

# Child Protection Reporting Policy



## Rationale

School staff have a duty of care to protect the safety, health and wellbeing of children in their care. Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. Abuse includes: physical, sexual, emotional, neglect, medical neglect and family violence.

Antonio Park Primary School has zero tolerance for child abuse.

## Purpose

- To define the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people
- To enable staff to identify the indicators of a child or young person who may be in need of protection
- To enable staff to make a report of a child or young person who may need protection

## Guidelines

### Mandatory reporters

The following professionals are prescribed as **mandatory reporters** under section 182 of the Children Youth and Families Act 2005 (CYFA):

- All staff who are Victorian Institute of Teaching (**VIT**) registered teachers (including principals) or who have been granted permission to teach by the VIT.

### Non-mandated staff members:

- Section 183 of the CYFA states that **any person** who believes on reasonable grounds that a child is in need of protection is able to report their concerns to Child Protection or Victoria Police.

### Forming a belief on reasonable grounds

A person may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child or young person's health, safety or wellbeing is at risk and the child's parents are unwilling or unable to protect the child. There may be reasonable grounds if:

- A child or young person states that they have been physically or sexually abused
- A child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves).
- Someone who knows the child or young person states that the child or young person has been physically or sexually abused.(see Child Safety Policy)
- A child shows signs of being physically or sexually abused.
- The staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child or young person's safety, stability or development

- The staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision.
- A Child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child.

There are many indicators of child abuse and neglect. 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 teachers to the possibility of child abuse and neglect.

### Failure to disclose

In addition to mandatory reporting and duty of care obligations, **any adult** who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must report that information to police. Failure to disclose the information to police is a criminal offence except in limited circumstances, such as where the information has already been reported to Child Protection or the child is older than 16 when the belief is formed. While failure to disclose only covers child sexual abuse, all adults should report other forms of child abuse to authorities. Failure to disclose does not change mandatory reporting responsibilities.

More information about failure to disclose can be found at <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>.

### Failure to protect

The failure to protect criminal offence (commenced on 1 July 2015) applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently failed to do so.

Further information about failure to protect can be found on the Department of Justice and Regulation website

<[www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence), and the Department of Health and Human Services website>.

### Duty of care

School staff have a duty of care to take reasonable steps to protect the safety, health and wellbeing of children in their care.

If a staff member has concerns about the safety, health and wellbeing of children in their care it is important to take action as soon as practicable after forming the belief, and on each occasion on which they become aware of any further reasonable grounds for the belief.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, school staff can discharge this duty of care by taking action which includes the following:

- Reporting their concerns to Child Protection, Victoria Police or another appropriate agency
- Notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.

Duty of care obligations are separate and additional to mandatory reporting and 'failure to disclose' reporting obligations.

**In all cases where a staff member has concerns about a child or young person, they should discuss their concerns with the Principal or Assistant Principal.**

### **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 the Department of Human Services (**DHS**) **Child Protection**.

**Other School Staff** who believe on reasonable grounds that a child or young person needs:

- Protection, are encouraged to report their concerns to DHS Child Protection or Victoria Police.
- Therapeutic treatment, are encourage to report their concerns to DHS Child Protection.

Other school staff can also discharge this duty of care by **notifying the Principal or the Assistant Principal** of their concerns and the reasons for those concerns.

### **IF A CHILD DISCLOSES AN INCIDENT OF ABUSE TO YOU**

- Try and separate them from the other children discreetly and listen to them carefully.
- Let the child use their own words to explain what has occurred.
- Reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
- Explain to them that this information may need to be shared others, such as with their parent/carer, specific people in your organisation, or the police.
- Do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
- Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
- Provide them with an incident report form to complete, or complete it together, if you think the child is able to do this.
- As soon as possible after the disclosure, record the information using the child's words and report the disclosure to your Principal or nominee, police or child protection.

- Ensure the disclosure is recorded accurately, and that the record is stored securely.
- If the child agrees, have a second person as a witness present for the report.

### **IF A PARENT/CARER SAYS THEIR CHILD HAS BEEN ABUSED IN YOUR ORGANISATION OR RAISES A CONCERN**

- Explain that your organisation has processes to ensure all abuse allegations are taken very seriously.
- Ask about the wellbeing of the child.
- Allow the parent/carer to talk through the incident in their own words.
- Advise the parent/carer that you will take notes during the discussion to capture all details.
- Explain to them the information may need to be repeated to authorities or others, such as the organisation's management or Child Safety Officer, the police or child protection.
- Do not make promises at this early stage, except that you will do your best to keep the child safe.
- Provide them with an incident report form to complete, or complete it together.
- Ask them what action they would like to take and advise them of what the immediate next steps will be.
- Ensure the report is recorded accurately, and that the record is stored securely.
- You need to be aware that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. You need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member).
- If an allegation of abuse involves an Aboriginal child, you will need to ensure a culturally appropriate response. A way to help ensure this could include engaging with parents of Aboriginal children, local Aboriginal communities or an Aboriginal community controlled organisations to review policies and procedures.
- Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters. Advice on [communicating with people with a disability](#) can be found on the Department of Health and Human Services website <[www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities](http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities)>.

If you believe a child is at immediate risk of abuse phone 000.

### **Making a report**

Any person may make a report if:

- They have serious concerns about the wellbeing of a child
- They believe on reasonable grounds that a sexual offence has occurred on a child under 16.
- They believe on reasonable grounds that a child who is 10 years of age or over, but under 14 years of age, is in need of therapeutic treatment because he or she has exhibited sexually **abusive** behaviours.
  - A child may exhibit sexually abusive behaviours by using their power, authority or status to engage another party in sexual activity that is unwanted or where, due to the nature of the situation, the other party is not capable of giving informed consent
  - Children under the age of 10 years cannot commit an offence (section 344 of the CYFA). For children over 10 years but less than 14 years, the prosecution must prove that the child was aware of the serious wrongfulness of their action before they can be found guilty of a criminal offence.

Staff are expected to follow the Department policy for making a report set out at: <http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>

School staff should keep comprehensive notes that are dated and include the following:

- Description of the concerns (e.g. physical injuries, student behaviour).
- Source of those concerns (e.g. observation, report from child or another person).
- Actions taken as a result of the concerns (e.g. consultation with Principal, report to DHS Child Protection etc).

School staff should also gather relevant information necessary to make the report including:

- Full name, date of birth, and residential address of the child or young person.
- 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.

School staff should make a written record of the report which includes the following information:

- The name and position of the person who made the report.
- The name and position of the person who received the report.

School staff should advise the Principal or Assistant Principal if they have made a report.

- In the case of an international student the Principal must notify the International Education Division of Department of Education and Training (03 9637 2990) to ensure that appropriate support is arranged for the student.
- In the case of Koorie students, the Principal must notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student.
- Notify the Victoria Police if there is concern that a criminal offence may have been committed.

**NOTE:**

The role of investigating an allegation of child abuse rests solely with Child Protection and/or Victoria Police.

**Confidentiality**

Staff must respect confidentiality when dealing with a case of suspected child abuse and neglect and may discuss case details and the identity of the child or young person only with those involved in managing the situation

**The identity of a reporter must remain confidential unless:**

- The reporter chooses to inform the child, young person or parent of the report.
- A Court or Tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child.
- A Court or Tribunal decides that the reporter is required to give evidence.

**Advising parents, carers or guardians**

- Staff do **not require** the permission of parents, carers or guardians to make a report to Child Protection, nor are they required to tell parents, carers or guardians that they have done so.
- It is the **responsibility of Child protection** to advise the parents, carers or guardians of the interview at the earliest possible opportunity. This should occur either before or by the time the child arrives home.

**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**

DHS 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 will only occur if it is in the best interests of the child to proceed in this manner.
- DHS and/or Victoria Police will notify the Principal or Assistant Principal of their intention to interview the child or young person on the school premises.
- The Principal or Assistant Principal 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 DHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.
- A staff member may be identified as a support person for the interview. Prior to the commencement of the interview, the Child Protection practitioner should always authorise the staff member to receive information regarding Child Protection's investigation.

- Independent persons must refrain from providing their opinions or accounts of events during interviews. A Principal or their delegate may act as an independent person when the child or young person is to be interviewed, unless they believe that it will create a conflict of interest.

### **Ensuring that a Child Protection interview takes place**

The school does not have the power to prevent parents, carers or guardians from removing their children from the school and should not attempt to prevent the parents, carers, or guardians from collecting their child. If a parent, carer or guardian removes a child before a planned interview has taken place, the Principal and/or their nominee should contact Child Protection or Victoria Police immediately.

### **Staff training**

As part of their initial induction to the school, staff will be informed of child protection reporting requirements and Department policy (<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>) and will be provided with supporting documentation in their staff handbook.

Staff will also be provided with the on-line Mandatory Reporting Professional Development.

### **This policy is underpinned by the:**

Duty of Care Policy

Student Engagement and Wellbeing Policy

Student Welfare Policy

Child Safety Policy

*Date approved by School Council: **November 2016***