

BALLARAT ASSOCIATED SCHOOLS (BAS)

CHILD SAFETY; RESPONDING AND REPORTING OBLIGATIONS (including Mandatory Reporting) POLICY and PROCEDURES

Safeguarding Children and Young People at BAS Events and Activities

INTRODUCTION

Under the National Framework for protecting Australia's Children 2009 – 2020, protecting children and young people is everyone's responsibility – parents, communities, governments and businesses all have a role to play. In Victoria, a joint protocol, *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*, involving the Victorian Department of Education and Training (DET), the Catholic Education Commission of Victoria Ltd (CECV) and Independent Schools Victoria (ISV) exists to protect the safety and wellbeing of children and young people.

ALL teachers, other staff, volunteers, officials and contractors must understand and abide by the professional, moral and legal obligations to implement child / young person protection and child /young person safety policies, protocols and practices. School staff have a range of legal obligations with respect to protecting children and young people from abuse.

- School staff must be aware of and comply with their legal obligations with respect to reporting suspected child / young person abuse and providing ongoing appropriate support.
- School staff must follow the <u>Four Critical Actions</u> where there is an incident, disclosure or suspicion of abuse of a child or young person.
- Where a school staff member has reported a concern to DHHS Child Protection but they continue to have concerns for the child / young person after DHHS Child Protection has closed the case, they may escalate the matter through DHHS complaints management processes or reporting concerns from the principal to their regional Area Executive Director.

ALL teachers, other staff, volunteers, officials and contractors associated with and / or engaged by BAS for involvement with BAS events and activities shall be referred to as **STAFF**.

POLICY

The purpose of this policy is to:

• ensure BAS staff are aware of and comply with their legal responsibilities to protect the safety and wellbeing of children and young people

• explain the process following a report to Department of Health and Human Services (DHHS) Child Protection

BAS staff have a range of legal obligations with respect to protecting children and young people from abuse.

- BAS staff must be aware of and comply with their legal obligations with respect to reporting suspected abuse of a child or young person and providing ongoing appropriate support.
- BAS staff must follow the <u>Four Critical Actions</u> where there is an incident, disclosure or suspicion of abuse of a child or young person.
- Where a school staff member has reported a concern to DHHS Child Protection but they continue to have concerns for the child / young person after DHHS Child Protection has closed the case, they may escalate the matter through DHHS complaints management processes or reporting concerns from the principal to their regional Area Executive Director.

Recognising types of abuse and indicators of harm

Abuse of a child or young person can have a significant effect on a child or young person's physical or emotional health, development and wellbeing.

Types of abuse include:

- physical abuse
- sexual abuse
- emotional abuse
- neglect
- medical neglect
- family violence
- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution).

A report should be made to DHHS Child Protection in circumstances where, for example:

- the child or young person is engaging in risk-taking behaviour
- female genital mutilation has occurred, or there is a risk of it occurring
- there is a risk to an unborn child
- a child or young person is exhibiting sexually-abusive behaviours
- there are indications that a child or young person is being groomed. For information see: Department of Justice and Regulation – Grooming offence.

There are many indicators of abuse and neglect of a child or young person. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert staff to the possibility of abuse and neglect of a child or young person.

Note: For full definitions for all of the types of abuse and a comprehensive list of the indicators of harm, see: Appendix 2 in *Protecting the safety and wellbeing of children and young people* under <u>Department resources</u> below.

Making a report or referral — the Four Critical Actions

Refer to the section below on 'Reporting obligations where there is a concern that a child or young person is being abused' for information on the legal reporting obligations of all school staff.

School staff must follow the Four Critical Actions when responding to an incident, disclosure or suspicion of child abuse.

Critical Action 1: Responding to an emergency

If there is not risk of immediate harm go to Action 2.

If a child or young person is at immediate risk of harm school staff must ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling <u>000</u> for urgent medical and/or police assistance to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with police

School staff may also need to maintain the integrity of the potential crime scene and preserve evidence.

Critical Action 2: Reporting to authorities/referring to services

As soon as immediate health and safety concerns are addressed school staff must report all incidents, suspicions and disclosures of abuse as soon as practicable. Failure to report physical and sexual child / young person abuse may amount to a criminal offence.

If the source of suspected abuse comes from within the school

Victoria Police

School staff must report all instances of suspected child / young person abuse involving a school staff member, contractor or volunteer to Victoria Police (call <u>000</u> or your local police station). School staff must also report internally to:

- school principal and/or leadership team
- Employee Conduct Branch <u>03 9637 2595</u>
- DET Incident Support and Operations Centre 1800 126 126
- Catholic Education Melbourne's Student Wellbeing Information Line 9267 0228

All allegations of 'reportable conduct' must be reported as soon as possible to the Employee Conduct Branch.

If the source of suspected abuse comes from within the family or community

DHHS Child Protection

School staff must report to DHHS Child Protection if a child / young person is considered to be:

- in need of protection from 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 / young person's safety, stability or development and the parents have not protected or are unlikely to protect the child or young person

Victoria Police

School staff must also report all instances of suspected sexual abuse (including grooming) to Victoria Police (call 000 or your local police station).

School staff must also report internally to:

- school principal and/or leadership team
- DET Incident Support and Operations Centre 1800 126 126
- Catholic Education Melbourne's Student Wellbeing Information Line 9267 0228

Other concerns

If a school staff member believes that a child or young person is not subject to abuse, but they still hold significant concerns for the child / young person's wellbeing the school staff member must still act. This may include making a referral or seeking advice from:

- <u>Child FIRST</u> / <u>the Orange Door</u> (in circumstances where the school staff member believes the family is open to receiving support)
- The Lookout has a service directory, information, and guidance to help you respond to family violence
- family violence victims/survivors can be referred to 1800 Respect for counselling, information and a referral service: 1800 737 732
- DHHS Child Protection
- Victoria Police call 000 or your local police station

Critical Action 3: contacting parents/carers

The principal must consult with DHHS Child Protection or Victoria Police (call <u>000</u> or your local police station) to determine what information can be shared with parents/carers. They may advise:

- not to contact the parents/carers (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child or young person is a mature minor and does not wish for their parent/carer to be contacted)
- to contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- how to communicate with all relevant parties with consideration for their safety

Critical Action 4: providing ongoing support

The school must provide support for children and young people impacted by abuse. This can include the development of a student support plan in consultation with wellbeing professionals. This is an essential part of the school's duty of care requirements.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support services.

School staff must follow the Four Critical Actions every time they become aware of a further instance or risk of abuse. This includes reporting new information to authorities

Reporting obligations where there is a concern that a child / young person is being abused

Note: For information on how to report a suspicion, disclosure or incident of abuse, see the Four Critical Actions.

Note: When making any report in regards to suspected abuse, it is strongly recommended that you use the Responding to suspected child abuse template to keep clear and comprehensive notes.

Reporting criminal child sexual abuse - failure to disclose offence

All adults must report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child / young person under the age of 16.

Failure to disclose the information may be a criminal offence unless you have a 'reasonable excuse' or have an 'exemption' from doing so.

If you are an adult that reasonably believes that a sexual offence has been committed against a child or young person under the age of 16 by another adult, then you must call Victoria Police on <u>000</u> or your local police station.

To read more information about the 'failure to disclose' offence, see: <u>Department of Justice and Regulation</u> – Failure to disclose offence

Protecting children / young people from the risk of sexual abuse - failure to protect offence

Principals or school leadership staff, who become aware that an adult associated with the school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse (including through grooming) to a child or young person under the care, of the school, 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. Failure to do so may be a criminal offence.

This applies to any staff member in a position of authority (e.g. principals, assistant principals and campus principals).

To read more information about the 'failure to protect offence' see: <u>Department of Justice and Regulations –</u> Failure to protect offence Note: Victorian Department of Education and Training (DET), the Catholic Education

Commission of Victoria Ltd (CECV) and Independent Schools Victoria (ISV) policies already require school staff to uphold a high standard of care in relation to child / young person safety and wellbeing.

For more information about managing and responding to the risk of abuse see: *Duty of care, Responding to Student Sexual Assault* and *Risk Management* under Department resources below.

Forming a '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:

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

Reportable Conduct Scheme

Created under the *Child Wellbeing and Safety Act 2005* (Vic.), the Scheme requires schools to notify the Commission for Children and Young People (CCYP) if an allegation of reportable conduct (a reportable allegation) is made against one of their employees. Employees can include a principal, teacher, corporate staff member, board or school council employee, contractor, volunteer, school doctor/nurse/medical professional, allied health staff member, or minister of religion or religious leader.

Principals must notify the relevant Employee Conduct Branch as soon as possible after becoming aware of an allegation of reportable conduct. Government Schools: Employee Conduct Branch; Catholic Schools: Diocesan education office; Independent Schools: Commission for Children and Young People - 1300 78 29 78 email: contact@ccyp.vic.gov.au

There is an allegation of reportable conduct where a person has a reasonable belief that there has been:

- a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child / young person, or
- behaviour causing significant emotional or psychological harm to a child / young person, or
- significant neglect of a child / young person, or
- misconduct involving any of the above

Mandatory Reporting

Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to Department of Health and Human Services (DHHS) Child Protection.

- All other school staff members, volunteers, officials and contractors who form a belief on reasonable grounds that a child / young person has suffered, or is likely to suffer, significant harm as a result of physical and/or sexual abuse, and
- the child / young person's parents have not protected, or are unlikely to protect, the child /young person from harm of that type

It may be a criminal offence not to report in these circumstances.

Individuals who are required to report:

- Victorian Institute of Teaching (VIT) registered teachers, including principals
- school staff who have been granted permission to teach by the VIT
- registered doctors, nurses and all members of the police force
- registered psychologists
- people in religious ministry
- staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare officers, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff

If staff have significant concerns for the wellbeing of a child or young person, they should report their concerns to DHHS Child Protection or Child FIRST.

In cases where staff have concerns about a child or young person, they should also discuss their concerns with the relevant principal or a member of the BAS board. Such incidents should also be reported to and noted by the BAS Executive Officer.

When to Report

The following table sets out when to report a concern that a child or a young person has been abused, or is in need of protection.

Type of Reporting By Whom To Whom

Mandatory reporters

Mandatory Reporting - DHHS Child Protection

Mandatory reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.

- Teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic)
- Principals of government and non-government schools
- Registered medical practitioners
- Nurses
- All members of the police force

DHHS Child Protection

Child / Young Person in need of protection

Any person may make a report if they believe on reasonable grounds that a child or young person is in need of protection for any of the following reasons:

- The child has been abandoned and there is no other suitable person who is willing and able to care for the child.
- The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.
- The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child.
- The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child.
- The child has suffered or is likely to suffer emotional or psychological harm and the

- Any person
- DHHS Child Protection
- VictoriaPolice

- parents are unable or unwilling to protect the
- The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.

Child / Young Person displaying sexually abusive behaviours and in need of therapeutic treatment

Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours.

Significant concerns about wellbeing of a child or young person

Any person may make a report if they have significant concerns for the wellbeing of a child or young person.

Reasonable belief that a sexual offence has been committed by an adult against a child under 16.

Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child / young person under 16 must report that information to police. It is a criminal offence not to make a report, except in the following circumstances:

- The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police
- The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor.

Any person

Child Protection

Any person

DHHS Child Protection

DHHS

Child FIRST

Any person aged 18 or over

Victoria Police

Ballarat Associated Schools

Child Safety: Responding and Reporting Obligations - October 2020

 The victim turned 16 years of age before 27 October 2014.

Reasonable excuses for failing to comply with the requirement include:

- a reasonable belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information
- a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm

Making a report

This table describes how to make a mandatory report, to report child abuse or child protection concerns.

Step Description

1 In case of emergency or if a child is in immediate danger contact Triple Zero (000) or the local police station.

Alternatively, to report concerns about the immediate safety of a child / young person within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hours 7 days, toll free)

- 2 Keep comprehensive notes that are dated and include the following information:
 - information that has led to concerns about the child / young person's safety (e.g. physical injuries, student behaviour)
 - the source of this information (e.g. observation of behaviour, report from child or another person)
 - the actions taken as a result of the concerns (e.g. consultation with principal, report to DHHS Child Protection etc.).
 - Discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. The individual staff member should then make their own assessment about whether they should make a report about the child or young person and to whom the report should be made.

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- 4 Gather the relevant information necessary to make the report. This should include the following information:
 - full name, date of birth, and residential address of the child or young person
 - the details of the concerns and the reasons for those concerns
 - the individual staff member's involvement with the child or young person
 - details of any other agencies who may be involved with the child or young person, if known.
- 5 Make a report to the relevant agency

To report concerns that are life threatening phone 000 or the local police station. To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station or click here)

To report concerns about the immediate safety of a child within their family unit to DHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hrs 7 days, toll free)

To report concerns to DHHS Child Protection, contact your local child protection office.

- Make a written record of the report which includes the following information:
 - the date and time of the report and a summary of what was reported
 - the name and position of the person who made the report and the person who received the report.
 - Notify relevant school staff of a report to DHHS Child Protection or Child FIRST. For Victorian schools, the allegations must be reported to the relevant Employee Conduct Branch as soon as possible after becoming aware of an allegation of reportable conduct.
 - Government Schools: Employee Conduct Branch
 - Catholic Schools: Diocesan education office
 - Independent Schools: Commission for Children and Young People 1300 78 29 78 email: contact@ccyp.vic.gov.au

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Potential consequences of making a report

This table describes the potential consequences of making a report.

Potential

consequence

Description

Confidentiality

The identity of a reporter must remain confidential unless:

- the reporter chooses to inform the child, young person or parent of the report.
- the reporter consents in writing to their identity being disclosed.
- a Court or Tribunal decides that it necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child / young person.
- a Court or Tribunal decides that, in the interests of justice, the reporter is required to provide evidence.

Professional Protection

If a report is made in good faith:

- it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter.
- the reporter cannot be held legally liable in respect of the report.

Interviews

DHHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent's knowledge or consent.

Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child / young person to proceed in this manner.

DHHS Child Protection and/or Victoria Police will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises.

When officers from DHHS Child Protection or Victoria Police come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person.

When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.

For more information on these requests and school responsibilities, see: Police and DHHS **Interviews**

Support for the The roles and responsibilities of staff members in supporting children who are involved child **young** with DHHS Child Protection may include the following: person

- acting as a support person for the child or young person
- attending DHHS Child Protection case planning meetings
- observing and monitoring the child / young person's behaviour
- liaising with professionals.

Requests Information

for DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.

In certain circumstances, DHHS Child Protection can also direct school staff and to provide information or documents about the protection or development of the child / young person. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection. for more information see: Requests for Information About Students

Witness Summons If DHHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings, see: Subpoenas and Witness Summonses

OTHER legal obligations relating to suspicions, disclosures or incidents of child / young person abuse

Duty of Care

BAS staff have a duty of care to take reasonable steps to protect children and young people under their care from harm that is reasonably foreseeable. In relation to suspected abuse, reasonable steps may include (but are not limited to):

- acting on concerns and suspicions of abuse as soon as practicable
- seeking appropriate advice or consulting with other professionals or agencies
- reporting the suspected child abuse to appropriate authorities such as Victoria Police and DHHS Child Protection (refer to Four Critical Actions PROTECT)
- arranging counselling and/or other appropriate welfare support for the child / young person
- providing ongoing support to the child or young person

• sharing information with other school staff who will also be responsible for providing ongoing support to the child or young person

For more information, refer to:

- Duty of Care: https://www2.education.vic.gov.au/pal/duty-of-care/policy
- Your reporting and legal obligations PROTECT:

https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/reportobligations.aspx

Identifying and responding to all forms of abuse in Victorian schools:
 https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_SchoolsGuide.pdf

Counselling assistance for former students

In certain circumstances, the DET offers Counselling Assistance Payments to former students who report having been sexually abused while attending, or in connection with, a Victorian government school.

Government schools that receive a report of sexual abuse from a former student should contact the Department's Student Critical Incident Advisory Unit on (03) 9637 2934.

Related legislation

- Children, Youth and Families Act 2005
- Child Wellbeing and Safety Act 2005
- Crimes Act 1958
- Education and Training Reform Act 2006
- Ministerial Order 870 -Child Safe Standards
- Victorian Institute of Teaching Act 2001

Victorian Department of Education resources

- A step-by-step guide to making a report to Child Protection or Child FIRST (PDF 270Kb)
- Protecting the safety and wellbeing of children and young people
- <u>Protecting Children Mandatory Reporting and Other Obligations</u> elearning module log-in

Other resources

- Daniel Morcombe Child Safety Curriculum:
 - Government schools, see: FUSE (Edumail password is required before searching <u>Daniel</u> *Morcombe Child Safety Curriculum*)
 - Non-government schools, see: Scootle
- Department of Health and Human Services:
 - o Child FIRST and family services: https://services.dhhs.vic.gov.au/referral-and-support-teams
- The Orange Door: https://www.vic.gov.au/familyviolence/the-orange-door.html
- Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT)
- Department of Justice and Regulation:
 - o Failure to disclose offence
 - o Failure to protect offence
 - o Grooming offence

Related policies

- Child Safe Standards: https://www2.education.vic.gov.au/pal/child-safe-standards/policy
- Duty of care
- Reportable Conduct Scheme: https://www2.education.vic.gov.au/pal/reportable-conductscheme/policy
- Police and DHS Interviews
- Responding to Student Sexual Offending
- Requests for Information about Students
- Risk Management
- Subpoenas and Witness Summonses

Reference

https://www2.education.vic.gov.au/pal/protecting-children/policy

FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

YOU MUST TAKE ACTION As a school staff member you play a **critical role** in protecting children in your case.

 No exact act, by following the Four Chical Actions, as soon as you witness an incident, receive a disclusive-or form a maconicial belief? that a child has, or is as feet of being abused. You must act Pyou form a suspicion/ resecratife belief, even if you are unsure and have not directly observed child abuse lag. If the siction to reactive person talls you about the share!



REPORTING TO AUTHORITIES / REFERRING TO SERVICES

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CONTACTING PARENTS/CARERS

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You must also report behaviorly to: GOVERNMENT SCHOOLS

WITHIN THE SCHOOL

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INDEPENDENT SCHOOLS

School principal and/or school charperson Commission for Children and Young Respision 13007 62 978.

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CATHOLIC SCHOOLS

INDEPENDENT SCHOOLS Commission for Children and Young Propie on 1300782 979.

WITHIN THE FAMILY OR COMMUNITY

DIGHS CHILD PROTECTION
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VICTORIA POLICE

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DEPENDENT SCHOOLS School principal and/or chalgemon

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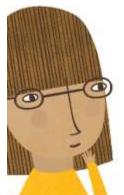
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CONTACT

DMHS CHILD PROTECTION

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CHILD FIRST https://senicas.dhtsvic.gov.au/ nthmic.and.aupport.hama

https://www.sic.gocau/familyviolence/ the-crange-door lend

VICTORIA POLICE 900 or your local police mation

DETENCIDENT SUPPORT AND OPERATIONS CENTRE

INCIDENT MANAGEMENT AND SUPPORT UNIT 1800 126 126

EMPLOYEE CONDUCT BRANCH 0031 9637 2505

DIOCESAN OFFICE Medicarro (03) 4267 6226 Rafera (03) 5237 7436 Rafe (03) 5622 6600 Send Auric (03) 5443 2377 INDEPENDENT SCHOOLS VICTORIA (52) 90257200

THE LOOKOUT
The LOOKOUT has a series directory.
Internation, and evidence based
goldence to help you respond to family
violence http://www.lookout.orgas.











