

Rationale

- The school staff has a duty of care 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.
- 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.
- 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 reporting their concerns to the DHHS Child Protection or another appropriate agency and notifying the Principal or a member of the School Leadership Team of their concerns and the reasons for those concerns.
- Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger a child the more vulnerable he/she is and the more serious the consequences are likely to be.
- Types of child abuse include physical abuse, sexual abuse, emotional abuse, neglect, medical neglect, family violence, human trafficking (including forced marriage) or sexual exploitation (including pornography and prostitution).
- Other reports to DHHS Child Protection may be needed for risk-taking behavior, female genital mutilation, an unborn child or a child or young person exhibiting sexually-abusive behaviors.
- 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.
- Any person may make a report if they have significant concerns for the wellbeing of a child.

Purpose

- To ensure Newport Gardens Primary School complies with the Mandatory Reporting requirements of the *Children, Youth and Families Act 2005*, the *Crimes Act 1958* and other legislation.
- To ensure the school complies with DET policy and guidelines.
- 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 empower staff to make a report of a child or young person who may in need of protection.

Definitions

Mandatory reporting is the obligation by law of persons belonging to the following categories of persons to report concerns about the health, safety, wellbeing of children and young people.

- 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

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumor 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 behavior 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.

Reasonable grounds include abandonment of the child, death or incapacitation of the child's parents, the child has suffered or is likely to suffer significant harm from physical, sexual or emotional causes, if the child's parents are unwilling to care for the child or the child's physical development or health has been, or is likely to be significantly harmed.

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

- * the child is engaging in risk-taking behavior
- * 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 behaviors
- * there are indications that a child is being groomed. For information see:

[Department of Justice and Regulation – Grooming offence.](#)

Implementation

- Newport Gardens Primary has a **zero tolerance of child abuse**.
- 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 make a report as soon as practicable to the Department of Health and Human Services (DHHS) Child Protection as soon as practicable.
- All other school staff that forms a belief on reasonable grounds that a child or young person is in need of protection is encouraged to report their concerns to DHHS Child Protection or Victoria Police.
- If a child or young person is displaying sexually abusive behaviors and is in need of therapeutic treatment they should report their concerns to DHHS Child Protection
- Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose 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 DHHS Child Protection.
- The offence applies to **all adults** in Victoria, not just professionals who work with children. To read more information about the 'failure to disclose' offence, see: Department of Justice and Regulation – Failure to disclose offence
- If staff has significant concerns for the wellbeing of a child or young person they are encouraged to report their concerns to DHHS Child Protection or Child FIRST.
- **In case of emergency or if a child is in immediate danger the school will 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)
- All staff should gather information and keep comprehensive notes that include the full name, date of birth and residential address of the child or young person, are dated, detail concerns and include reasons for the concerns, action taken and details of any other agencies that are involved with the child or young person if known.
- In cases where staff has concerns about a child or young person, they should also discuss these concerns with the Principal or member of the Leadership Team.
- Staff should notify the Victoria Police if there is a reasonable belief that a criminal offence may have been committed.
- In the case of international students, the Principal will notify the International Education Division on (03) 9637 2990 to ensure that appropriate support is arranged for the student.
- In the case of Koorie students, the Principal will notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student.
- 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 to proceed in this manner.
- DHHS Child Protection and/or Victoria Police will notify the Principal of their intention to interview the child or young person on the school premises.
- When DHHS Child Protection practitioners/Victoria Police officers come to the school premises, the Principal will 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 will arrange to have a supportive adult present with the child or young person.
- The roles and responsibilities of staff members in supporting children who are involved with DHHS Child Protection may include acting as a support person for the child or young person, attending DHHS Child Protection case planning meetings, observing and monitoring the child's behaviour, liaising with professionals and/or respond to a witness summons by producing documents or giving evidence.
- 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 Department staff to provide information or documents about the protection or development of the child. 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
- It is important that, after a critical incident occurs or is disclosed, the school develops strategies to support **all** students who may have been involved in or impacted on by the incident. Support plans should be developed in consultation with parents/carers. It is also important to involve in the planning process any external organisations that are providing support to students.

Note: 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 and the reporter cannot be held legally liable in respect of the report.

- 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 or a Court or Tribunal decides that it is necessary for the identity of the reporter to be disclosed or the reporter is required to provide evidence.
- An annual professional learning session will be held on protecting the safety and wellbeing of children and young people (mandatory reporting protocol).
- New staff will be briefed about their mandatory reporting responsibilities and procedures as part of the induction procedure.
- 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.
- If a report of sexual abuse is received from a former student, the school will contact the Department's Student Critical Incident Advisory Unit on (03) 9637 2934.
- Please refer also to the school's *Child Safe Policy*, the *Duty of Care Policy* and the *Information Privacy Policy*.
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Evaluation

- This policy will be reviewed as part of the school's three-year review cycle or if guidelines change (latest update mid-January 2016).

This update: February 2016

This update was ratified by School Council on August 16th 2016

Reference:

www.education.vic.gov.au/principals/spag/safety/Pages/childprotection.aspx

