



ARMSTRONG CREEK SCHOOL MANDATORY REPORTING POLICY AND PROCEDURES

Statement

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

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. Students with disabilities can be at increased risk and the younger a child is, the more vulnerable they are likely to be and the more damaging the effects are likely to be.

Types of child abuse include:

- Physical

- Emotional
- Neglect
- Medical neglect
- Sexual abuse
- Family Violence Female Genital Mutilation
- Risk-taking Behaviour that cannot be managed and compromises the child's safety

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. It is not the role of school staff to make a judgement as to whether abuse is happening. Staff are mandated to report to Child Protection if indicators are present.

Teachers may observe:

- One or several indicators are displayed
- Indicators occur repeatedly
- Changes in relation to the child's behaviour

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.

Reporting a belief

Armstrong Creek School 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.

The principal needs to be informed of the report. The following chain should be followed where the principal is absent: Assistant Principals – Leading Teachers – Learning Specialists (PC4L).

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.

Making a report to Child Protection

The CYFA allows for two types of reports to be made in relation to significant concerns for the safety or wellbeing of a child – a report to Child Protection or a referral to Child FIRST/Orange Door.

A report to Child Protection should be considered if, after taking into account all of the available information, the staff member forms a view that the child or young person is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability or development
- the child's parents cannot or will not protect the child or young person from harm.

Where during the course of carrying out their normal duties, a school staff member forms the belief on reasonable grounds that a child is in need of protection, the staff member must make a report to Child Protection regarding this belief and the reasonable grounds for it as soon as practicable.

Staff members of Armstrong Creek School 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.
- There are indications that a child is being groomed.

Safety of children with special educational needs

All children are vulnerable but some children need special care and protection to ensure they are safe – children with a disability have an increased risk of being abused. It is unlawful to discriminate against children with a disability and like all children, children with a disability have the right to participate in decision-making that affects them.

In Victoria, mandatory child safe standards have been introduced to help protect children from abuse in organisations. In complying with the standards, organisations must promote the safety of children with a disability. It is your responsibility to uphold the legal and human rights of children with a disability to ensure they are safe when in your care.

Children with a disability are more vulnerable to harm and abuse such as harassment, bullying, humiliation, physical and sexual abuse.

This can be due to:

- social isolation
- limited provision of developmentally appropriate sexual and relationship information
- low levels of expectation held about their capacity to identify and report concerns
- inaccessible pathway to raise issues, concerns and complaints
- communication difficulties

- personal care needs requiring the involvement of different people and various levels of supervision
- signs of abuse being viewed as being related to the child's disability.

Each child is different and will experience their disability and the world differently – it is important not to stereotype or make assumptions. It can be hard for a child with a disability to make themselves heard or understood.

What we do to help keep children with a disability safe in our school:

- Ensure our school has a child safe culture in which abuse and harm is not tolerated and diversity is welcomed.
- Pre-empt unsafe situations via your risk assessment processes.
- Ensure we have sound recruitment and screening processes in place for staff and volunteers.
- Ensure our code of conduct for staff and volunteers clearly outlines boundaries about staff and volunteer interaction with children with a disability, including personal care assistance.
- Have a robust complaint process, encourage feedback and be responsive if problems arise.
- Empower children with a disability by assisting them to build their self-esteem and confidence through Respectful Relationships and School Wide Positive Behaviour Support.
- Teach children about their bodies and their safety, including online activities (sex and relationships education).
- Enable and facilitate independence with dressing and toileting and personal care where possible.
- Communicate directly with children with a disability about how safe they feel.
- Be inclusive and collaborative with families.
- Raise awareness about abuse and ways to seek help. Make sure children with a disability know who they can go to if they feel unsafe or have a concern or complaint – make sure these processes take into account the child's developmental level and communication requirements.
- If children have communication difficulties, organisational procedure must ensure vigilance in identifying indicators or warning signs. Listen to children, no matter how they communicate their thoughts, views and concerns.

For information see: Department of Justice and Regulation – Grooming offence:
<https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/grooming-offence>

Templates for Responding to an incident, disclosure or suspicion of child abuse

Hard Copy: Attachment B

Electronic version:

https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf

Completed templates to be shared with leadership which will attach the information onto the student's chronicles on COMPASS. The information will be treated as sensitive information and made available upon request.

Upon receipt of a report, Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required.

When making a report staff should gather the relevant information necessary. This should include the following information:

- full name, date of birth, and residential address of the child or young person
- Your relationship with the child
- 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

In most circumstances, Child Protection will inform the reporter of the outcome of the report. When the report is classified by Child Protection as a Wellbeing Report, Child Protection will, in turn, make a referral to Child FIRST/Orange Door.

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.

The role of school staff

School staff has a duty of care to protect and preserve the safety, health and wellbeing of children and young people in their care and staff must always act in the best interests of those children and young people. If a staff member has any concerns regarding the health, safety or wellbeing of a child or young person it is important to take immediate action.

Where, during the course of carrying out their normal duties, an Armstrong Creek School staff member forms the belief on reasonable grounds that a child is in need of protection, the staff member must make a report to Child Protection regarding this belief and the reasonable grounds for it as soon as practicable.

As a school staff member, you must respond to any reasonable suspicion or belief that a child has been, or is at risk of being abused, following the Four Critical Actions.

The easiest way to comply with your legal and moral obligations is to remember that you must respond to and report any reasonable suspicion or belief that a child has been abused, or is at risk of being abused by following the Four Critical Actions.

This includes abuse that has, or is suspected to have, taken place within or outside of school grounds and hours.

This section sets out your legal obligations in further detail, including:

- Duty of care obligations
- Mandatory reporting obligations
- Criminal offences
- Ministerial Order No. 870 - Child Safe Standards - Managing the risk of child abuse in schools
- Requirements to report the allegation under the Reportable Conduct Scheme

- Obligations under the Charter of Human Rights and Responsibilities.

Four critical actions for schools: Responding to incidents, disclosure and suspicions of child abuse (Appendix A)

ACTION 1: Responding to an emergency

ACTION 2: Reporting to authorities

ACTION 3: Contacting parents/carers

ACTION 4: Providing ongoing support

For more information, please read the Four Critical Actions for Schools:

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/default.aspx#learning>

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.

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.
- Child displaying sexually abusive behaviours and in need of therapeutic treatment.
- Reasonable belief that a sexual offence has been committed by an adult against a child under 16.

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.

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

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.

Professional learning

All mandated staff are asked to complete the DET online (30 minutes) mandatory reporting eLearning module at: www.elearn.com.au/det/protectingchildren

Username: education

Password: employee

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

School staff seeking consultation

Consult with:

- School leadership
- Network support staff (Student Support Services)
- Regional wellbeing staff
- DHS Child Protection
- Emergency Management on: (03) 9589 6266
- Student Critical Incident Advisory Unit on (sexual assault): (03) 9637-2934 or (03) 9637-2487

Resources and References:

DET Protect website:

<https://www.education.vic.gov.au/about/programs/health/protect/Pages/default.aspx?Redirect=1>

Service Providers:

<http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/about-child-abuse>

Children, youth and families Act 2005(CYFA):

http://austlii.edu.au/au/legis/vic/consol_act/cyafa2005252/

A step by step guide to making a report to Child Protection or Child First

<https://providers.dhhs.vic.gov.au/sites/dhhsproviders/files/2017-06/stpe-by-step-guide-making-report-child-protection-child-first.pdf>

Department of Health Services:

<https://services.dhhs.vic.gov.au/child-protection>

Child First: <https://services.dhhs.vic.gov.au/child-first-and-family-services>

Victoria Police Sexual Offences and Child Abuse Investigation Teams (SCOIT):

http://www.police.vic.gov.au/content.asp?Document_ID=36222

Evaluation:

This policy will be reviewed as part of the school's two -year review cycle but also occurs on a regular basis prompted by changing circumstances and raised concerns.

This policy has been ratified by School Council in August 2019.

APPENDIX A

RESPONDING TO INCIDENTS, DISCLOSURES AND SUSPICIONS OF CHILD ABUSE

FOUR CRITICAL ACTIONS FOR ARMSTRONG CREEK SCHOOL

YOU MUST TAKE ACTION

As a school staff member, you play a critical role in protecting children in your care.

- You must act, by following the Four Critical Actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief* that a child has, or is at risk of being abused.
- You must act if you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).
- It is strongly recommended that you use the *Responding to Suspected Child Abuse* template to keep clear and comprehensive notes, even if you make a decision not to report.

https://www.education.vic.gov.au/Documents/about/programs/health/protect/P/ROTECT_Responding_TemplateSchools.pdf

**A reasonable belief is deliberately low threshold. This enables authorities to investigate and take action.*

CRITICAL ACTION 1: RESPONDING TO AN EMERGENCY

If there is not risk of immediate harm go to Action 2.

If a child is at immediate risk of harm you must ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

CRITICAL ACTION 2: REPORTING TO AUTHORITIES/REFERRING TO SERVICES

As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Q: Where does the source of suspected abuse come from?

WITHIN THE SCHOOL

Victoria Police

You must report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police.

You must also report internally to:

- Government schools:
 - School principal and/or leadership team
 - Employee Conduct Branch
 - DET Incident Support and Operations Centre.

All allegations of 'reportable conduct' must be reported as soon as possible to:

- Government schools: Employee Conduct Branch

WITHIN THE FAMILY OR COMMUNITY

DHHS Child Protection

You must report to DHHS Child Protection if a child is considered to be:

- In need of protection from child abuse
- At risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

Victoria Police

You must also report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You must also report internally to:

- Government schools:
 - School principal and/or leadership team
 - DET Incident Support and Operations Centre.

OTHER CONCERNS

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act. This may include making a referral or seeking advice from:

- Child FIRST/The Orange Door (in circumstances where the family are open to receiving support)
- DHHS Child Protection
- Victoria Police.

CRITICAL ACTION 3: CONTACTING PARENTS/CARERS

Your principal must consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact the parents/carers (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- to contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).
- how to communicate with all relevant parties with consideration for their safety.

CRITICAL ACTION 4: PROVIDING ONGOING SUPPORT

Your school must provide support for children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professionals. This is an essential part of your duty of care requirements.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support services.

You must follow the Four Critical Actions every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

CONTACT

DHHS CHILD PROTECTION

Area

- West Division (Rural) 1800 075 599

After hours

After hours, weekends, public holidays 13 12 78

CHILD FIRST

<https://services.dhhs.vic.gov.au/child-first-and-family-services>

ORANGE DOOR GEELONG

<https://www.centralgeelong.com.au/profile/the-orange-door>

VICTORIA POLICE

000 or your local police station: Waurin Ponds (03) 52473500

DET INCIDENT SUPPORT AND OPERATIONS CENTRE

1800 126 126

INCIDENT MANAGEMENT AND SUPPORT UNIT

1800 126 126

EMPLOYEE CONDUCT BRANCH

(03) 9637 2595

THE LOOKOUT

The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence

Family violence victims/survivors can be referred to 1800 Respect for counselling, information and a referral service: 1800 737 732.

Appendix B

TEMPLATE FOR: RESPONDING TO AN INCIDENT, DISCLOSURE OR SUSPICION OF CHILD ABUSE

When to use this template:

School staff should use this template to document any incident, disclosure or suspicion that a child has been, or is at risk of being abused.

This template should be used in conjunction with following the [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

Completing this template should not impact on reporting times. If a child is in immediate danger school staff should report immediately to Victoria Police.

Whilst you may need to gather the information to make a report, remember it is not the role of school staff to investigate abuse, leave this to Victoria Police and/or DHHS Child Protection.

Why record this information?

When completing this template your aim should be to provide as much information as possible. This information will be critical to any reports and may be sought at a later date if the matter is the subject of Court proceedings. These notes may also later assist you if you are required to provide evidence to support any decisions.

It is a requirement under Ministerial Order No. 870 - Child Safe Standards - Managing the risk of child abuse in schools for schools to keep clear and comprehensive notes on all observations, disclosures and other details that led them to suspect the abuse.