

Hamlyn Views School

Child Protection Reporting Policy and Procedures [Incorporating Mandatory Reporting Policy]

1. PURPOSE

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.

2. SCOPE AND DEFINITIONS

This and related policies and procedures cover all forms of "Child Abuse" as defined in the Education and Training Reform Act;

Child Abuse includes -

(a) Any act committed against a child involving

- (i) a sexual offence; or
- (ii) an offence under section 49B(2) of the Crimes Act 1958 (grooming); and

(b) The infliction, on a child, of

- (i) physical violence; or
- (ii) serious emotional or psychological harm; and

(c) Serious neglect of a child.

This and related policies and procedures apply to allegations or disclosures of child abuse made by or in relation to a child, school staff, visitors, or other persons while connected to a school environment.

3. 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 DHHS 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 DHHS Child Protection.

4. NON-MANDATED STAFF MEMBERS

Any person, who believes on reasonable grounds that a child is in need of protection, may report their concerns to DHHS Child Protection. This means that any person, including non-mandated school staff, can make a report to DHHS 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 their "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.

5. FAILURE TO PROTECT and FAILURE TO DISCLOSE OFFENCE

Any staff member or person associated with the school (e.g. visitor, contractor, maintenance worker etc.) 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, unless a reasonable excuse has been formed such as:-

- Information has already been reported to DHHS Child Protection.
- Fear for own or others' safety

The offence applies to all adults in Victoria, not just professionals who work with children. If an adult fails to take reasonable steps to protect a child from harm and/or fails to disclose, this may amount to a criminal offence. Refer to the Department of Justice fact sheets on Failure to PROTECT and Failure to DISCLOSE for further information. If you need to report a child in immediate risk or danger of a sexual offence, call Triple Zero (000).

6. REDUCING OR REMOVING THE RISK OF CHILD SEXUAL ABUSE POSED BY AN ADULT ASSOCIATED WITH HAMLYN VIEWS SCHOOL

If required, the Principal (or Assistant Principal) may need to take reasonable steps to reduce or remove a known substantial risk that an adult associated with their organisation will commit a sexual offence against a child. Examples could include:

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- A current employee who is known to pose a risk of sexual abuse to children in the organisation should be immediately removed from contact with children and reported to appropriate authorities and investigated.
- A community member who is known to pose a risk of sexual abuse to children should not be allowed to volunteer in a role that involves direct contact with children at the organisation.
- A parent who is known to pose a risk of sexual abuse to children in a school should not be allowed to attend overnight school camps as a parent helper.
- Removing a suspected adult from child-related work pending investigation.

7. DUTY OF CARE

All school staff members have a "Duty of Care" to take reasonable steps to protect the children in their care from harm that is reasonably foreseeable. If a staff member has concerns about the safety, health and wellbeing of children in their care it is important they take immediate action. The question of what constitutes "reasonable steps" will depend on the individual circumstances of each case. You may breach your "Duty of Care" towards a student if you fail to act in the way a reasonable or diligent professional would have acted in the same situation.

In relation to suspected child abuse, reasonable steps may include, but are not necessarily limited to;

- Acting on concerns and suspicions of abuse as soon as practicable seeking appropriate advice or consulting with other professionals or agencies when the school staff member is unsure of what steps to take.
- Notifying the principal (or Assistant Principal) of their concerns and the reasons for those concerns.
- Reporting the suspected child abuse to appropriate authorities such as the Victoria Police and DHHS Child Protection.
- Arranging counselling and/or other appropriate welfare support for the child providing on-going support to the child – this may include attending DHHS Child Protection Case Planning meetings, and convening regular Student Support Group meetings.
- Sharing information with other school-based staff who will also be responsible for monitoring and providing on-going support to the child. You must follow the *Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse* [See Appendix A] to ensure that you fulfil your "Duty of Care" obligations for all children who are involved in, or affected by, the suspected child abuse.
- Your "Duty of Care" also extends to students who are: aged 17 years and over. In circumstances where you suspect that a student over the age of 17 is subject to abuse you should still follow the *Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse*. Although DHHS Child Protection work with children under 17 they can still be contacted with concerns relating to students 17 and over for referral and advice involved in student sexual offending.
- You have a "Duty of Care" towards all students involved in student sexual offending, including the alleged victim, assailant and any other students in the school who may have witnessed and/or been affected by the abusive behaviour.

"Duty of Care" obligations are separate and additional to mandatory reporting and 'failure to disclose' reporting obligations.

8. MANAGING A DISCLOSURE

At Hamlyn Views School we believe it is important to validate a child's disclosure. This means listening to the child, taking them seriously and responding and acting on the disclosure by implementing our school's reporting procedures. Key Steps include:

- Separating them from other children discreetly.
- Letting them know you are concerned about their safety or risk of self-harm and that you will need to let other people know, such as the Principal and their parent/carer. Let them know that you will act on this information.
- Letting the child talk about their concerns in their own time and in their own words. Give them your full attention, the time and a quiet space in which to do this.
- Reassuring the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
- Letting them know that you will do your best to keep them safe.
- Not leaving the child alone in a distressed state. If they seem at ease in your company, stay with them.
- Providing them with an incident report form to complete, or complete it together, if you think the child can do this
- As soon as possible after the disclosure, record the information using the child's words and report the disclosure to the Principal (or Assistant Principal), Police or DHHS Child Protection.
- Ensuring the disclosure is recorded accurately, and that the record is stored securely.
- Contacting the child's parents to let them know (other than if the disclosure related to abuse within the family)
- Assisting the child and their family to access appropriate support for the child, such as counselling.
- Letting the child and their family know about steps the school is taking, such as an investigation, and any resulting action, such as changes to policy or procedures.

If a parent/carer says their child has been abused in the school or raises a concern the same process will be followed as well as assisting the child and their family to access appropriate support for the child, such as counselling.

- Explaining the school has processes to ensure all abuse allegations are taken seriously.
- Asking about the wellbeing of the child.
- Allowing the parent/carer to talk through the incident in their own words.
- Advising the parent/carer notes will be taken during the discussion to capture all details.
- Explaining to them information may need to be repeated to authorities or others, such as the Principal (or Assistant Principal), the Police or DHHS Child Protection.
- Not making promises at this early stage, except that you will do your best to keep the child safe.
- Providing them with an incident report form to complete, or complete it together.
- Asking them what action they would like to take and advise them of what the immediate next steps will be.

9. WHAT CONCERNS SHOULD BE REPORTED?

Concerns about the safety and wellbeing of children can range from an uncomfortable feeling through to a direct observation or a disclosure by a child. Staff and the community are encouraged to speak to the Child Safety Champion, Principal (or Assistant Principal) and be proactive rather than wait until it is too late. Staff have been made aware of their "Duty of Care" to children and of their legal responsibilities.

Examples of Child Safety concerns include:

- Concerns about a physical environment that may pose a risk to children (this includes health and hygiene issues)
- Inappropriate or special relationships developing between any individual involved in this school and children
- Breaches of the Staff Code of Conduct, particularly if they are persistent
- Feelings of discomfort about interactions between a child any individual involved in this school suspicions or beliefs that children are at risk of harm
- Observations of concerning changes in behaviour
- Children's disclosures of abuse or harm, which must be reported to DHHS Child Protection or the police

Physical or sexual abuse of children is a crime and must be reported to the police.

10. WHEN SHOULD CONCERNS BE REPORTED TO DHHS CHILD PROTECTION?

Reports to DHHS Child Protection can be made if the school believes, on reasonable grounds, that a child is in need of protection. DHHS Child Protection is part of the Victorian Department of Health and Human Services. It provides child-centred, family-focused services to protect children and young people from significant harm caused by abuse or neglect within the family. It also aims to ensure that children and young people receive services to deal with the impact of abuse and neglect on their wellbeing and development. It is the DHHS Child Protection practitioner's job to investigate significant harm.

11. MAKING A REPORT

The *Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse* must be followed when responding to an incident, disclosure or suspicion of child abuse. It includes critical details and links to supporting documents. Under **Ministerial Order No. 870- Child Safe Standards- Managing the risk of child abuse in schools** it is also a requirement for schools to keep clear and comprehensive notes on all observations, disclosures and other details that led them to suspect the abuse. Staff should use the template @ <http://www.education.vic.gov.au/about/programs/health/protect/Pages/schcritical.aspx> to document any incident, disclosure or suspicion that a child has been, or is at risk of being abused.

At Hamlyn Views School any Child Safety complaints, disclosures or breaches of the Code of Conduct will be recorded and the records stored in accordance with security and privacy requirements. The school keeps a record of action taken, any internal investigations and any reports made to statutory authorities or professional bodies. All mandatory reports will be sealed in an envelope and placed in the student's file and marked "**Confidential - For Principal's Eyes Only**".

Staff **do not require** the permission of parents/guardians to make a report to DHHS Child Protection, nor are they required to tell parents/guardians that they have done so. Reports of child abuse can be made directly to the regional DHHS Child Protection Office as soon as possible. Contact number is **1300 664 977** or **13 12 78** for after-hours notifications.

If you are making a report to DHHS Child Protection or Victoria Police you must seek advice before contacting parents/guardians so as not to compromise any investigation or place a child at further risk.

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As long as a report is made in good faith, making a report is not unprofessional conduct or a breach of professional ethics and the reporter cannot be held legally liable. Confidentiality is provided for reporters in the *Children, Youth and Families Act 2005*, and prevents the disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with the legislation except in very specific circumstances.

12. STAFF TRAINING

As part of their initial induction to Hamlyn Views School staff will be informed of DHHS Child Protection reporting requirements, Department and School Child Safety policy and procedures, with supporting documentation included in the staff handbook and induction pack. At Hamlyn Views School all staff, including Education Support Staff, are expected to complete the DET online "Protecting the Safety of Children and Young People" Mandatory Reporting Professional Learning module annually.

NOTE: The requirements set out in the Department's *School Policy and Advisory Guide* apply at all times.

13. RELEVANT SCHOOL RELATED POLICES AND REFERENCES

- [HVS Child Safety Policy](#)
- Duty of Care Policy
- Digital and Online Learning (Internet) Policy
- Protect Child Safe Standards
<https://www.education.vic.gov.au/about/programs/health/protect/Pages/default.aspx>

14. POLICY EVALUATION AND REVIEW

This policy will be reviewed annually, and following significant incidents as they occur, to monitor and evaluate the school's compliance with this procedure, and to make any necessary changes as a result of the review outcome or new legislative requirements.



**This policy was ratified by School Council in November, 2018.
Date for next review: 2020**