Mandatory Reporting Policy

Date approved by School Council | 13th September, 2016

Rationale

Child abuse can have significant effect on a child’s physical or emotional health, development and wellbeing. At Seaford Park Primary School, we have a legal and moral obligation to support and respect all children. We have zero tolerance for all forms of child abuse and our community is committed to empowering and protecting our children.

School staff are mandated by the *Children Youth and Families Act 2005 (CYFA)* to report suspected child abuse. Adherence to the *Child Safe Standards* is compulsory for all organisations that provide services for children. These standards involve developing a community culture of “zero tolerance” of all forms of child abuse.

“Victorian government schools are child safe environments. Our schools actively promote the safety and wellbeing of all students. All school staff are committed to protecting students from abuse or harm in the school environment in accordance with their legal obligations including the Child Safe Standards. The school’s Child Safety Code of Conduct is available on the school’s website”.

School staff are mandated to make a report to Child Protection as soon as practicable after forming a belief, on reasonable grounds that a child, young person or unborn child is in need of protection from significant harm as a result of:

- **Significant risk-taking behaviour** and the parent is unable or unwilling to be protective

- **Physical abuse**: including exposure to family violence
  *When a child suffers or is likely to suffer significant harm from an injury inflicted by a child’s parent or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. The injury may take the form of bruises, cuts, burns or fractures.*

- **Sexual abuse**: female genital mutilation, human trafficking (including forced marriage), sexual exploitation (including pornography and prostitution)
  *When a person uses power or authority over a child to involve the child in sexual activity. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity. It includes fondling of a child’s genitals, masturbation, oral sex, vaginal or anal penetration by penis, finger or object, or exposure to the child to pornography.*

- **Grooming**
  *The offence of grooming involves predatory conduct undertaken to prepare a child for sexual activity at a later time.*

- **Emotional abuse**
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When a child’s parents or caregivers repeatedly reject the child or use threats to frighten the child. This may involve name calling, put downs or continual coldness from the parent or caregiver, to the extent that it significantly damages the child’s physical, social, intellectual or emotional development.

- **Neglect**
  The failure to provide the child with the basic necessities of life such as, food, clothing, shelter, medical attention and supervision, to the extent that the child’s health and development is, or is likely to be, significantly harmed.


In light of the *Child Safety Standards* we educate members of our school community to enable them to be aware of possible indicators of child abuse. Section 183 of the *Children Youth and Families Act 2005 (CYFA)* states that any person, who believes on reasonable grounds that a child is in need of protection, should report their concerns to (DHHS) Child Protection. This means that any person, in our school community, is able to make a report to (DHHS) Child Protection when they believe that a child or young person is at risk of harm and in need of protection.

Any staff member, contractor or community member who have concerns about a child or young person should discuss their concerns with the principal or assistant principal.

**Aims**

To ensure that children’s rights to be safe are maintained and each child is protected against all forms of child abuse.

For staff to comply with Seaford Park Primary School procedures and understand their duty of care in regards to reporting obligations under child protection and criminal law.

For staff to be able to identify indicators that a child or young person may be in need of protection.

**Implementation**

**Duty of Care**

School staff have 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 they should take immediate action.

In the case of a child who may be in need of protection, displaying sexually abusive behaviours towards others, in need 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 steps:

1. Notifying the principal or assistant principal of their concerns and the reasons for those concerns.
2. Reporting their concerns to the DHHS Child Protection

**Failure to Disclose Offence**
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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. The offence applies to all adults in Victoria, not just professionals who work with children.

Failure to Protect Offence
Anyone in a position of authority, who becomes aware that an adult associated with their organisation, e.g. 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.

Forming a “belief on reasonable grounds”
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.

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.

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.
- 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
- 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 has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child.

The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child.

The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect 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.

The child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours.


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.

Note: For full definitions for all of the types of child abuse and a comprehensive list of the indicators of harm, see: [Protecting the safety and wellbeing of children and young people.](http://www.education.vic.gov.au/Documents/school/principals/spag/safety/protectionofchildren.pdf)

**Reporting a belief**

Staff members, 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.

At Seaford Park Primary School, staff members will always alert the principal or assistant principal of their concerns. The Principal Class Officer (PCO) carefully documents the information provided by the staff member and a discussion is had about forming a “reasonable belief”. The PCO will make the formal report to DHHS and inform the staff member in writing when this has occurred. The staff member is encouraged to archive this document as proof that they have fulfilled their duty of care.

If in the event that a PCO believes that there is insufficient evidence to form a “reasonable belief” and the staff member disagrees with this decision, the staff member is legally obliged to report their concerns to DHHS and inform the PCO. Staff members cannot be directed not to report, nor can they be subjected to disciplinary procedures if they disagree with a PCO and make a report.

**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 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.

There is always the potential that a person who reports potential child abuse to DHHS may be called as a witness in court. For this reason, at Seaford Park Primary School staff must first speak with a PCO and the PCO will take responsibility for making the report.

At Seaford Park Primary School staff will not inform the child, young person or family when a report is made. This protects staff members from any possible reprisal. A script is included in the Staff Handbook, explaining how staff should respond if a child discloses that they or someone that they know has been subjected to child abuse.

**Professional protection for reporter**
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.

**Making a report to Child Protection Procedure**
1. Inform a PCO of the situation
   • In case of emergency or if a child is in immediate danger the PCO is responsible for contacting 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:
   • 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)
3. The PCO will gather the relevant information necessary to make the report. This should include the following information:
   - Full name, date of birth, and residential address of the child or young person
   - 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 or young person, if known

4. The PCO makes a report to the relevant agency. The staff member who raised their concerns has the option of sitting in on this notification if practicable.

5. Make a written record of the report which includes the following information:
   - 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.

6. The PCO will forward a summary of the written record to the staff member who raised the initial concerns.

7. The staff member archives this information for their professional record.

8. Depending on the severity of the report the PCO may also:
   - 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.
   - 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.
   - 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.

Upon receipt of a report, Child Protection and/or the Victorian 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 or assistant principal of their intention to interview the child or young person on the school premises.

When officers from DHHS Child Protection or Victoria Police come to the school premises, the principal or assistant principal should 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, the principal or assistant principal will be with the child or young person.
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 assistant principal should contact Child Protection or Victoria Police immediately.

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, the principal or assistant principal will speak with the relevant staff members at the child’s new school to ensure they are aware of the young person’s situation, care plans, case workers etc and can continue to work to keep them safe.

Ongoing Support for Children
The roles and responsibilities of staff members in supporting children who are involved with DHHS Child Protection may include the following:
- 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.

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. This information must only be sought via the principal or assistant principal.

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 to the principal or assistant principal. Staff at Seaford Primary School will only provide information about our students to outside agencies under the direction of a PCO.

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.

Updates will take place annually as part of the Performance and Development/Staff meeting rotation.

Evaluation
This policy will be reviewed as part of the school’s three year review cycle or earlier if circumstances deem it necessary.

Resources
DET Child Protection – Reporting Obligations Policy
Children Youth and Families Act 2005 (CYFA)
Crimes Act 1958
Education and Training Reform Act 2006
Victorian Institute of Teaching Act 2001
Appendix A: What is grooming?
• The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.
• The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child’s involvement in sexual conduct, either with the groomer or another adult.
• Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.
• The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as upskirting and indecent behaviour in public.

Who can commit the offence?
The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.

What age are the children who are protected by the offence?
The offence applies to communication with children under 16 years, but not communication with 16 and 17 year old children. This distinction between children aged below 16 and those aged 16 or 17 reflects the general age of consent (16 years) recognised by the criminal law in relation to sexual offences.