



# Warrandyte High School Child Protection Reporting Policy and Procedures

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## **Rationale:**

All children have a right to feel safe and to be safe. As teachers, we have a legal (Children Youth and Families Act 2005) and moral responsibility to respond to serious incidences involving abuse and neglect of the students with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse or neglect. A belief is sufficient cause for a teacher to make a report. 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>

## **Responsibilities:**

Principal

Responsible for-

- Ensuring new staff are informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- Reminding staff of mandatory responsibilities annually.
- Keeping a record of all discussions about a student with whom there is a concern.

Staff

Responsible for-

- Informing the Principal, or in his absence, the Assistant Principal, before a report is made in order to ensure that the school has an awareness of the situation.
- After having formed a belief that sexual or physical abuse has taken place, ensuring that written documentation is recorded and placed in a student's confidential file.
- Informing students that teachers are obliged to report any beliefs to The Department of Human Services and cannot ensure confidentiality.

## **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.

### **Non-mandated staff members**

**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 or Victoria Police 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.

### **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>

### **Guidelines for Implementation:**

- 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.
- Members of the Department of Human Services, or associated support or intervention services that visit the school following a report, will interview staff and children only in the presence of a Principal class member or his nominee.

- All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.
- All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported.
- While only mandated by law to report incidents of physical and sexual abuse, and neglect; teachers are also encouraged to report incidents of emotional abuse or neglect.

### **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.
- 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.

### **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.
- 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 Children, Youth and Families Act 2005 (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.

### **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.
- 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.
- 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.

### **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

### **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.

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

### **References:**

<http://www.education.vic.gov.au/school/principals/health/Pages/childprotection.aspx>

<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/_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>

