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Child Safe Procedure – BHI Version 3

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1 Document Control

Version	Date	Amended by	Changes Made
0.1	13/09/2016	GM Adult Learning	Initial document
0.2	14/10/2016	GM Adult Learning GM Educational Governance	Recommendations from the Exec. Team, revised definitions, removed reference to 'Prevention of Workplace Discrimination Policy'
1	26/10/2016	GM Adult Learning	Final document
2	27/6/17	Manager Educational Quality	Minor changes to insert Reportable Conduct Scheme
2.1	06/03/2020	Executive Manager Student Life	3 yearly review, update of process area
2.2	16/06/2020	Executive Manager Student Life	Updated date and version number in the footer; expanded list of mandatory reporters as of February 12, 2020; statement added that mandated reporters to make a report on each occasion and to ensure that a report has been made in instances where another mandated reporter has undertaken to make the report; the references to failure to disclose, failure to protect and refers to a child under 18 years of age this is now updated to 16 years of age
2.3	08/06/20	Executive Manager Student Life	Endorsed by VETBoS and P&P Subcommittee
3	13/07/2020		Approved by CEO

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2 Purpose

To define the roles and responsibilities of Box Hill Institute (“BHI”) employees, contractors and volunteers in protecting the safety and wellbeing of children and young people, and to enable employees to:

- identify indicators that a child or young person may be in need of protection
- make a report about a child or young person who may be in need of protection
- comply with reporting obligations under child protection law and criminal law and fulfil their duty of care

This procedure does not require staff to ascertain any details about the alleged incident but ensure everybody’s safety and wellbeing.

3 Scope

This procedure applies to all BHI employees, contractors and volunteers.

This procedure does not supersede and is intended to be complementary to:

1. professional standards regarding confidentiality between clients and professionals
2. mandatory reporting requirements

4 Responsibilities

4.1 Duty of care

All employees, contractors or volunteers of BHI have a duty to take reasonable steps to protect children under the age of 18 who are under our supervision from harm that is reasonably foreseeable. Duty of care towards a student may be breached if an employee, contractor or volunteer fails to act in the way a reasonable or diligent professional would have acted in the same situation.

Employees, contractors or volunteers who form a reasonable belief that a child or young person is in need of protection should report their concerns to DHHS Child Protection, Child FIRST or Victoria Police.

BHI will ensure that students are informed of how to recognise child abuse, how to report child abuse and where to seek support. Students will be ensured that their concerns will be treated with sensitivity and respect.

4.2 Mandatory Reporting

Mandatory reporters (see definitions), who form a reasonable belief that a child or young person is at risk and in need of protection from physical injury or sexual abuse, must report their concerns.

As a mandated reporter, you are legally obliged to:

- Make a report to Department of Health and Human Services (DHHS) Child Protection if you believe on reasonable grounds that a child is at risk and in need of protection from physical injury or sexual abuse
- Make the report as soon as practicable after forming your belief

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- Make a report each time you become aware of any further grounds for your belief.
- Ensure that a report has been made in instances where another mandated reporter has undertaken to make the report.
- Make a report even if your manager, or equivalent, does not share your belief.

Employees may choose to seek the assistance of the Institute's nominated Mandatory Reporting Officer; the Executive Manager, Student Life (Ext: 9286 9897) their direct line Manager, Head of Faculty or their Executive Team Member in making their report.

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

4.3 Failure to disclose offence

Any employee who forms a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16 in Victoria must report that information to DHHS Child Protection, or Victoria Police unless they have a reasonable excuse for not doing so (see definitions). A failure to report is considered an offence and can carry a penalty of up to three years imprisonment under the Crimes Amendment (Protection of Children Act) 2014. To read more information about the 'failure to disclose' offence, see: [Department of Justice and Regulation – Failure to disclose offence.](#)

4.4 Failure to protect offence

Any employee who becomes aware that an adult associated with BHI (such as an employee, contractor, or volunteer) poses a risk of sexual abuse to a child or young person under the age of 16 the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child-related work pending investigation. A failure to protect is considered to be an offence which can carry a penalty of up to five years' imprisonment under the Crimes Amendment (Protection of Children Act) 2014. To read more information about the 'failure to protect offence', see: [Department of Justice and Regulations – Failure to protect offence.](#)

4.5 Receiving a Disclosure from a Student

A student who wishes to make a complaint or disclosure alleging sexual abuse should contact the Mandatory Reporting Officer, the Executive Manager, Student Life (9286 9897) or a trusted staff member. These nominated staff members must act in accordance with this procedure.

There may be occasions where a complaint or disclosure is made regarding a historical occurrence of child abuse. These disclosures should be taken seriously and addressed in accordance with this procedure.

When supporting a student who is making a disclosure of child abuse, it is paramount to ensure the student's safety and wellbeing. When an allegation of child abuse has been made by a child or young person, the employee must inform the student that their confidentiality cannot be maintained. This should be done in language appropriate to the student's age, cultural background and stage of development. When culturally appropriate support is recommended, it should not detract from ensuring the student's safety and wellbeing.

Aboriginal and Torres Strait Islander Children (Koori): When supporting a Koorie student who has been impacted by child abuse it is essential that culturally appropriate support is provided through the Koorie Liaison Officer and/or other appropriate community members.



Students from Culturally and Linguistically Diverse (CALD) Backgrounds: When supporting a student from a CALD background who has been impacted by child abuse it is essential that culturally appropriate support is provided. Where appropriate and possible, relevant cultural support services may be used. An interpreter may also be engaged when communicating with the students' family if needed. It is recommended that the International Student Wellbeing Officer be contacted for support in this instance.

Students with disabilities: When supporting a student with a disability who has been impacted by child abuse it is important to consider the child's chronological age and their cognitive functioning in order to tailor developmentally appropriate support structures. It is recommended that the Disability Liaison Officer be contacted in this instance.

4.6 Reportable Conduct Scheme

The Reportable Conduct Scheme focuses on how organisations investigate and respond to suspected child abuse committed by an employee, contractor or volunteer of the organisation. The scheme imposes obligations on the CEO of BHI to report child abuse by any employee, contractor or volunteer to the Commission for Children and Young People (CCYP), in accordance with CCYP obligations.

4.7 Child Safe Risk Register

BHI is committed to providing a Child Safe environment. The Child Safe Risk Register contains information that assesses risks to children associated with the organisation and provides a framework for addressing and minimising these risks. The register is reviewed regularly, following any incident, report or disclosure

5 Definitions

Term	Definition
Child abuse	Child abuse is any behaviour that harms or could harm a child or young person. There are five main types of child abuse: physical abuse, emotional abuse, neglect, sexual abuse and exposure to family violence. Children may experience more than one type.
CCYP	Commission for Children and Young People They are an independent statutory body that promotes improvement in policies and practices affecting the safety and wellbeing of Victorian children and young people. They have the power to oversee and enforce organisations' compliance with the standards in the Child Wellbeing and Safety Act 2005.
Failure to disclose	This offence applies to a failure to disclose a sexual offence committed against a child under the age of 16 years and applies to any person over the age of 18. Failure to disclose is a criminal offence which was introduced as part of the Crimes Amendment (Protection of Children Act 2014). The offence applies to all adults in Victoria, not just professionals who work with children. This offence can carry a penalty of up to 3 years imprisonment.
Failure to Protect	This offence applies to a failure by any person in authority to protect a child from a sexual offence and has the power and/or responsibility to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence and negligently fails to do so. If an employee fails to take reasonable steps in these circumstances, this may amount to a criminal offence under the Crimes Amendment (Protection of Children Act 2014) and can carry up to five years imprisonment.

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Term	Definition
Grooming	When a person engages in predatory conduct to prepare a child for sexual activity at a later time. Grooming can include communicating electronically or face-to-face and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer. For information see: <u>Department of Justice and Regulation – Grooming offence.</u>
Mandatory Reporters	Mandatory Reporting applies to particular classes of persons who are mandated to report sexual and physical abuse of a child under the age of 16 years. The following are mandatory reporters in Victoria: <ul style="list-style-type: none"> • registered medical practitioners • nurses • midwives • registered teachers and early childhood teachers • school principals • school counsellors • police officers • out of home care workers (excluding voluntary foster and kinship carers) • early childhood workers • youth justice workers • registered psychologists • people in religious ministry
Reasonable Belief	A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. 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 if: <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 physically or 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 • professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused • signs of abuse lead to a belief that the child has been physically or sexually abused.
Reasonable Excuse	You may have a 'reasonable excuse' for not reporting information about child sexual abuse to police if, for example: you fear for your safety, or the safety of another person, or you believe the information has already been reported to the police.
Reasonably Foreseeable	A reasonable person would be able to predict or expect the ultimately harmful result of their actions.

Document: **OFFICIAL**
Child Safe Procedure - BHI

Document No.: **SXP-STL-PRO001**

Process Area: **Student Experience**



Term	Definition
Reasonable Steps	May include, but are not necessarily limited to: <ul style="list-style-type: none">• Acting on concerns and suspicions of abuse as soon as practicable• Seeking appropriate advice or consulting with other professionals or agencies when a staff member is unsure of what steps to take• Reporting the suspected abuse to appropriate authorities such the Victorian Police and DHHS Child Protection• Arranging counselling and/or other appropriate welfare support for the child

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Term	Definition
Reportable Allegations	An allegation of 'reportable conduct' or misconduct in relation to child abuse by an adult against a child under years of age.
Reportable Conduct	Five types of reportable conduct: <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 is likely to cause significant emotional or psychological harm • significant neglect.

6 Procedure

R= Responsibility

Item	Steps	Employee	Exec. Director, P&C	Exec. Mgr Facilities and Campus Services	Exec. Mgr Student Life / Mandatory Reporting Officer	Student Life	CEO

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1.	<p>Responding to an Emergency If a child is at immediate risk of harm, or has been harmed, reasonable steps are taken to protect them:</p> <ul style="list-style-type: none"> • Separate the alleged victim and others involved, ensuring both parties are supervised by an employee • Arrange and provide urgent medical assistance where necessary by: <ul style="list-style-type: none"> ○ Administering first aid ○ Calling 000 for an ambulance and following any instructions from emergency service officers/paramedics. • Call 000 for urgent police assistance if the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person - identify a contact person for future liaison with police. • Notify all 000 calls to Security as outlined in the <i>'Guidelines for Medical Emergency and Ambulance Call Out'</i>. • Take reasonable steps to preserve the environment, clothing, other items, and potential witnesses until the police/relevant authorities arrive. 	R					
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Item	Steps	Employee	Exec. Director, P&C	Exec. Mgr Facilities and Campus Services	Exec. Mgr Student Life / Mandatory Reporting Officer	Student Life	CEO
2.	<p>Reporting to Authorities</p> <p>Once immediate health and safety concerns are addressed, all incidents, suspicions and disclosures of child abuse, including 'grooming', should be reported as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.</p> <p><u>If the source of suspected abuse comes from within the Institute</u> (this includes any forms of suspected child abuse involving an employee, contractor, or volunteer):</p> <ul style="list-style-type: none"> • Contact DHHS Child Protection, Eastern Region is phone: 1300360391, or Victoria Police (via your local police station, Box Hill 8892 3200, Lilydale, 97392300, City East, Flinders Lane 96371100) • Notify the Executive Director, People and Culture who will brief the CEO. • Notify the Mandatory Reporting Officer. • In the case of international students, the Mandatory Reporting Officer must notify the Executive Manager, International to ensure that appropriate support is arranged for the student. • In the case of Koorie students, the Mandatory Reporting Officer must notify the Koori Liaison officer so appropriate support for the student can be arranged • CEO to notify the Commission (CCYP) within 3 business days of becoming aware of a reportable allegation; <p>Provide detailed information to the Commission about the allegations within 30 days;</p> <p>Once the investigation has concluded, provide the outcomes and findings of the investigation to the Commission.</p>	R					R

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Item	Steps	Employee	Exec. Director, P&C	Exec. Mgr Facilities and Campus Services	Exec. Mgr Student Life / Mandatory Reporting Officer	Student Life	CEO
	<p>If the source of suspected abuse comes from <u>within the family or community</u>:</p> <p>Report to DHHS if a child is considered to be:</p> <ul style="list-style-type: none"> ○ In need of protection due to child abuse ○ At risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development ● Report suspected sexual abuse (including grooming) to Victoria Police ● Report internally to the Executive Director, Student Experience ● Consider reporting to Child FIRST if you have other reasonable concerns for the wellbeing of a child, such as concerns due to conflict within a family, parenting difficulties, isolation of a family or a lack of apparent support. 						

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3.	<p>Contacting Parents/Carers</p> <p>Advice should be sought from the authority you have reported to, (DHHS, Child FIRST or Victoria Police) prior to contacting parents/carers. This is critical to ensure the safety of the child as well as to avoid any compromise to the investigations being conducted by the relevant authority/agency.</p> <p>Advice not to contact the parents will be given in circumstances where:</p> <ul style="list-style-type: none"> • The parents are alleged to have engaged in the abuse • A disclosure to the parents/carers may subject the child to further abuse • If the child assessed to be sufficiently mature and intelligent to make such decisions on his or her own behalf, and have requested that their parents/carers not be notified, the child will nominate another responsible adult to be contacted. <p>The notification is likely to adversely affect the investigation of the incident by the relevant authorities.</p> <p>Where advised to be appropriate, contact with parents as soon as possible on the day of the incident, disclosure or suspicion.</p>	R					
Item	Steps	Employee	Exec. Director, P&C	Exec. Mgr Facilities and Campus Services	Exec. Mgr Student Life / Mandatory Reporting Officer	Student Life	CEO

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4.	<p>Providing Continued Support</p> <p>In addition to reporting suspected abuse, as an employee, you have a critical role in supporting students impacted by abuse, and a duty of care to ensure that students feel safe and supported at the Institute.</p> <p>Support can include direct support through Student Life, referral to wellbeing professionals and community services, together with the development of an Individual Support Plan.</p> <p>The Institute is responsible for ensuring students are supported during interviews on campus conducted by Victoria Police or DHHS Child Protection.</p> <p>Support may include attending DHHS Child Protection Case Planning Meetings.</p> <p>Support will be provided to any impacted employees through the Employee Assistance program.</p>	R				R	
5.	<p>Maintenance of the Child Safety Risk Register</p> <p>The Executive Director, People and Culture (or delegate) is responsible for conducting an annual review of the Risk Register and ensuring that risks identified on the Child Safety Risk Register are mitigated through identified actions.</p> <p>The Executive Manager, Student Life is responsible for forwarding the appropriate details of any incident or hazard report involving a child to the Executive Director, Student Experience.</p> <p>The Executive Manager, Facilities and Campus Services is responsible for providing the relevant details of any security audit conducted that may inform risks to children to the Executive Director, Student Experience.</p>		R		R		R

7 Related Documents

Documents, Standards and reference material associated with this document include:

7.1 Documents

Document Identifier	Title
SXP-STL-POL001	Child Safe Policy

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7.2 Risk/Opportunity Assessment

Risk/Opportunity	Likelihood	Severity	Assessment Method (if applicable)	Mitigation
Child is harmed whilst under supervision of BHI	Low	Major		All staff have Working with Children checks Security on-site at BHI campuses

8 Process Flowcharts

Nil

9 Endorsed by

Owner	Author	Date of Approval
Executive Director Student Experience	Executive Manager Student Life	10 July 2020

10 Approval Body

The CEO is the approval body.

CEO Signature	Date of Approval
Vivienne King	13 July 2020

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