



CHILD PROTECTION REPORTING POLICY AND PROCEDURES

Rationale

A broad range of professional groups are identified in the *Children Youth and Families Act 2005* (CYFA) as mandatory reporters. Mandated staff members must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person is in need of protection from a risk of significant harm as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.

The following professionals are prescribed as mandatory reporters under section 182 of the CYFA:

- primary and secondary school teachers and principals
- registered medical practitioners (including psychiatrists)
- nurses (including school nurses)
- police.

Purpose

Abbotsford Primary School (APS) has a zero tolerance approach to child abuse. This covers all who work at APS and have contact with the students at the school. Any abuse directed towards any child will be reported immediately to the appropriate authorities and dealt with accordingly.

Guidelines

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 being at risk on the same occasion. In this situation, both staff members are to make a report.

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, may report their concerns to Child Protection. This means that any person, including non-mandated school staff and pre-service teachers, is able to make a report to Child Protection if they believe that a child or young person is at risk of significant harm and in need of protection, and the child's parents are unable or unwilling to protect the child.

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.

Reporting a Belief

Staff members, whether or not mandated, need to report their belief when the belief is 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.

In addition to mandatory reporting and duty of care obligations, **any adult** who forms a reasonable belief that a sexual assault has been committed by an adult against a child under 16 years of age 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 years of age when the belief is formed.

A *School Reporting Sheet* (Appendix B) should be completed to record dates of any/all observed incidents about a student. A *Mandatory Reporting Information Sheet* (Appendix A) should also be completed to ensure all relevant information is recorded. This information will be required by Child Protection.

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.

Protecting the Identity of the Reporter

Confidentiality is provided for reporters under the CYFA. 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.

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. All staff will complete the Department of Education and Training online workplace Mandatory Reporting eLearning module annually.

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 or not the school is the source of the report to Child Protection.

When Child Protection practitioners arrive at the school, the principal or their nominee should ask to see their identification before allowing Child Protection staff 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 or their nominee should contact Child Protection or Victoria Police immediately.

Staff Training

Staff will be informed of Mandatory Reporting requirements as part of their initial induction to the school and will be provided with supporting documentation in their staff handbook.

Related Policies:

- *Abbotsford Primary School Statement of Commitment to Child Safety, (2016)*
- *Abbotsford Primary School Child Safety Code of Conduct, (2016)*
- *Abbotsford Primary School Student Engagement and Well Being Policy, (2016)*

Appendices:

A- *Four critical actions for schools – Responding to Incidents, Disclosures and Suspicions of Child Abuse*

B- *Mandatory Reporting Incident Notification Recording Sheet*

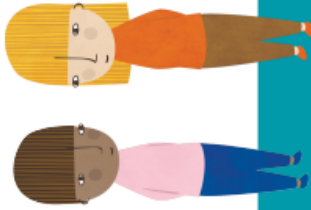
Evaluation

This policy was ratified by School Council in September, 2016.

This policy will be reviewed as part of the school's four-year review cycle.

FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

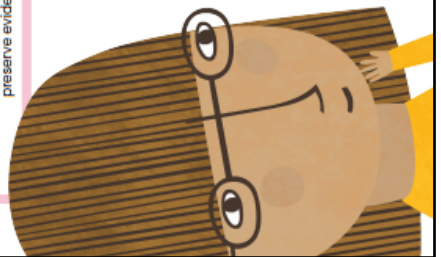


1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to **Action 2**.

- 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
 - identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.



2 REPORTING TO AUTHORITIES

As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Q: Where does the source of suspected abuse come from?

WITHIN THE SCHOOL

VICTORIA POLICE

You must report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police.

You must also report internally to:

- GOVERNMENT SCHOOLS**
 - School Principal and/or leadership team
 - Employee Conduct Branch
 - DET Security Services Unit
- CATHOLIC SCHOOLS**
 - School Principal and/or leadership team
 - Diocesan education office
- INDEPENDENT SCHOOLS**
 - School Principal and/or school chairperson

WITHIN THE FAMILY OR COMMUNITY

DHHS CHILD PROTECTION

You must report to DHHS Child Protection if a child is considered to be:

- in need of protection from child 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's safety, stability or development.

VICTORIA POLICE

You must also report all instances of suspected sexual abuse (including grooming) to Victoria Police.

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act. This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DHHS Child Protection or Victoria Police.

YOU MUST TAKE ACTION

As a school staff member, you play a critical role in protecting children in your care.

- You must act, by following the 4 critical actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.
- You must act if you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child abuse (eg: if the victim or another person tells you about the abuse).
- You must use the Responding to Suspected Child Abuse template to keep clear and comprehensive notes.

*A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

3 CONTACTING PARENTS/CARERS

Your Principal must consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- **not to contact** the parents/ carer (eg, in circumstances where the parents are alleged to have engaged in the abuse, or the child 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).

4 PROVIDING ONGOING SUPPORT

Your school must provide support for children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professionals. This is an essential part of your duty of care requirements.

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

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

CONTACT

DHHS CHILD PROTECTION

AREA
North Division **1300 664 9777**
South Division **1300 855 795**
East Division **1300 360 391**
West Division (Rural) **1800 075 599**
West Division (Metro) **1300 664 9777**

AFTER HOURS

After hours, weekends, public holidays **1312 78**

CHILD FIRST

www.dhs.vic.gov.au

VICTORIA POLICE

000 or your local police station

DET SECURITY SERVICES UNIT

(03) 9589 6266

STUDENT INCIDENT AND RECOVERY UNIT

(03) 9637 2934

EMPLOYEE CONDUCT BRANCH

(03) 9637 2595

DIOCESAN OFFICE

Melbourne (03) 9267 0228

Ballarat (03) 5337 7135

Sale (03)5622 6600

Sandhurst (03) 5443 2377

INDEPENDENT SCHOOLS VICTORIA

(03) 9825 7200



MANDATORY REPORTING INCIDENT NOTIFICATION

Date	
Student Name	
Date of Birth	
Address	
Staff Member	
Position	
Details of concern	
Other agencies involved (if applicable)	

<p>Action taken</p>	
<p>Details of person receiving the notification</p>	

Information

<p>Confidentiality</p>	<p>The identity of a notifier must remain confidential unless</p> <ul style="list-style-type: none"> the notifier chooses to inform the child, young person or parent of the report. the identity of a notifier must remain confidential unless: the notifier consents in writing to their identity being disclosed. a Court or Tribunal decides that it is necessary for the identity of the notifier to be disclosed to ensure the safety and wellbeing of the child. a Court or Tribunal decides that, in the interests of justice, the notifier is required to provide evidence.
<p>Professional Protection</p>	<p>If a notification is made in good faith:</p> <ul style="list-style-type: none"> it does not constitute unprofessional conduct or a breach of professional ethics on the part of the notifier. the notifier cannot be held legally liable in respect of the notification.
<p>Contacts</p>	<p>In the case of international students, the Principal must notify the International Education Division of the Department of Education and Training on (03) 9637 2990 to ensure that appropriate support is arranged for the student.</p> <p>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.</p>