidents are reported by the Principal to the Department's Employee Conduct Branch (03 7022 0005) – where a reportable conduct allegation is made against the Principal, the Regional Director must be informed who will then make a report to Employee Conduct Branch

- Make detailed notes of the incident or disclosure, including actions taken using the Responding to Suspected Child Abuse: Template , if available, and ensure that those notes are kept and stored securely in a locked office filing cabinet. They are also responsible for ensuring that any staff member who reported the incident, disclosure or suspicion to them also makes and keeps notes of the incident.

NOTE: In circumstances where staff members are legally required to report child abuse to DFFH Child Protection or Victoria Police and they are unable to confirm that the information has been reported by another person at the school or the designated member of school staff does not agree that a report needs to be made, the staff member who has formed the reasonable belief must still contact DFFH Child Protection and Victoria Police to make the report.

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act. This may include making a referral or seeking advice from Child FIRST or The Orange Door (in circumstances where the family are open to receiving support) DFFH Child Protection or Victoria Police.

2. Contacting parents or carers

The Child Safety Officer and/or member of the Principal team must ensure parents and carers are notified unless advised otherwise by DFFH Child Protection or Victoria Police, or there are other safety and wellbeing concerns in relation to informing parents/carers.

Principals may contact the Department of Education and Training Legal Division for advice on notifying parents and carers, and where relevant, the wider school community.

For further guidance, refer to PROTECT Contacting parents and carers

3. Ongoing protection and support

The Child Safety Officer and/or member of the Principal team must ensure appropriate steps are taken by the school to protect the child and other children from any continued risk of abuse. These steps must be taken in consultation with any relevant external agency or Department staff such as DFFH Child Protection, Victoria Police, Legal Division or Employee Conduct Branch. Ongoing protection will also include further reports to authorities if new information comes to light or further incidents occur.

Appropriate, culturally sensitive and ongoing support must be offered and provided to all affected students. Ongoing support will be based on any available advice from the Department, parents and carers, health practitioners, and other authorities (such as DFFH or Victoria Police) and may include referral to wellbeing professionals, development of a safety plan, student support group meetings, and, for student to student incidents, behaviour management and support measures.

4. Recordkeeping

The Child Safety Officer and/or member of the Principal team will ensure that:

- detailed notes of the incident, disclosure, allegation or suspicion are using the Responding to Suspected Child Abuse: Template or the Responding to Student Sexual Offending: template] including, where possible, by the staff member or volunteer who reported the incident, disclosure, or suspicion to them
- detailed notes are taken of any immediate or ongoing action taken by the school to respond to the incident, disclosure, allegation or suspicion

- all notes and other records relating to the incident, disclosure, allegation or suspicion, including the schools immediate and ongoing actions, are stored securely locked office filing cabinet

At Cranbourne East Secondary College, the Child Safety Officer and/or member of the Principal team will be responsible for ensuring that there is a prompt response to the disclosure and that the child is appropriately supported. If the Principal/other nominated staff member responsible above is unavailable, the relevant Year Level Leader will take on the role and responsibilities described in this section.

Duty of care and ongoing support for students

Fulfilling the requirements in this procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of abuse. All staff have a duty of care to take reasonable steps to prevent reasonably foreseeable harm to students. All staff must ensure that Child Safety Officer and/or member of the Principal team is aware of any incidents, suspicions or disclosures of child abuse as soon as possible after they occur. This will allow appropriate supports to be put in place for the student affected.

For school visitors, volunteers and school community members

All community members aged 18 years or over should be aware of their legal obligations – see *Failure to disclose offence* above, in this Policy.

Any person can make a report to DHHS Child Protection if they believe on reasonable grounds that a child is in need of protection. For contact details see the Four Critical Actions - https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf

There is no requirement for visitors, volunteers or community members to inform the school if they are making a disclosure to DHHS Child Protection or the Victoria Police. However, where a visitor, volunteer or community member is concerned about the safety of a child or children at the school, and where disclosure of that concern will not compromise any potential police investigation, the visitor, volunteer or community member should report this concern to the Principal so that appropriate steps to support the student can be taken.

APPENDIX B

LEGAL OBLIGATONS RELATING TO REPORTING CHILD ABUSE

The following information outlines the various legal obligations relating to the reporting of child abuse to relevant authorities.

It is important to note that the procedures outlined in the above policy ensure compliance with the below reporting obligations, and also include additional steps to ensure compliance with Department policy and our school's duty of care obligations.

Mandatory reporting to Department of Families, Fairness and Housing (DFFH) Child Protection

The following individuals are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic):

- registered teachers and early childhood teachers (including principals and school staff who have been granted permission to teach by the VIT)
- school counsellors including staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare coordinators, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff
- nurses
- registered psychologists
- police officers
- registered medical practitioners
- out of home care workers (excluding voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- people in religious ministry
- midwives

All mandatory reporters must make a report to the Department of Families, Fairness and Housing (DFFH) Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/ or sexual abuse; and
- the child's parents or carers have not protected, or are unlikely to protect, the child from harm of that type.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at CESC to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the principal or any other mandatory reporter does not share their belief that a report is necessary.

If charged with not making a mandatory report, it may be a defence for the person charged to prove that they honestly and reasonably believed that all of the reasonable grounds for their belief had been the subject of a report to child protection made by another person.

The identity of a person who reports any protective concerns to DFFH Child Protection is protected by law. It is an offence for a person, other than the person who made the report, to disclose the

name of the person who made a report or any information that is likely to lead to their identification.

At our school, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually.

The policy of the Department of Education and Training (DET) requires **all staff** who form a reasonable belief that a child is in need of protection to discuss their concerns with the school leadership team and to report their concerns to DFFH and in some circumstances to Victoria Police, or to ensure that all the information relevant to the report has been made by another school staff member.

Any person can make a report to DFFH Child Protection (131 278 – 24 hour service) if they believe on reasonable grounds that a child is in need of protection even if they are not a mandatory reporter listed above.

Reportable Conduct

The Reportable Conduct Scheme is focussed on worker and volunteer conduct and how organisations investigate and respond to suspected child abuse. The scheme aims to improve organisational responses to suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children.

There are five types of 'reportable conduct' listed in the *Child Wellbeing and Safety Act 2005:*

- sexual offences against, with or in the presence of, a child
- sexual misconduct (which includes grooming) against, with or in the presence of, a child
- physical violence against, with or in the presence of, a child
- behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

A reportable conduct allegation is made where a person makes an allegation, based on a reasonable belief, that a worker or volunteer has committed reportable conduct or misconduct that ***may*** involve reportable conduct.

If school staff or volunteers become aware of reportable conduct by any current or former employee, contractor or volunteer, they must notify the school principal immediately. If the allegation relates to the principal, they must notify the Regional Director.

The principal or regional director must notify the Department's Employee Conduct Branch of any reportable conduct allegations involving current or former employees of the school (including Department, allied health, casual and school council employees), contractors and volunteers (including parent volunteers).

- Employee Conduct Branch: 03 7022 0005 or employee.conduct@education.vic.gov.au

The Department's Secretary, through the Manager, Employee Conduct Branch, has a legal obligation to inform the Commission for Children and Young People when an allegation of reportable conduct is made.

For more information about reportable conduct see the Department's *Policy and Advisory Library*: Reportable Conduct and the Commission for Children and Young People's website.

Reviewed: Term 2 2024
Date of Next review: Term 2 2026

Failure to disclose offence

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 in Victoria.

Failure to disclose information to Victoria Police (by calling 000, local police station or the Police Assistance Line 131 444) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"Reasonable belief" is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.

"Reasonable excuse" is defined by law and includes:

- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
- where the information has already been disclosed to Victoria Police and you have no further information to add (for example, through a mandatory report to DFFH Child Protection or a report to Victoria Police from another member of school staff).

Failure to protect offence

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (ie persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

Further information

For more information about the offences and reporting obligations outlined in this fact sheet refer to: Protecting Children — Reporting and Other Legal Obligations.

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