

# Xavier College

## Responding to and Reporting Allegations of Child Abuse and Student Sexual Offending Policy



If a child is at immediate risk of harm you must ensure their safety by:

- **Separating alleged victims and others involved**
- **Administering First Aid**
- **Calling 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns; and**
- **Identifying a contact person at the school for future liaison with Victoria Police.**

### 1. BACKGROUND

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Xavier College Limited (the 'College') has established the following Responding to and Reporting Allegations of Child Abuse and Student Sexual Offending Policy (the 'Policy').

Child abuse can take many forms. The abuser may be a parent, carer, staff member, volunteer, another adult or even another child. Unfortunately, the nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect. Even our legal obligations for reporting allegations of child abuse can vary depending on the circumstances of the incident.

The College takes appropriate, prompt action in response to all allegations or disclosures of abuse, neglect, inappropriate behaviour or concerns about child safety by reporting all matters to the Victorian Child Protection Service, the Commission for Children and Young People, or the Police, depending on the allegation or disclosure made.

The College has established simple and accessible procedures for anyone to report, if appropriate, a child abuse concern internally to one of the College's Child Safety Leads or another appropriate member of the College leadership. **Please be aware that consulting with a Child Safety Lead does not change any obligation you have under the legislation to report to an external authority.**

The College has developed and implemented procedures for Board members, staff and volunteers for responding to allegations and disclosures of child abuse or student sexual offending, or suspected child abuse or suspected student sexual offending, including procedures for support following a disclosure by a student.

### 2. PURPOSE

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This Policy provides the framework for:

- Reporting allegations of child abuse and student sexual offending in accordance with the Reportable Conduct obligations
- The creation of a positive and robust child safety and wellbeing culture
- The promotion and open discussion of child safety issues within the College; and

- Compliance with all laws, regulations and standards relevant to child safety and protection in Victoria, most especially Ministerial Order 1359 - Implementing the Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises ('Ministerial Order 1359') and National Principles for Child Safe Organisations.

### 3. STATEMENT OF COMMITMENT

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The College has **zero tolerance** for child abuse and is committed to acting in the best interests of all children and keeping them safe from harm. The College regards its child safety and wellbeing responsibilities with the utmost importance. It is committed to providing the necessary resources to ensure compliance with all relevant child safety and protection laws and regulations and to always uphold a child safe and wellbeing culture both in the physical and online environment.

The College is committed to the protection of all children from all forms of child abuse and demonstrates this commitment through the implementation of a comprehensive child safety and wellbeing framework designed to keep children safe. Further, students at the College, through our actions, processes and support, are empowered to have voice and to take action for their own care.

### 4. SCOPE

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This Policy applies to the school environment, which includes, any campus of the College, online and virtual environments and other locations provided by the College or through a third-party provider for a child or student. The Policy also applies to the school boarding environment.

This Policy applies to all College employees (partners in mission), Jesuits, directors, students, parents and guardians, third party service providers, volunteers and contractors involved in the school environment.

### 5. POLICY STATEMENT

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#### 5.1 Overview

The College's policies and procedures for responding to and reporting allegations of suspected child abuse and/or student sexual offending are made available to staff, students, parents/guardians and the wider College community through the College's website, staff intranet and by request.

All of the College's procedures for reporting and responding to allegations of child abuse and/or student sexual offending are designed and implemented taking into account the diverse characteristics of the College community.

The College will respond to all allegations of child abuse and/or student sexual offending in an appropriate manner including:

- Informing the appropriate authorities and fully co-operating with any resulting investigation

- Protecting any child connected to the allegation until it is resolved and providing ongoing support to those affected
- Taking specific measures in response to an allegation that concerns a culturally diverse child or a child with a disability; and
- Securing and retaining records of the allegation and the College's response to it.

## 5.2 Reportable Conduct

Reportable conduct is defined to include:

- A sexual offence committed against, with or in the presence of, a child
- 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;  
or
- Significant neglect of a child.

**You must report all instances of suspected child abuse involving a school staff member, contractor, volunteer or visitor to the College Principal.** The College Principal must notify the Commission for Children and Young People of a reportable allegation against any employee including contractors and volunteers within three days.

**Any allegation of child abuse, including physical violence, significant emotional or psychological abuse, sexual offences or significant neglect, must be reported to the Victorian Police.**

Please refer to the **Reportable Conduct Policy** on the College website for detailed information about how to report a reportable conduct matter.

Failure to make reports under the reportable conduct regime may constitute an offence.

## 5.3 Mandatory Reporting

The Children, Youth and Families Act (Vic) 2005 (CYFA) requires that mandatory reporters must make a report to the relevant government department when they believe that a child (aged under 17) is in need of protection from significant harm, from physical injury or sexual abuse.

Mandatory reporters include registered teachers, the College Principal, early childhood workers, people in religious ministry and nurses.

Please refer to the College's **Mandatory Reporting Policy** for further information.

## 5.4 Responding to a Disclosure from a Child

If a child or young person makes a disclosure to you, please respond in an appropriate and supportive manner.

When managing a disclosure, you should:

- Stay calm and control expressions of panic or shock
- State clearly that the abuse was not the child's fault - no matter what the circumstances are
- Listen to the child
- Use the child's language and vocabulary
- Reassure the child that you believe them and that disclosing the matter was the right thing to do; and
- Tell the child you are required to report to a Child Safety Lead and the College Principal.

Once a child has made a private disclosure, it must be reported to a Child Safety Lead as soon as possible. It is not your role to investigate the allegation and you should not interrogate the child or pressure them to provide you with more information.

Further, a child may attempt to elicit a promise from an individual that they not tell anyone about an allegation, however, you must not make this promise, as you have a responsibility to report any allegation.

The College will also use additional measures to provide appropriate care and support to those students with a disability or are from culturally diverse backgrounds including Aboriginal and Torres Strait Islander children.

Ongoing support and care for the student will be organised by the College.

## 5.5 Documenting Your Observations and Actions

It is critical that all teaching staff, non-teaching staff, Board members, volunteers, third party service providers, contractors and external education providers keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse and/or student sexual offending. This information may be sought at a later date if the matter is the subject of court proceedings. Your notes may also assist you later if you're required to provide evidence to support your decisions regarding the handling of child protection incidents.

## 5.6 Preserving Evidence

When an incident of suspected child abuse and/or student sexual offending occurs at the College, consider all of the following:

- **Environment:** Do not clean up the area and preserve the sites where the alleged incident occurred
- **Clothing:** Take steps to ensure that the person who has allegedly committed the abuse and the child who has allegedly been abused remain in their clothing. If this is not possible, ensure the clothes are not washed, handled as little as possible and stored in a sealed bag
- **Other physical items:** Ensure that items such as weapons, bedding and condoms are untouched; and
- **Potential witnesses:** Reasonable precautions must be taken to prevent discussion of the incident between those involved in the alleged incident.

## 6. RELATED DOCUMENTS

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- Student Care Policy
- Child Safety & Wellbeing Policy
- Responding to Student Sexual Offending Procedure
- Responding to Incidents, Disclosures and Suspicions of Child Abuse Procedure
- Reportable Conduct Policy
- Mandatory Reporting Policy

## 7. BREACHES OF THIS PROCEDURE

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If you believe that the College has breached its obligations, please contact the Principal in writing or telephone. The College will investigate your notification and will inform you of the outcome as soon as is practicable after a decision has been made.

The College can be contacted on:

- Telephone: (03) 9854 5411
- In Writing: The Principal, Xavier College, 135 Barkers Road KEW, VIC 3101
- Email: [principal@xavier.vic.edu.au](mailto:principal@xavier.vic.edu.au)

Alternatively, the Director of Culture, Risk & Standards at the Australian Province at the Society of Jesus (Jesuits) can be contacted on:

- Telephone: (03) 9810 7300
- In Writing: Director of Culture, Risk & Standards, PO Box 6071, HAWTHORN, VIC 3122
- Email: [professionalstandards@sjasl.org.au](mailto:professionalstandards@sjasl.org.au)

Certain incidents might be covered by the College's Whistleblower Policy which can be found [here](#).

The Principal is responsible for ensuring that all breaches of this Policy and underlying policies, guidelines and procedures are escalated to the Child Safety & Risk Committee as soon as possible.

A breach of this Policy may lead to disciplinary action including possible termination of employment or appointment and/or referral to the appropriate authorities.

## 8. FURTHER INFORMATION

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If you would like further information about the way the College manages its Child Safety commitments, the first point of contact is to the relevant Director of Campus.

### **POLICY RATIFICATION AND REVIEW:**

The College's policies are ratified by the Xavier College Limited Board.

This Policy will be reviewed on an annual basis or earlier if required.

## 9. DEFINITIONS

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**“Behaviour that causes emotional or psychological harm”** to a child requires a clear link between the alleged conduct and the significant harm suffered (significant is defined above).

Signs that a child may have been emotionally or psychologically harmed may include:

- Patterns of out-of-character behaviour
- Regression in behaviour
- Distress and anxious behaviours; and
- Other physical symptoms, such as self-harm.

The exacerbation or aggravation of an existing mental health disorder may also cause emotional or psychological harm.

Examples of emotional or psychological harm may include:

- Exposure to violence or threats of violence
- Self-destructive behaviour
- Anti-social behaviour
- Persistent hostility / rejection
- Humiliation / belittling; and
- Scapegoating.

It will not be reportable conduct if:

- A person takes reasonable steps to protect a child from immediate harm

- A person with responsibility for discipline takes lawful and reasonable disciplinary action, such as sending a child to sit in 'time out' for a period of time; or
- An appropriately qualified person gives medical treatment in good faith such as a first aid officer administering first aid.

**"Neglect"** occurs when a person does not meet their obligations and responsibilities to keep a child safe and well. The neglect:

- Must be more than minor and insignificant
- Does not need to have a lasting or permanent effect; or
- May be an ongoing situation or a one-off incident, as long as it is not minor in nature.

**"Physical violence"** includes an act that causes physical injury or pain. Examples of physical violence can include:

- Hitting / kicking / punching
- Pushing / shoving / grabbing / throwing / shaking
- Using an object to hit or strike; or
- Using inappropriate restraint / excessive force.

Physical violence does not include:

- Reasonable steps taken to protect a child from immediate harm, such as taking a child's arm to stop them from going into oncoming traffic; and
- Medical treatment given in good faith by an appropriately qualified person, such as a first aid officer administering first aid.

**"Sexual offence"** for the purposes of the Reportable Conduct Scheme means a serious sexual offence as set out in clause 1 of Schedule 1 of the Sentencing Act 1991 (Vic), which includes rape, attempted rape, sexual assault, incest, indecent act with a child, persistent sexual abuse of a child, grooming and the production or possession of child pornography.

**"Sexual misconduct"** includes:

- Behaviour, physical contact or speech or other communication of a sexual nature, for example 'sexting'
- Inappropriate touching or physical contact
- Grooming behaviour; and
- Voyeurism.

**"Significant"** means in relation to emotional or psychological harm or neglect, that the harm is more than trivial or insignificant, but need not be as high as serious and need not have a lasting permanent effect.

The CCYP has provided guidance on how to identify physical violence, behaviour that causes emotional or psychological harm to a child and neglect.