

LOCKWOOD PRIMARY SCHOOL

MANDATORY REPORTING POLICY & PROCEDURES

Aligned with the Child Safe Standards, 2016



“Learning, Caring, Laughing, Sharing”

POLICY STATEMENT

Lockwood Primary School is committed to ensuring our students are safe and appropriately cared for. As teachers, we have a legal and moral responsibility 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. Staff are mandated to make a report when they believe a child in our care is in need of protection. Staff will follow the procedures outlined below, in relation to mandatory reporting.

AIMS

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

GUIDELINES

All registered members of the Victorian Institute of Teaching (this includes teachers, principals and staff who have been granted permission to teach by the VIT) are classed as “mandatory reporters.”

All mandatory reporters must make a report to Victoria Police and/or DHHS Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/ or sexual abuse, **and**
 - the child’s parents have not protected, or are unlikely to protect, the child from harm of that type.
- It is a criminal offence not to report in these circumstances.

IMPLEMENTATION

- New staff will be informed of mandatory reporting responsibilities and procedures.
- All staff are required to complete the DET online training module provided by the end of Term 1 each year.
- Staff will be reminded of mandatory responsibilities regularly.
- Any teacher who forms a belief, on reasonable grounds, that a child has been abused or neglected will discuss such concerns with the Principal (or other designated person if the Principal is unavailable).

REPORTING

- **If the source of suspected abuse comes from within the school (this includes any form of suspected child abuse involving a school staff member, contractor or volunteer), the reporter must:**
 - Contact Victoria Police (via the Bendigo Police Station)
 - ALSO report internally to:
 - School Principal (or other designated person e.g. Acting Principal)
 - Employee Conduct Branch (03 9637 259) and
 - DET Security Services Unit (03 9589 6266).
- **If the source of suspected abuse comes from within the family or community the reporter must:**
 - Report to **DHHS Child Protection (1800 675 598) or after school hours crisis line (131278)** if the child is considered to be:
 - In need of protection due to child abuse
 - At risk of being harmed (or has been harmed) and the harm has, or is likely to have, a serious impact on the child’s safety, stability or development.
 - ALSO report suspected sexual abuse (including grooming) to Victoria Police.
 - ALSO report internally to:
 - School Principal (or other designated person e.g. Acting Principal)
 - DET Security Services Unit (03 9589 6266)

- The reporter may also make a referral to Child FIRST (if they have other reasonable concerns for the wellbeing of the child e.g. conflict within a family, parenting difficulties, isolation of a family or a lack of apparent support)
 - **The following information will be required when making a report to DHHS Child Protection:**
 - The child’s name, date of birth and address
 - The name, age and address of any known siblings
 - Your reason for believing that the injury or behaviour is the result of abuse or neglect
 - Your assessment of the immediate danger to the child
 - Current whereabouts of the child or young person
 - Your description of the injury or behaviour observed
 - Any other information you have about the family
 - **The reporter’s identity as a notifier will remain confidential unless: you choose to inform the child and/or family of the notification yourself OR you consent to your identity as the notifier being disclosed.**
 - **The reporter should keep detailed and accurate notes, that include the following:**
 - A description of the concerns (eg; physical injuries, student behaviour).
 - Source of these concerns (eg; observation, report from a child or another person).
 - Actions taken as a result of the concerns (eg; consultation with Principal, report to DHS).
 - A teacher may make a Mandatory Report independently and without discussing it with anyone, or when a Principal disagrees with the teachers’ beliefs.
 - The report should be made on the same day as the belief is formed or a disclosure has been made.
 - Further reports can be made if the teacher becomes aware of further reasonable grounds that continued abuse or neglect has or will occur.
- Where required, teaching staff will be released from their classroom duties to speak with DHHS Child Protection or other authorities about their report.

SAFETY AND CARE OF AFFECTED CHILD/REN

School staff should do any or all of the following to support and protect the affected child/ren:

- Separate the alleged victim and others involved, ensuring all parties are supervised by a school staff member.
- Arrange urgent medical assistance where necessary.
- Preserve any items that may amount to evidence of the abuse (e.g. environment, clothing, other physical items, potential witnesses).
- Monitor the affected child/ren over a pre-determined period and review their circumstances.
- Refer the child/ren to the school Social Worker for further support and/or counselling.
- Refer the child/ren to the DET’s Student Support Services team.

CONTACTING CARERS/PARENTS

In many cases, where it is suspected that a child has been, or is at risk of being abused, it is extremely important that the parents/carers are notified as soon as practicable. This enables them to take steps to prevent or limit their child’s exposure to further abuse and/or ensure their child receives the support that they require. (Source: Protect-Identifying and responding to all forms of abuse in Victorian schools)

A staff member does not require the permission of parents, carers or guardians to make a report to DHHS Child Protection, nor are they required to tell parents, carers or guardians that they have done so.

The Principal school should seek the advice of DHHS Child Protection and/or the Victorian Police to determine if it is appropriate to contact parents/carers.

Where advised to be appropriate, the Principal should make sensitive and professional contact with parents as soon as possible on the day of the incident, disclosure or suspicion.

FURTHER INFORMATION

Proof is not required that abuse or neglect has occurred or is likely to occur. A belief is sufficient. It is the role of the Department of Health and Human Services to determine whether that belief should be investigated.

Members of the Department of Health and Human Services, or associated support or intervention services that visit the school following a notification, will interview staff and child/ren only in the presence of a Principal class member or his/her nominee.

Fulfilling the roles contained in the procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

All reports, information sheets and subsequent discussions and information are to be recorded and stored in the Principal's office and remain strictly confidential.

While only mandated by law to report incidents of physical and sexual abuse; teachers are also encouraged to report incidents of grooming, emotional abuse, neglect and family violence.

Students who disclose to staff a desire to harm themselves or others, must be reported by staff to the Principal.

School staff are encouraged to contact DET Employee Assistance Program (EAP) 1300 361 008 to seek assistance / support for any potential stress they may be subjected to during incidents, disclosures and/or reporting of child abuse.

DETAILED IMPLEMENTATION INFORMATION:

Mandated Staff Members

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.

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.

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.

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.

Any person who is registered as a teacher under the *Education and Training Reform Act 2006*, or any person who has been granted permission to teach under that Act, including principals, is mandated to make a report to Child Protection. In the course of undertaking their professional duties, mandated staff members are required to report their belief, when the belief is formed on reasonable grounds, that a child is in need of protection from significant harm as a result of sexual abuse or physical injury.

School policy and procedures stipulate how teaching staff fulfil their duty of care towards children and young people in their school.

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.

Information about the identity of a person making a report to Child Protection must be kept confidential unless the reporter consents to the disclosure of their identity. If the staff member wishes to remain anonymous, this information should be conveyed at the time that the reporter makes the mandatory report.

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.

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.

Updates will take place annually through the DEECD online training program.

Resources:

PROTECT: Identifying and Responding to All forms of abuse in Victorian Schools

http://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_SchoolsGuide.pdf

School Policy and Advisory Guidelines: Child Protection Reporting Obligations

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

Child Safe Standards

<http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies%2c-guidelines-and-legislation/child-safe-standards-resources>

EVALUATION

This policy will be reviewed as part of the school's three year policy review cycle, or more often if necessary due to changes in regulations or circumstances.