

Child Protection and Mandatory Reporting Policy

2018

Rationale

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 report their concerns to Department of Human Services (DHS) Child Protection.

All other school staff who believe on reasonable grounds that a child or young person is in need of:

- **protection;** are encouraged to report their concerns to DHS Child Protection or Victoria Police.
- **therapeutic treatment;** are encouraged to report their concerns to DHS Child Protection.

1. Aim

This policy aims to:

- Define the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people.
- Enable staff to identify signs a child or young person needing possible protection.
- Enable staff to make a report of a child or young person who may be in need of protection.

2. Implementation

Mandatory Reporting:

Mandatory reporters must make a report, as soon as practicable, if when practising their profession or carrying out their duties they form a belief, on reasonable grounds, that a child or young person is in need of protection.

Mandatory Reporters should report to the Department of Human Services (DHS) Child Protection.

Who is mandated?

- 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

Child in Need of Protection:

Any person may make a report if they believe, on reasonable grounds, that a child is in need of protection for any of the following reasons:

- 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.

Who should make the report?

- Any person (reports to DHS or Victoria Police)

Child in Need of Therapeutic Treatment:

Any person may make a report if they believe on reasonable grounds that a 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.

Who should make the report?

- Any person (report to DHS or Child FIRST)

DUTY OF CARE:

All members of Moorabbin Primary 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 it is important to take immediate action.

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 the following:

- Reporting their concerns to the DHS Child Protection and other appropriate agency (Child FIRST, Victoria Police)

- Notifying the Principal or a member of the school leadership team of their concerns and the reasons for those concerns.

TYPES OF ABUSE OR INDICATORS OF HARM

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.

Other reports to DHS Child Protection may be needed for:

- risk-taking behaviour
- female genital mutilation
- unborn child
- child or young person exhibiting 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.

MAKING A REPORT

Moorabbin Primary School should make a report in the follow way:-

1. Staff should keep comprehensive notes that are dated and include the following information:
 - Description of the concerns (e.g. physical injuries, student behaviour)
 - Source of those concerns (e.g. observation, report from child or another person)
 - Actions taken as a result of the concerns (e.g. consultation with principal, report to DHS Child Protection).
2. School staff should discuss any concerns about the safety and wellbeing of students with the Principal or a member of the school leadership team. The individual staff member should then make their own assessment about whether they must, or may, make a report about the child or young person.

3. School staff should 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
- 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

4. Make a report to the relevant agency.

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
 - the person who received the report.

6. Notify relevant school staff and/or Departmental staff of the report.

- School staff should advise the principal or a member of the leadership team if they have made a report.
- In the case of international students, the principal must notify the International Education Division of the Department 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.

7. Notify the Victoria Police if there is concern that a criminal offence may have been committed.

CONSEQUENCES OF MAKING A REPORT

Confidentiality:

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.
- A Court or Tribunal decides that it 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 provide evidence.

Professional Protection:

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.

Interviews:

DHS 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.

DHS Child Protection and/or Victoria Police will notify the Principal or a member of the leadership team of their intention to interview the child or young person on the school premises.

When DHS Child Protection practitioners/Victoria Police officers come to the school premises, the Principal or a member of the leadership team 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 DHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.

Support for the young child or person:

The roles and responsibilities of staff members in supporting children who are involved with DHS Child Protection may include the following:

- Acting as a support person for the child or young person.
- Attending DHS Child Protection case planning meetings.
- Observing and monitoring the child's behaviour.
- Liaising with professionals.

Requests for information:

DHS 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, DHS Child Protection can also direct school staff to provide information or documents about the protection or development of the child. Such directions must be in writing and only be made by authorised persons within DHS Child Protection,

Witness Summons:

If DHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings.

3. Evaluation

This policy will be reviewed every four years according to the policy review structure implemented by the Education Committee.

4. Resources

- DET website:
<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotectionobligation.aspx>

- Related Legislation –
 - ✓ *Children, Youth and Families Act 2005*
 - ✓ *Crimes Act 1958*
 - ✓ *Education and Training Reform Act 2006*
 - ✓ *Victorian Institute of Teaching Act 2001*