

ACTION PLAN for dealing with ACTUAL or ALLEGED ABUSE

Guidance on the actions to be taken if a student has just been abused or is at immediate risk of harm.

The following information applies to reporting all forms of student abuse.

Action 1: Respond to an emergency

Ensure immediate safety

Ensure immediate safety by:

- separating the alleged victim and others involved, ensuring all parties are supervised by a relevant staff member
- arranging and providing urgent medical assistance where necessary by:
 - administering first aid assistance
 - calling 000 for an ambulance and following any instructions from emergency service officers or paramedics.
- calling 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.
 - be prepared to identify a contact person at the school for future liaison with police.

Preserve evidence

Where an incident of suspected abuse occurs, you may need to take action to preserve any items that may amount to evidence of the abuse. Consider all of the following:

- **Environment**
Do not clean up the area and preserve the sites where the alleged incidents occurred. Cordon off the relevant area, room or building and take reasonable steps to ensure that no one enters these areas.
- **Clothing**
If sexual or physical abuse is suspected you may also need to ensure that the person who has allegedly committed the abuse and the student who has allegedly been abused remain in their clothing and, if this is not possible, ensure that the clothes are not washed, are handled as little as possible, and stored in a sealable bag.
- **Other physical items**
If there are any other items that may amount to evidence (for example: weapons, bedding, condoms), try and ensure that these things remain untouched.
- **Potential witnesses**
Reasonable precautions must be taken to prevent discussion of the incident between those involved in the alleged incident (including any other students who may have witnessed the incident). If the incident involves:
 - two or more students: a staff member should be allocated to remain with each student involved in separate rooms
 - a staff member: they should be asked to remain with a member of the school/organisation's leadership team and be instructed not to discuss the incident with any staff, students, carers or family members.

Action 2: Reporting to authorities

Report child alleged or actual abuse internally to your school/organisation and to external authorities.

As soon as immediate health and safety concerns are addressed, report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Reporting internally alone does not mean that your mandatory reporting obligations have been met.

The staff member who has formed a reasonable belief regarding child abuse or neglect must also report to AIU, the Victorian Registration and Qualifications Authority (VRQA), the Department of Families, Fairness and Housing (DFFH) and Child Protection or Victoria Police if the child is in immediate risk of harm (or the equivalent if overseas).

When the source of the alleged or actual abuse is a person within the school/organisation

If the source of suspected abuse comes from a person within the school/organisation (this includes any form of suspected abuse involving a staff member, contractor, volunteer, allied health practitioner, visitor, officer or office holder, host family, you must:

- contact Victoria Police (or the equivalent if overseas) via your local police station (it is important that you first contact your local police station, where appropriate they will refer you to the local Sexual Offences and Child Abuse Investigation Team)
- report internally* to the school principal or organisation's leadership team (all instances).

You must also contact the following based on your school:

- Government schools: Principals are to contact the Employee Conduct Branch and Incident Support and Operations Centre on 1800 126 126
- Catholic schools: Diocesan education office on office on (03) 9267 0228.

You must also identify a contact person at the school/organisation for future liaison with DFFH Child Protection and Victoria Police (or the equivalent if overseas) and seek advice about contacting parents or carers.

*Please note that reporting internally does not mean that reporting obligations have been met. The staff member who has formed a reasonable belief regarding abuse must also ensure a report is made to DFFH Child Protection or Victoria Police (or the equivalent if overseas), if the child is at immediate risk of harm.

When the source of the alleged or actual abuse is within the host family or community

If the source of suspected abuse comes from within the family or community, you must report to DFFH Child Protection (or the equivalent if overseas), if a student is considered to be:

- in need of protection due to alleged or actual 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 individual's safety, stability or development
- and if the individual's host family or carers have not protected, or are unlikely to protect, the child from the harm.

You must also report suspected sexual abuse (including grooming) to Victoria Police (or the equivalent if overseas), and report internally* to the school principal or organisation's leadership team (all instances), highlighting:

- the details of the suspected abuse or risk of abuse including the names of those involved
- any immediate actions taken to protect the safety of the child
- your report or intention to report to DFFH Child Protection, Victoria Police or other relevant organisation (or the equivalent if overseas)
- steps that can be taken to contact parents (if appropriate) and support the student.

Acting when you do not suspect abuse, but you hold significant concerns for wellbeing

If you believe that a student is not subject to abuse, but you still hold significant concerns for their wellbeing, you should consider making a referral to Child Protection (or the equivalent if overseas). These concerns could include risk taking behaviour, hosting family difficulties, isolation or lack of support.

In some circumstances you may still need to contact DFFH Child Protection or Victoria Police (or the equivalent if overseas), for example, extreme risk-taking behaviour.

Report student sexual offending

As soon as immediate health and safety concerns are addressed you must report incidents, disclosures and suspicions of student sexual offending as soon as possible to:

1. Victoria Police on 000 (all instances)
2. DFFH Child Protection if you believe that:
 - the victim's host family or carers are unable or unwilling to protect the child
 - the student who is alleged to have engaged in the student sexual offending is aged over 10 and under 18 years, is exhibiting sexually abusive behaviours, and may be in need of therapeutic treatment to address these behaviours
 - the student who is alleged to have engaged in the student sexual offending may be displaying physical and behavioural indicators of being the victim of child abuse.
3. the school principal or local authority's leadership team (all instances) and:
 - for Government schools: Incident Support and Operations Centre on 1800 126 126
 - for Catholic schools: Diocesan education office on (03) 9267 0228.

How to proceed if the principal or organisation's leadership advises you not to report

In some circumstances, the principal or organisation's leadership team may advise you not to proceed with reporting suspected abuse.

Regardless of this advice, if you hold a reasonable belief that a student has been or is at risk of being abused you must still make a report to DFFH Child Protection or Victoria Police (or the equivalent if overseas). This report may be critical in protecting a student from abuse.

If you fail to report you may not discharge your duty of care and in some circumstances, you may be subject to criminal charges.

If you decide not to report, it is strongly recommended that this decision should be documented.

Making additional reports

Reporting further reasonable grounds for belief

You must make a new report in any circumstance where you become aware of any further reasonable grounds for the belief.

Every report is critical to protecting a child by building evidence and enabling authorities to gain a clearer understanding of the risks.

This means that you must make a report to protect a child even if:

- DFFH Child Protection or Victoria Police were previously involved or are already involved with the child or their family
- staff are aware that another party, such as a family member, has already raised concerns with the relevant authorities.

What to do if another person has already made a report

Once you form a reasonable belief that a student has been, or is at risk of being abused, your obligation to report is separate from the obligations or actions of other people.

In addition, it is important to consider that other people may not have access to the specific detail you have. The information you provide through your report may assist the relevant authority to take further action to protect the student.

However, there may be times when two or more I staff members, for example a teacher and a principal, have formed a belief about the same child on the same occasion and based on the same information. In this situation, it is sufficient that only one of the staff members makes a report. The other person should ensure that the report has been made and that all the grounds for their own belief were included in the report made by the other person.

In instances where two staff members form different views about whether or not to make a report, if one staff member continues to hold a reasonable belief that a student is in need of protection, then they should make a report.

What to do if you don't think the child is at risk of abuse but you still hold concerns about a student's wellbeing

If you believe that a student is not subject to child abuse, but you still hold 'significant concerns' for their wellbeing you may still need to contact DFFH Child Protection, Victoria Police (or the equivalent if overseas)

Document your actions

It is strongly recommended that you document your actions.

Action 3: Contacting parents or carers

The following information applies to reporting all forms of abuse, including student sexual offending.

In many cases where it is suspected that a student has been, or is at risk of being abused, it is extremely important that their parents or carers are notified as soon as possible, as long as this approach is agreed to by Victoria Police or Department Families, Fairness and Housing (DFFH) (or the equivalent if overseas), so as not to place the student at further risk or impede an investigation.

There are some circumstances where contacting parents and carers may place a child or adult at greater risk.

After there is a suspicion or reasonable belief that a student is subject to abuse, and before contacting the parents or carers, advice must be sourced from Victoria Police or DFFH Child Protection (or the equivalent if overseas), (depending on who the report has been made to). They will advise about whether it is appropriate to contact parents or carers at this stage.

You may be advised not to contact the parents or carers (or one particular parent or carer) in circumstances where:

- a parent or carer is alleged to have engaged in the abuse (including in circumstances of suspected family violence, where alerting the alleged perpetrator may place others at greater risk)
- a disclosure to the parents or carers may subject the student to further or more severe abuse
- the child is deemed a mature minor (assessed to be sufficiently mature and intelligent to make such decisions on his or her own behalf) and has requested that their parents or carers not be notified (in these circumstances ideally the child will nominate another responsible adult to be contacted).
- the notification is likely to adversely affect the investigation of the incident by the relevant authorities.

Advice for communicating with parents

Where advised by police or DFFH (or the equivalent if overseas), that it is appropriate to contact the parents, the principal and/or organisation leader, and/or AllU should make sensitive and professional contact with the appropriate parents or carers as soon as possible on the day of the incident, disclosure or suspicion.

During this conversation it is important to:

- remain calm and be empathetic to feelings
- validate concerns
- provide appropriate details of the incident, disclosure, or suspicion of child abuse
- outline the action taken to date, including who the incident, disclosure, or suspicion has been reported to if appropriate (noting that the anonymity of the person who made the report must be protected if this is their wish)
- if appropriate provide the name and contact phone number of DFFH Child Protection (or the equivalent if overseas), or the police officer who is investigating (this should be provided to the student if they are a mature minor)
- provide information on whether they are likely to be contacted by DFFH Child Protection or Victoria Police (or the equivalent if overseas)
- inform them that the investigation may take some time and ask what further information they would like and how staff can assist them
- assure them that school/organisation wellbeing staff can provide support to their child

- invite the parents or carers to physically or virtually attend a Student Support Group meeting where a Student Support Plan can be prepared to ensure that appropriate support can be provided for their child.



What to do if a student's parents are contacted before DFFH or Victoria Police advice is received

Ideally you will have received clear advice from Victoria Police or DFFH Child Protection (or the equivalent if overseas), on what information to share with parents or carers.

In some circumstances, a parent or carer needs to be informed before this advice has been received.

In these circumstances you should not share any information:

- that may place the student or any other person at risk (for example: risk of further harm, destruction of evidence)
- if the student is an adult or mature minor and requests that you do not contact their parents or carers, unless you consider it necessary to inform the parents or carers in order to lessen or prevent a serious risk to the student's safety.

After consideration, the school principal or organisation leader may decide that it is in the best interest of the child to provide the parent or carer with information:

- on a disclosure or an alleged incident (providing only enough information so that the parent or carer can best protect and support their child)
- (if appropriate) that a report has been made to DFFH or Victoria Police and it is likely they will be in contact (depending on who the report has been made to)
- that there are supports available.

Advice and support on contacting parents or carers

Specifically in Victoria:

Government schools

Government schools can contact the Incident Support and Operations Centre on 1800 126 126.

Catholic schools

Catholic schools can contact their Diocesan education office, including:

- Archdiocese of Melbourne - Legal Services: 03 9267 0228
- Diocese of Sale - Executive Manager Industrial Relations and Human Resources: (03) 5622 6600
- Diocese of Ballarat - Legal Services: (03) 5337 7124
- Diocese of Sandhurst - Assistant to the Director of Legal, Industrial and Human Resources: (03) 5443 2377.

Independent schools

Independent schools can contact Independent Schools Victoria on 03 9825 7200.

Action 4: Providing ongoing support

The following information applies to reporting all forms of abuse, including student sexual offending.

Experiences of abuse can cause trauma and significantly impact the mental health and wellbeing of children. In addition to reporting and referral to relevant authorities, all relevant adults such as principal, AIU or school staff member, host family, local coordinator etc, play a central role in addressing this trauma and have a duty of care to ensure that the students feel safe and supported whilst on exchange.

Working together and planning support

Providing holistic support to address the trauma and wellbeing issues associated with abuse is best achieved through careful planning and working in partnership with wellbeing professionals, parents/carers, educators and AIU and affiliated third-party partner organisation staff.

If a student is impacted by suspected abuse, and it is deemed appropriate, staff must:

- establish regular communication between staff and the student's parent, guardian or carer (if this is safe and appropriate) to discuss a student's progress, wellbeing and the effectiveness of planned strategies. This may be undertaken through convening a Student Support Group (Student Support Groups usually comprise school/organisation wellbeing staff, allied health professionals and where appropriate the student and their parent or carer) to plan ongoing monitoring, support, and follow-up of the student's health and wellbeing
- develop and implement a Student Support Plan, which documents the planned support strategies and includes timeframes for review. Where possible, these support strategies should be informed by allied health and wellbeing professionals with expertise in addressing abuse and trauma.

Engaging allied health and wellbeing professionals

Where appropriate allied health and wellbeing supports and services should be engaged to meet the wellbeing needs of the student impacted by abuse.

For example:

- Student Support Services
- school wellbeing staff members
- Respectful Relationships Liaison Officers
- allied health and wellbeing professionals engaged by the student and families.

Allied health and wellbeing professionals can provide:

- intensive support to children and their families
- critical input into student support plans
- advice to school/organisation staff members on how to appropriately support the student.

Referring to external supports

Specifically, school staff can also refer to the wide range of non-school based support services, which specialise in providing tailored support and advice for young people impacted by abuse.

For example, schools may consider referrals to:

- family violence services i.e. The Lookout and Safe Steps
- Centres Against Sexual Assault, who provide expert support for victims of sexual assault
- local authorities who provide tailored support for children whose mental health is impacted by exposure to abuse i.e. Headspace.

Providing developmentally and culturally appropriate support

While a child's background should not impact a decision to report suspected abuse, staff need to be sensitive to a student's individual circumstances when providing support and working with families impacted by abuse.

It is a requirement under the Child Safe Standards that school/local authority governing authorities must 'take account of the diversity of all children', including (but not limited to) the needs of:

Children with disabilities

When supporting a student with a disability who has been impacted by abuse it is critical to consider the student's:

- chronological age, developmental age and their cognitive functioning in order to tailor developmentally appropriate support strategies
- vulnerability to on-going abuse (children with disabilities disproportionately fall prey to child abuse, in particular child sexual abuse) when considering the need to make a further report or implement risk mitigation strategies.

Aboriginal and Torres Strait Islander Children

When supporting a Koorie child who has been impacted by abuse it is essential that school/local authority staff provide culturally appropriate support.

- Ensure that the Koorie Engagement Support/ Aboriginal and Torres Strait Islander Education Officer can arrange appropriate support for the student or advise on culturally appropriate support strategies.

Children from Culturally and Linguistically Diverse (CALD) backgrounds

When supporting a student from CALD backgrounds who has been impacted by abuse it is essential that schools/local authorities provide culturally appropriate support. However, this should not detract from ensuring the student's safety and wellbeing.

Where possible schools/local authorities should work with relevant cultural support services (ensuring that the confidentiality of the student and family is maintained) and engage an interpreter when communicating with the student's family if needed.

Students with refugee backgrounds

When working with students from refugee backgrounds who have been impacted by abuse it is important to recognise that they (and their families) may also be experiencing trauma, dislocation and loss. This trauma may significantly affect family wellbeing and parenting capacity and whilst these issues also require sensitive consideration, they should not detract from ensuring the student's safety and wellbeing (or impact on decisions to report suspected abuse).

School/local authority staff should consider contacting services that specialise in providing support to refugees (ensuring that the confidentiality of the student and their family is maintained).

Where possible schools/local authorities should work with relevant cultural support services (ensuring that the confidentiality of the student and family is maintained) and engage an interpreter when communicating with the student's family if needed.

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International/Student Exchange students

As well as following the process for dealing with actual and alleged abuse, schools/local authorities must ensure appropriate measures are taken for the welfare of international/student exchange students. This may require additional support given that the student's family may not be present to provide support within the home environment.

Student-to-student offending

In the context of student-to-student offending, staff have a duty of care to support all students who are impacted by the abuse – this will include the students who were subjected to the abuse, the students who perpetrated the abuse, and any students who witnessed or were otherwise impacted by the abuse.

Students who are victims of a student sexual offence

In consultation with any relevant government Incident Support and Operations Centre, Police and local Child Protection Services (if appropriate), schools/local authorities:

- must develop a student support plan to determine and document support strategies for students who are the alleged victims and students impacted by student sexual offending to address their wellbeing
- should (where appropriate) convene a student support group to inform planning
- should (where appropriate) consult with wellbeing professionals (including student support services officers in government schools) to support the student.
- should (where appropriate) make referrals into specialised non-school based supports, who provide expert support for victims of sexual assault.

Students who have engaged in student sexual offending

In consultation with any relevant government Incident Support and Operations Centre, Police and local Child Protection Services (if appropriate), schools/local authorities:

- must develop and regularly review a student support plan to establish and implement safety and support strategies, including the return to school strategies
- should (where appropriate) convene a student support group to inform the student support plan
- should (where appropriate) engage with wellbeing professionals (including student support services officers) to support the student who has engaged in student sexual offending
- should (where appropriate) make referrals into specialised non-school based supports, including the local Child and Adolescent Mental Health Service who provide specialist clinical mental health treatment and care.

In some cases, children aged over 10 and under 18 years may be referred to Sexually Abusive Behaviour Treatment Services. These services provide treatment for 12 to 24 months to ensure that early intervention services are provided to prevent ongoing and more serious sexual offences in adulthood.

Often this referral will be made by the local Child Protection Service and a young person may be placed on a Therapeutic Treatment Order or a Therapeutic Treatment Placement Order or equivalent. NB: Children, young people and their families have a right to access treatment programs in a voluntary capacity.

Students transferring schools due to student sexual offending

In Victoria, as a result of student sexual offending, a student needs to transfer to another school:

- government schools must contact their regional director and the Incident Support and Operations Centre
- Catholic schools must contact their Diocesan education office.

Providing support for other impacted students

It can be stressful for other students involved in any incidents, disclosures or suspicions of abuse. Schools/local authorities must ensure that other impacted children are offered and provided appropriate support.

Children who are interviewed at school

All students (including students who are alleged to have perpetrated abuse) must be independently supported in any interviews conducted by the Police or Child Protection Services at school.

Where possible and appropriate the student's parent, carer or host family should be present for these interviews. However, if this is not appropriate or practicable the Principal or AllU Support Officer may be identified as the independent person or support person for the student for the purpose of the interview.

Police interviews

In the event that the Police schedule an interview with a student at the school, Principal or AllU Support Officer must advise the student's parent, carer or host family (where appropriate).

Police interviews at school where the student is the alleged victim or witness

The information below includes critical detail on when and how police interviews are conducted at school and what role the Principal or AllU Support Officer should play if they are nominated as the support person.

- Police should only interview students at school as a matter of urgency or necessity.
- A request must be made to the Principal or AllU Support Officer who must be advised of the reason for the interview and the reason why the interview must be conducted at the school.
- The student's parent or carer or host family should be present where it is practical and appropriate to make these arrangements. If the parent or carer or host family is not able to be present, an independent person must be present during the interview (the role of the independent person is to ensure the student understands what is happening and to provide support).
- Principals or AllU Support Officers may, if necessary, act as an independent person where the student is a victim, unless they believe it will place them in a conflict of interest to do so.
- As an independent person, school and/or other relevant staff must refrain from providing their opinions or accounts for events during interviews.

Police interviews at school where a student has allegedly abused another child

If the police need to speak with a student who has allegedly abused another child this should preferably be done in the presence of the parent or carer, or another independent person that is not a school staff member.

Child Protection Services interviews at school

Child Protection Services may conduct interviews of children at n schools without parental knowledge or consent of the parent or carer or host family (although this will only occur in exceptional circumstances and if it is in the students' best interests to proceed in this manner).

The information below includes critical detail on when and how Child Protection Services interviews are conducted at school and what role the Principal or AllU Support Officer should play if they are nominated as the support person.

- Child Protection Services will notify the Principal and AllU Support Officer of any intention to interview a child at the school. This may occur regardless of whether a school staff member is the source of the report to Child Protection Services.
- When Child Protection Services practitioners arrive at the school, the school Principal or AllU Support Officer should ask to see their identification before allowing Child Protection Services to have access to the child.
- Students should be advised of their right to have a supportive adult present during interviews. If the student is too young to understand the significance, a supportive adult should be provided even though they may not have consented or requested this to occur.
- A school staff member may be identified as a support person for the student during the interview. Prior to the commencement of the interview, the Child Protection Services practitioner should always authorise the staff member of the school to receive information regarding Child Protection Service's investigation. This could be conducted verbally or in writing using the relevant Child Protection Services proforma.

- As an independent person, school staff must refrain from providing their opinions or accounts for events during interviews.

Providing support for impacted school/local authority staff members

It can also be stressful for staff involved in any incidents, disclosures or suspicions of student abuse. It is important to remember that staff members may also have experienced or be experiencing family violence or abuse in their own lives. Principals and AllU Support Officers must support impacted staff members to access necessary support i.e. the Employee Assistance Programs.

Complying with subpoenas or court attendance

A subpoena or witness summons is a court order that compels you to produce documents or attend court and give evidence or do both of these things.

You are usually issued with a subpoena or witness summons because one of the parties to the legal proceedings believes that you may have information or documentation that is relevant to the legal proceeding.

If a staff member receives a subpoena or witness summons in the context of their employment, they should contact their organisation's relevant Legal Division for advice and assistance in meeting their legal obligations.

Responding to complaints or concerns

There may be concerns or complaints about the school/local authority staff's management of an incident, in particular by parents and carers. This is a very stressful time for parents and carers, and concerns that they do not believe have been dealt with fairly may quickly escalate.

As a first step staff must consider whether the complaint raises any concerns about unreported abuse or risk of abuse.

Complaint process

Government school complaint process

Principals or delegates of schools/local authority should follow the (school) department's/local authority standard parent complaints process, and seek advice, if required, from the relevant Incident Support and Operations Centre.

Counselling and support local organisations

In Victoria and Australia, counselling and support local organisations

- The Lookout
- Safe Steps
- 1800 RESPECT
- The Centre Against Sexual Assault
- Gatehouse Centre, Royal Children's Hospital
- Children's Protection Society
- Australian Childhood Foundation
- Djirra
- Child Wise
- Headspace

NB: There are equivalent counselling and support local organisations in other countries, which schools/local authorities should avail themselves as required.