



STUDENT WELLBEING – CONCERNS PROCEDURE

Introduction

Huntingtower is committed to providing a caring, supportive and safe environment for all children and young people studying at the school.

This Student Wellbeing – Concerns Procedure (**Procedure**) sets out how concerns about child abuse and other reportable conduct (which are defined in Section 7 of this Procedure) may be brought to Huntingtower's attention, and will otherwise be dealt with. It also addresses Huntingtower's and School Personnel's reporting obligations.

The Procedure should be read in conjunction with the:

- Student Wellbeing Policy;
- Student Wellbeing - Staff Code of Conduct;
- Student Wellbeing – Responsible Student Behaviour Policy; and
- Student Wellbeing – Responsible Student Behaviour Guidelines.

Principles

School Personnel have a variety of mandatory reporting obligations in relation to child abuse and other reportable conduct. In some cases, these obligations are imposed on the head of Huntingtower (typically being the Principal). In other cases, these obligations are imposed on other School Personnel.

This Procedure aims to ensure that:

- members of the School Community know who at Huntingtower they can raise concerns about child abuse and student wellbeing with;
- every concern is acknowledged, treated seriously and responded to appropriately and with empathy;
- School Personnel understand and comply with their legal obligations with regards to reporting concerns;
- to the extent that it is appropriate to investigate concerns, such investigations are conducted fairly and without bias, promptly and without undue delay;
- all reasonable steps will be taken to protect a child or young person who is the subject of a concern, and ensure there are no reprisals for raising or being the subject of a concern; and
- members of the School Community understand and have confidence in the processes that will be followed by Huntingtower in response to concerns.

When complying with this Procedure, School Personnel must appreciate that fulfilling the roles and responsibilities contained herein will not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse or reportable conduct.

Raising concerns with Huntingtower

This section sets out when or how you may raise concerns with Huntingtower about child abuse and other reportable conduct.

If you have a belief that a child is at immediate risk of child abuse, you should immediately phone the Police on 000 or the Child Protection Crisis Line on 13 12 78.

If you are a member of the School Community (other than School Personnel), with a concern about child abuse or other reportable conduct, then you are encouraged to raise that concern with a Child Protection Officer (**CPO**) or the Principal.

Where a concern relates to the Principal, concerns should be raised with the Board Chair. Alternatively, a concern may be raised directly with the Commission for Children and Young People on 1300 78 29 78.

How Huntingtower will deal with concerns

This section sets out how Huntingtower will acknowledge a concern about child abuse or other reportable conduct.

In this Procedure, the person who originally raised the concern with Huntingtower (whether they be a member of School Personnel or the School Community) shall be the "Notifier". The person allegedly responsible for the conduct or misconduct the subject of the concern shall be the "Respondent".

- **Receiving a concern**

A member of School Personnel, upon becoming aware of the concern, is required to:

- listen to the concern supportively (and appropriately where the Notifier is a child);
- clarify the basic details, without seeking detailed information or asking suggestive or leading questions;
- take detailed notes;
- not assess the validity of the concern(s) being raised;
- explain that other people may need to be informed about the concern, in order to stop any inappropriate or unlawful behaviour and to comply with Huntingtower's legal obligations;
- reassure the Notifier that Huntingtower takes the concern seriously; and
- outline the process that will be followed by Huntingtower in dealing with the concern.

The member of School Personnel must then:

- if neither a CPO nor the Principal, notify a CPO about the concern;
- if a CPO, notify the Principal about the concern;
- if the Principal is the subject of the concern, notify the Board Chair about the concern; and
- consider his or her personal reporting obligations (as summarised in this Procedure).

Huntingtower will then take such steps as it considers appropriate to protect any child or young person connected with a concern until it is resolved, including by ensuring that any mandatory reporting obligations have been met.

Huntingtower will then notify the Respondent of the concern (to the extent that it is appropriate to do so, which may initially involve only notification that there has been a concern), outline the process to be followed, and advise the Respondent of the process pending the resolution of the concern (which may in appropriate cases include the suspension of the Respondent, without judgment, while the concern is being dealt with).

- **Resolving the concern:**

Huntingtower will investigate the concern where appropriate, which will ordinarily require Huntingtower to determine whether, on the balance of probabilities, the concern is substantiated. The decision-maker will usually be the Principal (or his or her nominee), although where the concern relates to the alleged conduct or misconduct of the Principal then the decision-maker will be the Board.

Huntingtower may rely on legal or external assistance to investigate and determine the concern.

To the extent that Huntingtower decides it is appropriate or practicable to do so, any investigation will usually involve:

- the Notifier and the Respondent, and any other material witnesses, being interviewed;
- any relevant documents being reviewed;
- written notes being kept of any interviews during the investigation; and
- the relevant decision-maker determining whether, on the balance of probabilities, the concern is substantiated.

Witnesses being interviewed will not be unreasonably refused a support person.

If the concern is substantiated, Huntingtower will take appropriate action (which may, in the case of a Respondent who is a current member of School Personnel, potentially include summary dismissal of the Respondent for serious misconduct). Even if a concern is not substantiated, the findings made by Huntingtower during the course of investigating the concern may, in certain cases, still result in disciplinary action (including dismissal).

Following the conclusion of its investigation, Huntingtower will notify:

- the Notifier;
- the Respondent; and
- any external authorities (including the Commission for Children and Young People, Victoria Police and the Victorian Institute of Teaching) to whom a report is required to be made,

of the outcomes of the investigation.

- **Huntingtower may need to adjust this procedure to reflect the circumstances:**

This Procedure applies regardless of whether the alleged behaviour which is the subject of a concern, occurred on or outside school grounds, or concerns current or former students.

However, where a concern is raised with Huntingtower and:

- an investigation by the Police, the Commission for Children and Young People or the Victorian Institute of Teaching relevant to the concern is ongoing;
- civil or criminal proceedings relevant to the concern are ongoing; or
- the concern relates to former students or former School Personnel,

it may not be appropriate or possible for Huntingtower to investigate that concern in strict

accordance with this Procedure. In such circumstances, Huntingtower will seek and act on legal advice to comply with this Procedure to the extent it is appropriate to do so (and in particular to protect the health and safety of all current students of the school).

Other considerations

- **Records**

Huntingtower will make, keep and secure clear and contemporaneous records of any concerns raised in accordance with this Procedure, and the steps taken by Huntingtower to respond to those concerns.

- **Huntingtower will offer support**

Huntingtower will afford appropriate support to children and young persons the subject of concerns raised under this Procedure.

If a concern involves a child or young person from a culturally and/or linguistically diverse background, steps will be taken to ensure that the child or young person, and his or her family, is supported to understand the situation, including the use of an interpreter if required.

If a concern involves a child or young person with a disability, steps will be taken to ensure the child or young person, and his or her family, understand the situation and are supported.

Huntingtower will afford support where appropriate to School Personnel who make mandatory reports under this Procedure.

- **Huntingtower will cooperate with the authorities**

Huntingtower will cooperate with any investigation by Victoria Police, the Commission for Children and Young People or any other relevant authority in relation to a concern or report.

- **Huntingtower will maintain appropriate confidentiality**

Appropriate confidentiality will be maintained at all times when dealing with concerns under this Procedure, with information only being provided to those who have a right or need to know.

- **Communicating with parents, carers and guardians**

Where appropriate, Huntingtower will provide parents, carers and guardians with guidance and support where a child or young person is the subject of a concern.

Huntingtower and School Personnel do not require consent from a child or young person's parents, carers or guardians before making a mandatory report in accordance with this Procedure. Similarly, Huntingtower and School Personnel are not required to disclose that a mandatory report has been made.

However, Huntingtower will keep families updated as it considers appropriate about the way in which it is dealing with concerns affecting that family's child or young person.

- **Victimisation is not tolerated**

Huntingtower will not tolerate victimisation towards someone because they have raised participated in a process contemplated by this Procedure, including by raising a concern or making a mandatory report.

Huntingtower's reporting obligations

This section sets out the main mandatory reporting obligations applying to School Personnel.

CPOs and the Principal are primarily entrusted with responsibility for ensuring that these reporting obligations are met. However, all Huntingtower employees, and other appropriate School Personnel, will receive training on their personal reporting obligations.

- **Reporting sexual offence - *Crimes Act 1958* (Vic)**

Members of the School Community generally are subject to mandatory reporting obligations under the *Crimes Act 1958* (Vic) specifically in relation to a sexual offence committed by an adult against a child under the age of 16. Failure to do so can constitute an offence under that Act.

If you have formed a reasonable belief in relation to a sexual offence, you must immediately report the belief to Victorian Police by calling 000 in an emergency or otherwise on (03) 9450 8000.

You must then make a further report on each occasion on which you become aware of any further reasonable grounds for the reasonable belief.

If you:

- have a reasonable fear that reporting your reasonable belief to Victorian Police may pose a risk to your own or another person's health and safety (including the relevant child or young person, but not including the alleged perpetrator of sexual offence); or
- were told about the sexual offence by the alleged victim, who was 16 or older at the time they disclosed the abuse, and they have asked you not to report the abuse,

then, you should seek advice from either a CPO or the Principal about whether you are still required to make a report.

- **The Reportable Conduct Scheme - *Children Wellbeing and Safety Act 2005* (Vic)**

The *Children Wellbeing and Safety Act 2005* (Vic) established the Reportable Conduct Scheme managed by the Commission for Children and Young People.

The Reportable Conduct Scheme requires the head of an entity to do certain things upon becoming aware of a reportable allegation about School Personnel. At Huntingtower, the head of the entity is usually the Principal. However, where a reportable allegation is about the Principal, the Board Chair will assume responsibility for complying with a head's obligations under the Reportable Conduct Scheme.

A **reportable allegation** means any information that leads a person to form a reasonable belief that a member of School Personnel has committed reportable conduct, or misconduct that may involve reportable conduct, whether or not the conduct or misconduct that is alleged to have occurred was within the course of the person's employment or engagement with Huntingtower.

As soon as practicable after becoming aware of a reportable allegation, the head of the entity must respond to the allegation. This Procedure sets out how the head of the entity will respond to an allegation, by providing a process for the allegation to be investigated and dealt with.

The head of the entity must also make several notifications to the Commission for Children and Young People as follows:

Milestone	Timeframe
Initial notification	Within 3 business days after becoming aware of the reportable allegation
Update	As soon as practicable and within 30 calendar days after becoming aware of the reportable allegation
Advice on investigation	As soon as practicable
Outcomes of investigation	As soon as practicable

- **Mandatory Reporters - *Children, Youth and Families Act 2005* (Vic)**

Principals, teachers (including students training to become teachers) and registered nurses are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic), and have mandatory reporting obligations in relation to child abuse. Failure to do so can constitute an offence under that Act.

If you are a mandatory reporter, and you have formed a reasonable belief that:

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

you must **immediately** report the belief to the Victorian Child Protection Services (**VCPS**) by calling 1300 664 977 during business hours, or 13 12 78 after hours.

You must then make a further report on each occasion you become aware of any further reasonable grounds for the reasonable belief.

Definitions

- The following terms are defined in the Student Wellbeing Policy:
 - Behaviour that causes significant or serious emotional or psychological harm.
 - Bullying.
 - Grooming.
 - Neglect.
 - Physical violence.
 - School Community.
 - School Personnel.
 - Sexual misconduct.
 - Sexual offence.
 - Victimisation.
- **Child** means a child under the age of 18 years.

- **Child abuse** includes:
 - any act committed against a child involving a sexual offence, including grooming;
 - the infliction, on a child, of physical violence or serious emotional or psychological harm;
 - the serious neglect of a child.

- **Reasonable belief** is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position as you, and armed with the same information, would have formed the belief on the same grounds.

It is not necessary to have proof to form a reasonable belief, and you do not need to make a judgment about the truth of an allegation, but you must believe that it is more than mere rumour or speculation.

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

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

It is permissible to ask a person raising a concern with you, sufficient questions to establish a reasonable belief. However, care should be taken not to ask the person any suggestive or leading questions.

School Personnel who are not sure whether they have a reasonable belief must consult with a CPO or the Principal.

- **Reportable conduct means:**
 - a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded;
 - sexual misconduct, committed against, with or in the presence, of a child;
 - physical violence committed against, with or in the presence of, a child;
 - any behaviour that causes significant emotional or psychological harm to a child;
 - significant neglect of a child.

Significant means that the harm or neglect is more than trivial or insignificant. However, it need not be as high as serious and need not have a lasting permanent effect.

Conduct by a worker or volunteer may not be reportable conduct if it relates to a worker or volunteer:

- who has taken reasonable steps to protect a child from immediate harm;
- who has responsibility for discipline, and has taken lawful and reasonable

- disciplinary action (such as by sending a child to sit in 'time out' for a period of time, in line with school policy); or
- who is an appropriately qualified worker or volunteer who has given medical treatment in good faith, such as a senior first aid officer administering first aid.

Communication

This Procedure is available to staff, parents, students and the school community via the school's website.

In addition, relevant aspects of this Procedure will be raised at staff and student meetings, and highlighted in Bulletins and newsletters.

Related Policies

Student Wellbeing - Staff Code of Conduct

Student Wellbeing – Reporting Concerns Procedure

Student Wellbeing – Responsible Student Behaviour Policy

Student Wellbeing – Responsible Student Behaviour Guidelines

Related Legislation

Child Safe Standards – Managing the Risk of Child Abuse in Schools, Ministerial Order No 870 under the Education and Training Reform Act 2006

Crimes Act 1958 (Vic)

Children, Youth and Families Act 2005 (Vic)

Child Wellbeing and Safety Act 2005 (Vic)

Sentencing Act 1991 (Vic)

Working with Children Act 2005 (Vic)

Evaluation

The Principal is primarily responsible for monitoring Huntingtower's overall compliance with this Procedure, which will be reviewed as part of Huntingtower's policy review cycle (and otherwise as and when required).

Authorisation

This Procedure was authorised by the Principal in July 2018.