

Child Safety Incidents Reporting & Recording - Procedure

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RELATED DOCUMENTS:	<p>Legislation: Ministerial Order 1359 – Child Safe Standards, Managing the Risk of Child Abuse in Schools Child Safe Standards (2022) Privacy and Data Protection Act (amended) 2014 (Vic) Privacy Act 1988 (Commonwealth)</p> <p>Documents: PPP036 Child Safety & Wellbeing Policy PPP052 Duty of Care Guidelines PPP083 Staff Code of Conduct PPP083a Staff Code of Conduct - Child Safety PPP095 Disciplinary Management Guidelines PPP149 Student Code of Conduct PPP149b Student Code of Conduct - addendum PPP161 Risk Management Framework PPP141 Complaints Resolution procedure PPP141a SWTAFE Making a Complaint (Easy English) PPP106 Police and Working with Children Check PPP105 Recruitment and Selection Guidelines PPP170 SWDS Responding to Abuse and Neglect Guidelines PPP202 Professional Boundaries SWTAFE Induction Program and Annual Corporate Refresher Child Safe Standards – VRQA guidelines and resources Department of Education and Training – ‘Child Protect’ resources ‘Commission for Children and Young People’ Resources Child Safe Standards – Information for Young People Child Safe Standards Translated Resources CCYP Reportable Conduct Scheme</p>

1. Introduction

South West TAFE (SWTAFE or the ‘Organisation’) has a zero tolerance to child abuse and is committed to embedding an organisational culture of child safety and wellbeing. SWTAFE aims to protect the safety and wellbeing of children and young people within SWTAFE, regardless of whether they are the victim or perpetrator of, or a witness to, an incident of abuse. The Child Safe Standards not only covers students enrolled in our courses but those who may be visiting a campus for any reason.

For students of any age with a disability, specific NDIS compliant guidelines are set out in **PPP170 SWDS Abuse and Neglect Procedure**.

Abuse - may include:

- Physical abuse - any non-accidental form of injury or serious physical harm inflicted on a child by any person (examples include: punching, hitting, slapping burning etc.).
- Sexual abuse -Child sexual abuse and exploitation is any act of inappropriately exposing or subjecting a child (under the age of 18) to sexual activity, contact or behaviour by an adult or by another child, for the purpose of gratification (sexual or otherwise). (forcing someone to take part in sexual activity against their will). (12-15 years are able to consent if the people involved give consent and have less than a 2-year age gap, 16-17 years are able to consent as long as the person does not hold a position of power).
- Psychological or emotional abuse occurs when a child is repeatedly rejected, isolated, frightened by threats or is experiencing family violence. (Examples include: threatening, harassing or intimidating a person).

Neglect refers to failure on the part of the caregiver to provide sufficient attention, responsiveness and protection that is appropriate to the basic needs of the child. It may include:

- Physical neglect (failure to provide adequate food, shelter, clothing and protection, supervised medical or dental care that places people at undue risk through unsafe environments or practices).
- Passive neglect (withholding or failure to provide the necessities of life).
- Willful deprivation (willfully denying a person assistance and thereby exposing that person to the risk of physical, mental or emotional harm).
- Emotional neglect (restricting the social, intellectual and emotional growth or wellbeing of a child).

2. Objectives

This procedure clarifies the responsibilities and interactions of SWTAFE employees when dealing with allegations of Child Safety related abuse, and/or neglect.

3. Key Definitions

Child	For the purposes of implementing a child safe culture and environment, a child is inclusive of anyone under the age of 18 years of age. It is not restricted to students of South West TAFE.
Mandatory Reporting	<p>Mandatory reporting refers to the legal requirement for certain professional groups/occupations to report a reasonable belief of child's physical or sexual abuse to Child Protection. This will apply to some members of the SWTAFE community if they belong to one of professional groups, regardless of whether they are employed by SWTAFE in such a capacity.</p> <p>All mandatory reporters must make a report to Victoria Police or 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:</p> <ul style="list-style-type: none">• a child has suffered or is likely to suffer, significant harm as a result of physical abuse or sexual abuse• the child's parents have not protected, or are unlikely to protect, the child from harm of that type. <p>It is a criminal offence not to report in these circumstances.</p> <p>Mandatory reporters must also follow the Four Critical Actions to ensure they fulfil all their legal obligations.</p>
Reasonable Belief	<p>A <i>Reasonable Belief</i> is a belief based on information that would lead a reasonable person to think that the offence may have occurred. It does not require facts or</p>

	<p>certainty, although is more than a 'suspicion'. Examples of information that may lead a person to form a <i>reasonable belief</i> include:</p> <ul style="list-style-type: none"> • a child states that they have been physically or 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 physically or sexually abused • Other circumstances lead you to suspect that a child has been abused.
Reportable Conduct	<p>Reportable conduct is conduct against a 'Child'. It is a scheme administered by CCYP only in Victoria. For full details, refer to <i>PPP284 Reportable Conduct Scheme</i>.</p> <p>There are five types of 'reportable conduct' listed in the <i>Child Wellbeing and Safety Act 2005</i>:</p> <ul style="list-style-type: none"> • sexual offences (against, with or in the presence of, a child) • sexual misconduct (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 • significant neglect.
Nominee	The person identified as being legally responsible for the participant (e.g. parent, guardian, or carer)
Participant/s	A person with a disability that accesses SWDS at South West TAFE
Alleged	Said to have occurred, without evidence
Perpetrator	A person who has carried out a harmful, illegal or immoral act

4. Key Roles and Responsibilities

Student Wellbeing Team Leader - is the primary contact for Child Safety & Wellbeing concerns and where possible, the first point of contact when responding to allegations. Support provided by the Team Leader - Student Wellbeing will be in line with their professional competence and may be in the form of referral to external agencies depending on individual needs.

SWTAFE Staff - All staff are required to be familiar with the content of our *Child Safety and Wellbeing Guidelines* and related Programs and their legal obligations with respect to the reporting of child abuse. It is each individual's responsibility to be aware of key risk indicators of child abuse, to be observant, and to raise any concerns they may have relating to child abuse with one of the organisation's Child Safe Contact Officers.

Staff members are also cautioned against giving advice on matters that they are not professionally competent to give (negligent advice). Advice is to be limited to areas within a staff member's own professional competence and given in situations arising from a role specified for them. The limitations and boundaries of your role should be discussed with your Manager before engaging in personal support of this nature.

Child Safety Contact Officers - A number of staff members are nominated as the organisation's Child Safe Contact Officers. They receive additional specialised training with respect to child safety issues, and are responsible for championing child safety and wellbeing and assisting in coordinating responses to child safety incidents.

The Manager of Audit, Risk and Compliance - The primary SWTAFE contact for Victoria Police is the manager of ARC who will make any necessary report concerning allegations of Child Abuse and Neglect.

5. Reporting Concerns

SWTAFE's nominated primary Child Safe Officer is the **Team Leader of Student Wellbeing**.

In addition, SWTAFE have a number of Child Safe Contact Officers throughout its campuses. Our Child Safe Program ensures that Child Safety Contact Officers are trained and able to provide detailed guidance as to how to identify key risk indicators of child abuse and how to report child abuse concerns. It also contains detailed procedures with respect to the reporting of child abuse incidents to relevant authorities.

Third party contractors, external education providers, students, parents/carers or other community members who have concerns that a child may be subject to abuse are asked to contact one of the organisation's Child Safety Contact Officers or report their concerns directly to an appropriate external authority.

If you have a reasonable belief that a Child Safety incident has occurred you should immediately seek advice from the Primary Child Safe Officer (Team Leader for Wellbeing)/Manager of Student Experience or any Child Safe Contact Officer.

6. Employees witness or are made aware of an incident of Child Safety abuse and/or neglect

6.1 Initial Emergency Response (in line with [4 Critical Actions Poster](#))

- Immediate action must be taken to ensure the safety of the child or young person.
- Administer First aid if necessary
- If danger is present, contact to the police via the emergency services number triple zero (0 - 000 from an internal phone), must be engaged.
- If immediate medical attention is required ambulance services should also be requested during the 000 contact, following the First aid response guideline (extreme cases only).
- Contact the Team Leader for Wellbeing (as the primary Child Safe Officer) and the Manager of Audit, Risk and Compliance (for future Police liaison)
- Request assistance to maintain the integrity of a potential crime scene and preserve evidence.
- Employees focus is to remain on the safety of the victim. It is not the employees' role to engage with the alleged perpetrator.

6.2 Reporting and support processes

If a child or young person has disclosed an allegation of abuse:

- Report the Incident to the Team Leader Wellbeing or if not available, to the Manager of Student Experience.
- Listen carefully to the information provided (make notes about the conversation if the student consents)
- Reassure the participant that they did the right thing in sharing the information
- Ask what can be done to make them feel safe.
- Assure the victim that the allegation will be taken seriously, explain the process and ask them how they wish to be supported through the process.
- Consider the impact of the alleged incident on other students (if relevant) and provide them with appropriate support.

6.3 Notifying the victim's nominee or emergency contact

The relevant staff member must consult with DFFH Child Protection or Victoria Police to determine what information can be shared with parents/carers.

They may advise:

- a) not to contact the parents/carers (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/carers to be contacted)
- b) 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).

6.4 Ongoing Support

SWTAFE will provide support for children/young people impacted by abuse. Strategies may include development of a safety plan, direct support and referral to wellbeing professionals. Throughout the process, once an incident of abuse or neglect is disclosed, SWTAFE will take all appropriate actions available to provide continued support to the person at the center of the incident, including:

- Reassurance
- Trauma and counselling support where required
- Changes to regular support as appropriate
- Information on available supports including advocacy

6.5 Allegations of incidents of sexual assault

In cases of alleged sexual assault, and where the criteria for mandatory reporting have been met, a senior employee should contact the Centre Against Sexual Assault (CASA) - Contact 1800 806 292.

If the victim is examined by a forensic medical officer or forensic nurse examiner, employee must ensure the victim is offered the assistance and support of a counsellor - advocate from CASA.

6.6 Preserving evidence

Employees must take every reasonable action to ensure evidence is preserved to assist the police in an investigation. This includes:

- Ensuring the immediate area around the scene is not disturbed (this may require restricting access, ensuring cleaning is not carried out, and objects are left undisturbed).
- Noting any disturbances to the scene (if another person walks through the area).
- Taking a written record of events and preserving any documentation.
- Separating multiple witnesses to an incident to ensure evidence is not compromised before they have been interviewed.

6.7 Where the alleged perpetrator is an employee of SWTAFE

In the case of alleged abuse by an employee, SWTAFE should take prompt action to remove any employees that are under investigation from the workplace, in consultation with the People and Culture department.

If the complaint relates to the performance or behaviour of a staff member of the organisation, the Complaints Manager will notify the Department Manager/Teaching Education Manager/Head of Division (teaching) to inform the staff member of the complaint. The People & Culture Manager or CEO's nominee will be involved in any formal proceedings involving the staff member.

Management of the complaint will transfer to the People & Culture Manager and who will follow the requirements of the Staff Code of Conduct and Disciplinary Procedures (PPP095) where relevant.

SWTAFE has a duty of care to students and employees. The privacy, safety and well-being of all people involved will be prioritised during this process.

6.8 After an incident is reported to the police

It is not appropriate for employees to make any form of public comment during the course of an investigation. Under no circumstances will an employee discuss or communicate with any media, community member, or persons without formal approval from the CEO's office at SWTAFE.

Where an employee feels that a topic is required to be raised, this can be completed in a safe and supportive manner through the Speak Up program.

7. What Happens Next?

- a) All Incidents and allegations will be reported by the Primary Child Safe Officer (Team Leader Wellbeing) and to the Complaints Officer ARC who will record details on the Child Safe Incident Register
- b) The Primary Child Safe Officer/Manager of Student Experience will advise the Manager of Audit, Risk and Compliance when reporting is required to Victoria Police, and if relevant to the Department of Families, Fairness and Housing
- c) It is not the employees' role to investigate the alleged incident at this time. Any allegation of Child Safety abuse must be reported to the Commission for Children and Young People who will recommend whether an investigation should take place. They will appoint a CCYP case worker to manage the investigation. The CEO or nominee will allocate a SWTAFE staff member to work with CCYP in undertaking the investigation.

8. Reportable Conduct Scheme (Commission for Children and Young People)

As an organisation registered to deliver Senior Secondary Programs, SWTAFE is bound by the Victorian Reportable Conduct Scheme. This seeks to improve organisations' responses to allegations of child abuse and neglect by their workers and volunteers. The scheme is established by the Child Wellbeing and Safety Act 2005 (the Act). The Reportable Conduct Scheme is focused on worker and volunteer conduct, and how organisations investigate and respond to allegations of child abuse. From 1 July 2024, organisations will also need to notify the Commission about reportable allegations for labour hire workers, secondees, directors of companies and individual business owners and investigate under the Scheme.

The Reportable Conduct Scheme does not replace the need to report allegations of child abuse, including criminal conduct and family violence to Victoria Police.

9. Breaches of SWTAFE's Code of Conduct – Child Safety

Failure to comply with the principles, policies or the intent of the *Code of Conduct – Child Safety* (PPP083a) will be considered a serious breach of SWTAFE policy. Breaches of the *Code of Conduct – Child Safety* (PPP083a) will be dealt with in accordance with SWTAFE policies and procedures (refer to PPP095 Disciplinary Management Guidelines) and will result in an appropriate consequence being applied. This may range from a verbal warning through to termination of employment for serious breaches.

In addition to complying with SWTAFE's behaviour expectations, members of the SWTAFE community (including employees, volunteers, external providers, Board members and students) also have legal obligations to the safeguarding of children. Failure to fulfil these obligations may result in sanctions, including criminal prosecution.

10. Record Keeping and Privacy

Data on complaints, investigations or incidents relating to Child Safety is collected in a Central Register and managed in-line with legislative and privacy requirements. Actions taken to investigate and resolve the issue are recorded. Any reporting to third parties will only use de-identified data. Where data indicates systemic issues and causes items will be added to the Continuous Improvement Register for further action. All relevant communications will be treated confidentially on a "need to know basis".

11. Debriefing

SWTAFE will support any employees, participants or other witnesses affected by the incident through debriefing meetings, these may be completed by an external or internal wellbeing/debriefing service. Employees may also utilise the SWTAFE Employee Assistance Program (EAP).