



91 Highett Street, Mansfield, Victoria 03 5779 1445
admin@mrssk.vic.edu.au
www.mansfieldsteiner.vic.edu.au

Child Protection – Reporting Obligations: Mansfield Steiner School Procedures for Responding to and Reporting Child Safety Incidents or Concerns

All of Mansfield Steiner School procedures for reporting and responding to child safety incidents or concerns are designed and implemented taking into account the diverse characteristics of the Mansfield Steiner School community.

What is a Child Safety Incident or Concern?

Child safety incidents or concerns can take many forms. At Mansfield Steiner School, we define child safety incidents or concerns to include:

- » all of the different definitions of child abuse or other harm in various legislation, and the key indicators of child abuse and other harm, which are set out in detail in **Definitions and Key Indicators of Abuse and Other Harm**
- » breaches of our Child Safe Codes of Conduct

Unfortunately, the nature of child abuse and other harm is complex. Abuse or other harm may occur over time and potential indicators of abuse or harm are often difficult to detect. The perpetrator may be a parent, carer, family member, staff member, volunteer, contractor, or another adult.

The legal obligations for reporting allegations of child abuse or other harm can vary depending on the circumstances of the child safety incident or concern.

How To Report Child Safety Incidents Or Concerns To Mansfield Steiner School

STUDENTS

There are no limits on how or to whom students at Mansfield Steiner School can disclose any child

safety incident or concern or make a complaint about a staff member, volunteer, or contractor. We have multiple, child-focused pathways, including a pathway for anonymous disclosure, to enable all students to raise child safety incidents or concerns.

PARENTS/CARERS, FAMILY MEMBERS, AND OTHER COMMUNITY MEMBERS

Parents/carers, family members, and other community members who have child safety concerns about a student at Mansfield Steiner School are asked to follow the procedures set out in our **Child Safe Policy** and to contact one of our **Child Safe Officers**. They may also use the procedures set out in our Complaints Handling Policy. These policies are available on our public website. <https://mansfieldsteiner.vic.edu.au/>

STAFF, VOLUNTEERS AND CONTRACTORS

For the purposes of this policy, all Staff, Volunteers, and Contractors are together referred to as Staff or staff members.

Staff members must report any and all child safety incidents or concerns involving our students to Mansfield Steiner School. They can do this by contacting one of our child Safe Officers, listed on our website. If the matter involves the conduct of the Principal or Child Safe officers, a report can be made to the chair of the Governance Committee.

Staff members must also follow our procedures for responding to incidents or disclosures of child abuse, other harm, or suspected child abuse or other harm, by making any required reports to external agencies.



These policies and procedures make clear that reporting internally to or consulting with our Child Safe Officer does not change any obligation under legislation to report to an external authority.

Mansfield Steiner School Response to Internal Reports

Mansfield Steiner School will take appropriate, prompt action in response to all child safety incidents or concerns, including all allegations or disclosures of abuse or other harm, that are reported internally to Mansfield Steiner School, including by:

- » all matters that meet the required relevant thresholds being reported externally to Child Protection, the Police, the Commission for Children and Young People (CCYP), and/or the Victorian Institute of Teaching, depending on the issues raised
- » Mansfield Steiner School fully cooperating with any resulting investigation by an external agency
- » protecting any student connected to the incident or concern until it is resolved and providing ongoing support to those affected
- » taking particular measures in response to child safety incidents or concerns about an Aboriginal or Torres Strait Islander student, a student from a culturally and/or linguistically diverse background or a student with a disability
- » securing and retaining records of the child safety incident or concern and Mansfield Steiner School's response to it.

Child safety incidents or concerns involving the conduct of a current or former staff member that is raised by a student, parent/carer or family or community member will be addressed in accordance with our **Procedures for Managing Child Safety Incidents or Concerns Involving the School or its Staff** together with any relevant guidelines set out in our **Complaints Handling Policy**, regardless of how that concern was raised. These policies are available on our public website.

Obligations to Respond and to Report to External Agencies

There are several legal obligations that Mansfield Steiner School and its Staff must follow when responding to child safety incidents or concerns. These are summarised below.

FAILURE TO PROTECT

In Victoria, it is a crime if a person who occupies a position within or in relation to Mansfield Steiner School:

- » knows that there is a substantial risk that:
 - a child (aged under 16) who is under the care, supervision or authority of Mansfield Steiner School
 - will become a victim of a sexual offence committed by an adult associated with the organisation and
- » has, by reason of their position, the power or responsibility to reduce or remove that risk and
- » negligently fails to reduce or remove that risk.

This criminal offence is known as 'Failure to Protect' and, in the Mansfield Steiner School context, it covers failures to protect a student aged under 16 from sexual abuse by any adult staff member.

Mansfield Steiner School also has a common law duty to protect **all** students from reasonably foreseeable risks of harm, including risks of **all** types of child abuse or other harm that may arise from Staff as well as from others.

To help Staff meet these obligations, it is our policy that if a staff member knows that **any** adult associated with Mansfield Steiner School (including Staff, Volunteers, Contractors, students aged 18 or over, parents/carers and other family members of students) poses a substantial risk of sexually abusing a student, or a reasonably foreseeable risk of child abuse or other harm to a student, they **must** take any actions to reduce or remove that risk that are within their power or responsibilities to take.

In addition, they **must** report the matter to the principal (or to a designated alternative person if the adult who poses the risk is the principal.

They **must** also follow their obligations to make appropriate external reports as listed below.



Mandatory Reporting to Child Protection

Although everyone has a moral and social responsibility to report concerns about child abuse or other harm, some professionals are legally required to make a report to the Department of Families, Fairness and Housing (Child Protection) if – during their professional work or carrying out duties of their office, position or employment – they:

- » they form a belief on reasonable grounds
- » that a child (aged under 17) is in need of protection because:
 - the child has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse and
 - the child's parents have not protected or are unlikely to protect the child from the harm.

At Mansfield Steiner School, the following people are Mandatory Reporters:

- » teachers
- » the principal
- » medical practitioners
- » nurses
- » registered psychologists
- » early childhood workers
- » school counsellors

Mandatory Reports must be made either to Child Protection or to the Police.

Non-Mandatory Reporting to Child Protection

Under the law, **anyone** can report the following to Child Protection:

- » significant concerns for the wellbeing of a child (aged under 17) (wellbeing reports)
- » a child (aged under 17) who the person believes on reasonable grounds to be in need of protection (protective intervention reports)
- » a child (aged under 18) who the person believes on reasonable grounds is in need of therapeutic treatment because they are exhibiting sexually abusive behaviours (therapeutic treatment reports).

Together, we call these 'Non-Mandatory Reports to Child Protection.'

All of these reports are voluntary under the law.

However, although Non-Mandatory Reporting to Child Protection is voluntary under the law, it is Mansfield Steiner School policy that **all** Staff (including those who are not Mandatory Reporters) **must**, in certain circumstances, make well-being reports, protective intervention reports and therapeutic treatment reports to Child Protection.

This aligns with the 4 Critical Actions set out in **PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse.**

Mandatory Reporting (of Sexual Offences Against Children) to Police

Victorian law requires that any person aged 18 or over who forms a reasonable belief that a sexual offence has been committed by an adult (a person aged 18 years or over) against a child (aged under 16) must report that information to the Police.

We call this Mandatory Reporting to Police.

Failure to do this is a criminal offence known as 'Failure to Disclose.'



Any adult at Mansfield Steiner School who has concerns that another adult, including a staff member or any other adult, has committed a sexual offence against a person who, at the time of the offence, was aged under 16 (including a current or former student) must immediately report their concerns to the Victoria Police, except in certain circumstances.

Sexual offences committed against a child aged under 16 by a student who is themselves aged under 18 do not fall under the Failure to Disclose offence. However, this must still be reported to Police (see Responding to Student Sexual Offending below).

Non-Mandatory Reporting to Police

Although not required by law to do so, it is Mansfield Steiner School policy that the following must be reported to Police:

- » sexual offences committed by a student under the age of 18 against another person.
See Responding to Student Sexual Offending below.
- » concerns for a student's immediate safety
- » knowledge or suspicions that a student aged 18 or over is being abused or harmed, but only if the student consents to the report or, if they do not consent, to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare
- » where a student is partaking in illegal activity that is extreme in nature or poses a high risk to the student. See Responding to Other Concerns About the Wellbeing of a Student below.

Reportable Conduct

Victorian law requires the "head" of Mansfield Steiner School to report to the Commission for Children and Young People (CCYP) any allegation that a Mansfield Steiner School staff member has committed reportable conduct or misconduct that may involve reportable conduct (a reportable allegation).

For the purposes of the Reportable Conduct

Scheme, the "head" of Mansfield Steiner School is the school Governance Committee (GC). GC has authorised Glenn Hood (Principal) to assist in performing their functions under the scheme.

If the allegations are against Glenn, then Sarah Lieber (GC Chair) will take on the role of "head" of Mansfield Steiner School.

Reportable conduct includes:

- » a sexual offence or sexual misconduct 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
- » 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.

To enable Mansfield Steiner School to fulfill its reporting obligations, it is our policy that if a staff member forms a reasonable belief that another staff member at Mansfield Steiner School has engaged in reportable conduct or misconduct that may involve reportable conduct, they must immediately report their concerns to the Principal (or GC Chair) should the allegation involve the Principal).

They must also consider whether they are required to make a Mandatory or Non-Mandatory report to Child Protection, take any other action or make any other external reports.



Teacher Misconduct that is reportable to the Victorian Institute of Teaching

Registered teachers in Victoria are exempt from the Working with Children Check (WWCC) scheme. To align teacher registration with the WWCC scheme, Victorian law requires that registered teachers notify the Victorian Institute of Teaching (VIT) if they are charged with, committed for trial for, or convicted or found guilty of certain criminal offences (that accord with those relevant to Working with Children Checks) or if they have been issued with a negative notice in relation to the Working with Children Check.

Victorian law also requires that Mansfield Steiner School notify the VIT if it becomes aware that a teacher has been charged with, or convicted or found guilty of, these criminal offences or has been given a negative notice.

Mansfield Steiner School must dismiss or remove from its employment or engagement any teacher who has been convicted or found guilty of these criminal offences or been given a negative notice.

Mansfield Steiner School must also notify the VIT if Mansfield Steiner School has taken any action against a registered teacher in response to allegations that raise concerns about the teacher's fitness to teach.

To enable Mansfield Steiner School to fulfil its obligations, it is our policy that:

- » registered teachers **must** inform the principal (or, if they are the principal, the chair of the GC) if they are charged with, committed for trial for, or convicted or found guilty of a relevant offence or if they have been given a negative notice in relation to a WWCC
- » all staff **must** immediately report to the principal (or, if the incident or allegation involves the principal, to the chair of the GC) any incident or allegation that raises concerns about a teacher's fitness to teach.

Responding to Sexual Behaviour in Children and to Student Sexual Offending

Knowing how to identify and respond to all sexual behaviour in students, whether it be age-appropriate, concerning, harmful or student sexual offending, helps Staff to support the development of healthy sexuality and protect students from abuse and other harm.

Recognising and Responding to Sexual Behaviour in Children

Mansfield Steiner School references the True Traffic Lights® Framework to enable Staff to identify, recognise and respond to all forms of sexual behaviour. The Traffic Lights® Framework categorises sexual behaviour as green, orange or red light.

As a general guide:

- » **Red light** sexual behaviours are those that are problematic or harmful, including forceful, secretive, compulsive, coercive or degrading sexual behaviours. These behaviours signal the need to provide immediate protection and follow-up support.
- » **Orange light** sexual behaviours are those that are outside normal behaviour in terms of persistence, frequency, or inequality in age, power, or ability. These behaviours signal the need to monitor and provide extra support.
- » **Green light** sexual behaviours are those that are normal, age-appropriate, spontaneous, curious, mutual, light-hearted, and easily diverted experimentation. These behaviours provide opportunities to talk, explain and support.

All green, orange and red light behaviours require some form of action and support.

Most red light (harmful) sexual behaviour by a student aged 10 or over that is directed at another person would be considered student sexual offending. Some orange light (concerning) behaviours could also be student sexual offending.

Orange and red light behaviours may therefore require external reporting.



Responding to Student Sexual Offending

Student sexual offending refers to sexual behaviour that:

- » is led by a student aged 10 or over
- » is directed at another person and
- » constitutes a sexual offence.

When a staff member becomes aware of, or suspects, student sexual offending, or that a student is at risk of perpetrating or suffering student sexual offending, they must follow **PROTECT Four Critical Actions for Schools: Responding to Student Sexual Offending.**

The Four Critical Actions require that incidents of or concerns about student sexual offending **must** be reported to Police, and that additional reports be made, if relevant, to Child Protection or Child First/Orange Door.

Responding to Other Concerns About the Wellbeing of a Student

Any concerns about the well-being of a student, regardless of whether it has been caused by abuse or other harm, will be taken seriously and acted upon.

Mansfield Steiner School and its staff members owe a duty of care to all students at Mansfield Steiner School to ensure that they feel safe and are supported at Mansfield Steiner School.

Concerns about the well-being of a student, that do not appear to be the result of abuse or other harm, may still be reported by Staff to:

- » internally, one of Mansfield Steiner School Child Safe Officers
- » Victoria Police
- » Child Protection
- » Child FIRST/the Orange Door
- » depending on the age of the student and the nature of the concern.

Mansfield Steiner School will also consider whether a referral to a support service may assist.

