

Child Protection Reporting Policy and Procedures

Statement

The purpose of this policy is to explain the roles and responsibilities of school staff to protect the safety and wellbeing of children and young people. The full policy with detailed information that all staff in Victorian government schools **must** follow is found at:

<http://www.education.vic.gov.au/school/principals/spag/safety/pages/childprotection.aspx>

This policy applies to allegations or disclosures of child abuse made by, or in relation to a child, school staff, visitors, or other persons while connected to a school environment.

In addition, Lalor North Primary School staff must follow the guidelines within the Child Safe Standards

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schoolsguide.aspx>

1. Mandatory Reporters

All staff who are Victorian Institute of Teaching (VIT) registered teachers (including principals) or who have been granted permission to teach by the VIT are 'mandatory reporters'. This means that in the course of undertaking their professional duties, they must report to the Department of Health and Human Services (DHHS) Child Protection a belief on reasonable grounds that a child is in need of protection from significant harm as a result of sexual abuse or physical injury and the child's parents are unable or unwilling to protect the child. They must report as soon as practicable after forming the belief.

There may be times when two or more mandated staff members, for example a teacher and a principal, have formed a belief about the same child or young person on the same occasion. In this situation it is sufficient for only one of the mandated staff members to report to Child Protection. The other staff member is obliged to ensure that the report has been made and that all of the grounds for their own belief were included in the report made by the other staff member.

If one staff member has a different view from another staff member about making a report and the staff member continues to hold the belief that a child is in need of protection, that person is obliged to make a report to Child Protection.

2. Non-mandated staff members

Any person, who believes on reasonable grounds that a child is in need of protection, must report their concerns to Child Protection. This means that any person, including non-mandated school staff, should make a report to Child Protection when they believe that a child or young person is at risk of harm and in need of protection, and the child's parents are unable or unwilling to protect the child.

In order to discharge duty of care, staff members, **whether or not mandated**, need to report a belief formed in the course of undertaking their professional duties. A report must be made 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.

3. Failure to disclose offence

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

4. 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 immediate action.

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.

5. Making a report

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.

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>

Reports to Child Protection and Victoria Police are confidential unless you consent or a court or tribunal decides that it is necessary in the interests of justice for your identity to be disclosed.

6. Staff training

As part of their initial induction to the school, staff will be informed of child protection reporting requirements and Department policy.

Updates will take place annually as part of the Performance and Development/Staff meeting rotation which will include the Mandatory Reporting online training provided by the Department of Education.

7. Further information

School Processes

- If an incident, disclosure or suspicion of child abuse concerning a student or staff member comes to the attention of a member of staff the '*Four Critical Actions for Schools – Responding to Incidents, Disclosures and Suspicions of Child Abuse*' (DET- Protect) **must** be followed.
<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schcritical.aspx>
- Staff should also refer to appendix A 'What to do when an allegation of abuse is made'. Staff members should seek advice from the Child Safety Officer (Principal), Assistant Principal or senior staff member.
- As soon as an incident arises, the staff member will be relieved of their duties in order to make a report, or to make a decision about making a report. The staff member will be supported in this by

the Child Safety Officer. All teachers are responsible for responding appropriate to a child who makes or is affected by an allegation of child abuse.

- Any incidents must be recorded on *'Responding to Suspected Child Abuse: Template for all Victorian Schools'*
- The Principal will use the 'Principal's Checklist' to ensure that the school response is correctly managed.
http://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_PrincipalChecklist.pdf
- The Principal is responsible for promptly managing the school's response to an allegation or disclosure of child abuse, and ensuring that the allegation is taken seriously and of monitoring overall school compliance with this procedure. Where the Principal cannot perform his or her role for any reason, the person acting in this role, or a member of the leadership team is responsible for doing so.
- Any child connected to the alleged child abuse will be protected until the allegation is resolved. This will be done with guidance from DHHS and Victoria Police.
- Records regarding an allegation of child abuse and the school's response to it will be made and stored as part of the archiving process.

It is to be noted that fulfilling the roles and responsibilities contained in the procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

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 for forming such a belief 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
- 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.

Protecting the identity of the reporter

Confidentiality is provided for reporters under the CYFA (Children Youth and Families Act, 2005). The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances.

The identity of a reporter must remain confidential unless:

- the reporter chooses to inform the child, young person or family of the report
- the reporter consents in writing to their identity being disclosed
- 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, in the interests of justice, the reporter is required to attend court to provide evidence.

Information provided during a protective investigation may be used in a court report if the risks to the child or young person require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

If Child Protection decides that the report is about a significant concern for the wellbeing of a child, they may refer the report to a community-based child and family service and disclose the identity of the reporter to that service. However, the CYFA provides that neither Child Protection nor the community-based child and family service may disclose the reporter's identity to any other person without the reporter's consent.

Professional protection for reporters

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.

This means that a person who makes a report in accordance with the legislation will not be held liable for the eventual outcome of any investigation of the report.

Failure to report

A failure by mandated professionals and staff members to report a reasonable belief that a child is in need of protection from significant harm as a result of physical or sexual abuse may result in the person being prosecuted and a court imposing a fine under the CYFA.

Making a report to Child Protection

The CYFA allows for two types of reports to be made in relation to significant concerns for the safety or wellbeing of a child – a report to Child Protection or a referral to Child FIRST.

A report to Child Protection should be considered if, after taking into account all of the available information, the staff member forms a view that the child or young person is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability or development
- the child's parents cannot or will not protect the child or young person from harm.

[Where during the course of carrying out their normal duties, a school staff member forms the belief on reasonable grounds that a child is in need of protection, the staff member must make a report to Child Protection regarding this belief and the reasonable grounds for it as soon as practicable.](#)

Staff members may form a professional judgement or belief, in the course of undertaking their professional duties based on:

- warning signs or indicators of harm that have been observed or inferred from information about the child
- legal requirements, such as mandatory reporting
- knowledge of child and adolescent development
- consultation with colleagues and other professionals
- professional obligations and duty-of-care responsibilities
- established protocols
- internal policies and procedures in an individual licensed children's service or school.

Upon receipt of a report, Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required.

In most circumstances, Child Protection will inform the reporter of the outcome of the report. When the report is classified by Child Protection as a Wellbeing Report, Child Protection will, in turn, make a referral to Child FIRST.

Any person who is registered as a teacher under the *Education and Training Reform Act 2006*, or any person who has been granted permission to teach under that Act, including principals, is mandated to make a report to Child Protection. In the course of undertaking their professional duties, mandated staff members are required to report their belief, when the belief is formed on reasonable grounds, that a child is in need of protection from significant harm as a result of sexual abuse or physical injury.

School policy and procedures stipulate how teaching staff fulfil their duty of care towards children and young people in their school.

Teachers are encouraged to discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. If a principal or member of the leadership team does not wish to make a mandatory report, this does not discharge the teacher's obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the teacher's concerns continue, even after consultation with the principal or member of the leadership team, that teacher is still legally obliged to make a mandatory report of their concerns.

Information about the identity of a person making a report to Child Protection must be kept confidential unless the reporter consents to the disclosure of their identity. If the staff member wishes to remain anonymous, this information should be conveyed at the time that the reporter makes the mandatory report.

The role of school staff

School staff have a duty of care to protect and preserve the safety, health and wellbeing of children and young people in their care and staff must always act in the best interests of those children and young people. If a staff member has any concerns regarding the health, safety or wellbeing of a child or young person it is important to take immediate action.

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

The roles and responsibilities of staff in supporting children and young people who are involved with Child Protection may include acting as a support person for students, attending Child Protection case plan meetings, observing and monitoring students' behaviour, and liaising with professionals.

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 the young person and their family only with those involved in managing the situation.

When a child or young person has moved to another school, professional judgement should be exercised as to what information needs to be passed on. This will be guided by usual procedures for passing on information about a child's general wellbeing or special needs, and the role of the school in any ongoing care plans.

Interviews at Victorian schools

Child Protection may conduct interviews of children and young people at school without parental knowledge or consent. However, a child will be interviewed at a Victorian school only in exceptional circumstances and if it is in the child's best interests to proceed in this manner. Child Protection will notify the school of any intention to interview a child or young person. This may occur regardless of whether the school is the source of the report to Child Protection.

When Child Protection practitioners arrive at the school, the principal or their nominee (Assistant Principal or Student Wellbeing Officer) should ask to see their identification before allowing Child Protection to have access to the child or young person.

Support persons

Children and young people should be advised of their right to have a supportive adult present during interviews. If a child is too young to understand the significance of the interview, a staff member should make arrangements for a supportive adult to attend with the child.

A staff member may be identified as a support person for the child or young person during 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.

This may occur verbally or in writing using the relevant Child Protection proforma.

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 doing so will create a conflict of interest.

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

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 the 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.

References:

http://www.dhs.vic.gov.au/_data/assets/pdf_file/0007/586465/information-guide-registered-teachers-principals.pdf

<http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/about-child-abuse>

Child Safe Standards

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schoolsguide.aspx>

DET Policy

<http://www.education.vic.gov.au/school/principals/spag/safety/pages/childprotection.aspx>

'Four Critical Actions for Schools – Responding to Incidents, Disclosures and Suspicions of Child Abuse' (DET-Protect).

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schcritical.aspx>

Ratified by School Council on 17.10.16



Appendix A

Lalor North Primary School

What to do when an allegation of abuse is made

The Four Critical Actions for Schools – Responding to Incidents, Disclosures and Suspicions of Child Abuse (DET – Protect) **must be followed**.

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schcritical.aspx>

If a child discloses an incident of abuse to you

- Try and separate them from the other children discreetly and listen to them carefully.
- If other students are present, you may need to use protective interrupting, before finding a more appropriate space to talk
- 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 with someone who can take action
- 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, if not, identify someone with whom they feel comfortable to support them
- As soon as possible after the disclosure, record the information using the child's words and report the disclosure **immediately** to the Principal/Child Safety Officer, Assistant Principal, DHHS or the police. You will be relieved of your duties in order to do this.
- Support will be provided by the Child Safety Officer or other senior member of staff to assist you in ensuring that the 'Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse' have been followed.
- You will complete the 'Responding to Suspected Child Abuse: Template for all Victorian Schools'.
- Ensure the disclosure is recorded accurately, and that the record is stored securely and retained

If a parent/carer says their child has been abused at school or raises a concern

- Explain that the school has processes to ensure all abuse allegations are taken very seriously and report the matter **immediately** to the Principal/Child Safety Officer or Assistant Principal

The Child Safety Officer will:

- 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 notes will be taken during the discussion to capture all details.
- Explain to them the information will need to be repeated to authorities or others, such as the police or a Child Protection officer.
- Not make promises at this early stage, except that they will do their best to keep the child safe.
- 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.

- 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, there is a 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.