

CHILD SAFETY REPORTING POLICY

RATIONALE

All children have a human right to feel safe and to be safe. All teaching staff have a legal and moral obligation to respond to serious incidences involving abuse and neglect of the children with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse or neglect.

Hawthorn West Primary School has zero tolerance for child abuse and is committed to meeting the requirements of Ministerial Order 870 and the Child Safe Standards. Mandatory Reporting is vital to ensuring that any instances of child abuse are reported according to the Child Safe Standards.

PURPOSE

The purpose of this policy is to:

To provide information to the school community and ensure that students' rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect

- ensure staff are aware of their roles and responsibilities in protecting the safety and wellbeing of children and young people
- ensure staff understand their various legal obligations to report and take other reasonable steps to discharge the duty of care that may be owed to the child or young person
- ensure staff identify indicators that a child or young person has been, is being, or is at risk of being abused
- ensure staff make a report about a child or young person who has been, is being, or is at risk of being abused.

STATEMENT

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 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 (including students in training to become teachers)
- registered medical practitioners (including psychiatrists)
- nurses (including school nurses)
- police

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 make a report. 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.

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, is able to 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.

PROTECTING CHILDREN FROM THE RISK OF SEXUAL ABUSE - FAILURE TO PROTECT OFFENCE

Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, 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. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

The offence applies only to **adults in a position of authority** within an organisation, including Principals, senior school staff, regional directors and other senior managers.

To read more information about the 'failure to protect offence', see: Department of Justice and Regulations – Failure to protect offence Note: Department policies already require school staff to uphold a high standard of care in relation to child 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 states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been physically or sexually abused
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused
- signs of abuse lead to a belief that the child has been physically or sexually abused.

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.

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.

TYPES OF CHILD ABUSE AND INDICATORS OF HARM

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing.

Types of child 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 is engaging in risk-taking behaviour
- female genital mutilation has occurred, or there is a risk of it occurring

This policy was reviewed by the School Council in June 2018

- a child is exhibiting sexually-abusive behaviours
- there are indications that a child is being groomed. For information see: Department of Justice and Regulation – Grooming offence.

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.

The table below outlines other reporting obligations

Type of reporting	Obligation
Child in need of protection	<p>Any person can make a report to DHHS Child Protection if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:</p> <ul style="list-style-type: none"> • the child has suffered or is likely to suffer significant harm as a result of: <ul style="list-style-type: none"> ❖ physical injury and their parents are unable or unwilling to protect the child ❖ sexual abuse and their parents are unable or unwilling to protect the child ❖ emotional or psychological harm and their parents are unable or unwilling to protect the child. • 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'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. <p>Department policy requires all staff who form a belief on reasonable grounds that a child or young person is in need of protection to report their concerns to DHHS Child Protection or Victoria Police. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.</p>
Child in need of therapeutic treatment	<p>Any person who believes on reasonable grounds that a child over 10 but under 15 years of age has been exhibiting sexually abusive behaviours and may be in need of therapeutic treatment should make a report to DHHS Child Protection.</p> <p>Sexually abusive behaviours can be exhibited when a child uses their power, authority or status to engage another person in sexual activity that is unwanted, or where the other party is incapable of giving informed consent (such as other children who are younger or who have cognitive impairments). In the case of student sexual offending, Department policy requires staff to also report to the Victoria Police. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.</p>
Significant concerns for the wellbeing of a child	<p>Any person who has a significant concern for the wellbeing of a child should report these concerns to DHHS Child Protection, or refer the child and their family to Child FIRST.</p> <p>A significant concern for the wellbeing of a child may arise, for instance, where any of the following factors may have a significant adverse impact on a child's care, welfare or development:</p> <ul style="list-style-type: none"> • significant parenting problems • family conflict or family breakdown • pressure due to a family member's physical/mental illness, substance abuse, or disability • vulnerability due to youth, isolation or lack of support • significant social or economic disadvantage. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.
Duty of care	<p>All school staff have a duty of care to take reasonable steps to prevent reasonably foreseeable injury to children and young people under the care. This includes taking reasonable steps to protect their safety, health and wellbeing.</p>

	<p>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, reasonable steps may include (but are not necessarily limited to):</p> <ul style="list-style-type: none"> • acting on concerns and suspicions of abuse as soon as practicable • seeking appropriate advice or consulting with other professionals or agencies when the school staff member is unsure of what steps to take • reporting the suspected child abuse to appropriate authorities such as Victoria Police and DHHS Child Protection • arranging counselling and/or other appropriate welfare support for the child • providing ongoing support to the child and young person – this may include attending DHHS Child Protection Case Planning meetings, and convening regular Student Support Group meetings • sharing information with other school based staff who will also be responsible for monitoring and providing ongoing support to the child or young person. <p>For more information on responding to all forms of child abuse, see PROTECT: Four Critical Actions</p>
Child Safe Standards	<p>The Child Safe Standards are compulsory minimum standards for all Victorian early childhood services and schools to ensure they are well prepared to protect children from abuse and neglect. The Standards support all Victorian early childhood services and schools to embed a culture of no tolerance for child abuse but, where necessary, to respond appropriately to actual or suspected abuse.</p> <p>See: School Policy & Advisory Guide - Child Safe Standards</p>

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 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: <ul style="list-style-type: none"> • information that has led to concerns about the child'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.).
3	Discuss any concerns about the safety and wellbeing of students with the principal or a member of the school executive leadership team. The individual staff member should then make their own assessment about whether they should make a report about the child and to whom the report should be made.
4	Gather the relevant information necessary to make the report. This should include the following information: <ul style="list-style-type: none"> • full name, date of birth, and residential address of the child • the details of the concerns and the reasons for those concerns • the individual staff member's involvement with the child and young person • details of any other agencies who may be involved with the child, 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.
6	<p>Make a written record of the report which includes the following information:</p> <ul style="list-style-type: none"> • 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.
7	<p>Notify relevant school staff and/or Department staff of a report to DHHS Child Protection or Child FIRST. For Victorian government schools, the allegations must be reported to the:</p> <ul style="list-style-type: none"> • principal or member of the school executive leadership team • Department's Security Services Unit on (03) 9589 6266 • relevant Regional Office • Student Critical Incident Advisory Unit on (03) 9637 2934 or (03) 9637 2487. <p>In the case of international students, the principal must notify the International Education Division 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>

POTENTIAL CONSEQUENCES OF MAKING A 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. Duty of care obligations are separate and additional to mandatory reporting and 'failure to disclose' reporting obligations.

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 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.

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 and DET policy.

References

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

<http://www.dhs.vic.gov.au/for-service-providers/children%2c-youth-and-families/child-protection/specialist-practice-resources-for-child-protection-workers/child-development-and-trauma-specialist-practice-resource>

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>

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

REVIEW CYCLE

This policy was last updated on June 2018 and is scheduled for review in 3 years.

Reviewed: June 2018

To be reviewed in: June 2021