



CHILD SAFETY RESPONDING AND REPORTING POLICY AND PROCEDURES

Child Safe Standard 5

PURPOSE

The purpose of this policy is to ensure that all staff and members of our school community understand the various legal and other reporting obligations related to child safety that apply to Altona Primary School. The specific procedures that are applicable at our school are contained at Appendix A.

This policy is to ensure school-based teaching and non-teaching employees, and the engagement of volunteers', visitors and contractors, proceeds in accordance with Department of Education and Early Childhood Developments Policy.

SCOPE

This policy applies to **all positions at the school including:**

- ❖ Teachers including CRT
- ❖ Non-Teaching Employees – Education Support Staff, SSSO's
- ❖ Volunteers, Visitors, contractors
- ❖ Student Teachers

DEFINITIONS

Mandated staff members: A broad range of professional groups are identified in the *Children Youth and Families Act 2005* (CYFA) as mandatory reporters. Teachers have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom they have contact, and to report instances that they believe involve physical injury, sexual abuse or neglect. All children at Altona Primary School have a right to feel safe and to be safe.

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.



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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.

POLICY IMPLEMENTATION

All children and young people have the right to protection in their best interests.

Altona Primary School understands the important role our school plays in protecting children from abuse including:

- Physical abuse
- Sexual abuse (including sexual exploitation)
- Family violence
- Emotional abuse
- Neglect (including medical neglect)
- Grooming

The staff at Altona Primary School are required by law to comply with various child safety reporting obligations. For detailed information about each obligation, please refer to [Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

At Altona Primary School we also recognise the diversity of the children and young people at our school and take account of their individual needs and backgrounds when considering child safety.

Mandatory Reporting

Principals, registered teachers, registered medical practitioners, registered psychologists, school counsellors, nurses and all members of the police force are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic).

All mandatory reporters must make a report to the Department of Health and Human Services (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.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Altona Primary School to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the principal does not share their belief that a report is necessary.



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At our school, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually. We also encourage all other staff to undertake this module, even where they are not mandatory reporters. Staff who are not mandatory reporters are required to undertake school based professional learning.

For more information about Mandatory Reporting see the Department's *School Policy and Advisory Guide: [Child Protection – Reporting Obligations](#)*.

Child in need of protection

Any person can make a report to DHHS Child Protection (131 278 – 24 hour service) if they believe on reasonable grounds that a child is in need of protection.

The policy of the Department of Education and Training (DET) requires **all staff** who form a reasonable belief that a child is in need of protection to report their concerns to DHHS or Victoria Police, and discuss their concerns with the school leadership team.

For more information about making a report to DHHS Child Protection, see the Department's *School Policy and Advisory Guide: [Child Protection – Making a Report and Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#)*.

At Altona Primary School we also encourage all staff to make a referral to Child FIRST when they have significant concern for a child's wellbeing with support from a member of the Leadership Team. For more information about making a referral to Child FIRST see the School Policy and Advisory Guide: [Child Protection – Reporting Obligations](#).

Failure to disclose offence

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 by another person aged 18 years or over.

Failure to disclose information to Victoria Police (by calling 000 or local police station) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"Reasonable belief" is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse lead to a belief that the child has been sexually abused.

"Reasonable excuse" is defined by law and includes:



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- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
 - where the information has already been disclosed, for example, through a mandatory report to DHHS Child Protection.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide: [Failure to disclose offence](#)*.

Failure to protect offence

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (ie persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide: [Failure to protect offence](#)*.

Reportable Conduct

Our school **must** notify the Department's Employee Conduct Branch (9637 2594) if we become aware of an allegation of 'reportable conduct'.

There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been:

- a sexual offence (even prior to criminal proceedings commencing), sexual misconduct or physical violence committed against, with or in the presence of a child;
- behaviour causing significant emotional or physical harm to a child;
- significant neglect of a child; or
- misconduct involving any of the above.

The Department, through the Employee Conduct Branch, has a legal obligation to inform the Commission for Children and Young People when an allegation of reportable conduct is made.

The principal must notify the Department's Employee Conduct Branch of any reportable conduct allegations involving current or former teachers, contractors, volunteers (including parents), allied health staff and school council employees.

If school staff become aware of reportable conduct by any person in the above positions, they should notify the school principal immediately. If the allegation relates to the principal, they should notify the Regional Director.

For more information about Reportable Conduct see the Department's *School Policy and Advisory Guide: [Reportable Conduct Scheme](#)*.



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The role of school staff

- a. School staff have 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.

Note: The role of investigating an allegation of child abuse rests solely with Child Protection and/or Victoria Police.

- b. 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

- a. 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.
- b. When a child or young person has moved to another school, professional judgment 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

- a. 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.
- b. 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

- a. 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.
- b. 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.
- c. This may occur verbally or in writing using the relevant Child Protection proforma.
- d. 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.



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Advising parents, carers or guardians

- a. 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.
- b. 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 the staff handbook. Updates will take place annually.

- a. The [Protecting Children – Mandatory Reporting and Other Obligations eLearning module](#) (the module) is an essential professional learning resource that assists schools to protect the safety and wellbeing of children and young people.
- b. The module provides detailed information for identifying and responding to child abuse and includes case studies and practical scenarios to assist staff fulfil their reporting obligations.

Requirements - school staff

- a. Staff in schools who are:
 - mandated reporters must undertake the training once per calendar year
 - not mandated reporters are strongly encouraged to undertake the training once per calendar year.

At Altona Primary School, an annual professional learning session will be held on protecting the safety and wellbeing of children (mandatory reporting protocol). The online module must be completed by all staff (including both teaching and support staff). New staff will be briefed about their mandatory reporting responsibilities and procedures as part of the induction procedure.

Note: The module takes approximately 30 to 45 minutes to complete. Participants receive a certificate of completion upon successful completion of a short assessment. A 12-month alert is also provided to remind participants to complete the module the following year.

If necessary, the Principal will contact the Wellbeing, Health and Engagement Division to obtain a list of staff who have completed the module, by email to: student.engagement@edumail.vic.gov.au

Warning Signs / concerns:

If you have noted warning signs and have concerns, you need to:

1. Document – observation, date, sign
2. Be aware of agency / support already involved



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3. Make a professional judgement
4. Seek support / advice from Principal / Assistant Principal
5. Maybe talk with child and / or family

Making a decision regarding action may not be based on a one-off event. Keep documenting.

- a. **Your role is NOT to investigate or collect detailed evidence to indict an offender, but to support the child.**
- b. With your information and documentation refer to the Principal or Assistant Principal and they will discuss the reasonable grounds relating to serious risk and determine what action, if any, is necessary at that time.
- c. If a belief is formed, on reasonable grounds, the school is mandated to report their concerns to the DHS if it involves physical or sexual abuse.
- d. The Principal / Assistant Principal will be the contact with DHS Child Protection Services if a report is to be made.

Disclosures

- a. Any disclosure is to be documented and reported to the Principal / Assistant Principal as soon as possible.
- b. If a student discloses:
 - Stay calm and listen
 - Don't ask leading questions like, "Why?", but gently ask questions like "What happened next?"
 - Reassure them they haven't done anything wrong
 - Let them know they're believed
 - Gather only essential facts
 - Don't tell them you will keep it a secret or that it will all be okay now
 - Tell them what will happen next
 - Make notes objectively as possible. Date and sign
 - Report the disclosure to the Principal / Assistant Principal as soon as possible

Remember, it is not your role to investigate or collect detailed evidence to indict an offender, but to support the child. The person informing the Principal / Assistant Principal should ensure the report was made.

If contact was made with Child Protection (at DHHS)

- a. Certain information will be required by the CPS intake worker.
- b. Often the school's role is complete at this point. In some cases the report will be taken further and the school and possibly police will be involved.
- c. The school will have a support / monitoring role for the student in these cases. Sometimes support for the family is also necessary.
- d. The Principal / Assistant Principal will support the notifier and vice versa.

Forming a belief on reasonable grounds

1. 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.
2. There may be reasonable grounds for forming such a belief if:
 - a. a child or young person states that they have been physically or sexually abused



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- b. 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)
- c. someone who knows the child or young person states that the child or young person has been physically or sexually abused
- d. a child shows signs of being physically or sexually abused.
- e. 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
- f. the staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- g. 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

1. 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.
2. 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.

Protecting the identity of the reporter

1. 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.
2. The identity of a reporter must remain confidential unless:
 - a. the reporter chooses to inform the child, young person or family of the report
 - b. the reporter consents in writing to their identity being disclosed
 - c. 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
 - d. a court or tribunal decides that, in the interests of justice, the reporter is required to attend court to provide evidence.
3. 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.
4. 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.



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Professional protection for reporters

1. If a report is made in good faith:
 - a. it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter
 - b. the reporter cannot be held legally liable in respect of the report.
2. 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

1. 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.
2. 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:
 - a. the harm or risk of harm has a serious impact on the child's immediate safety, stability or development;
 - b. 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;
 - c. the child's parents cannot or will not protect the child or young person from harm.
3. 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.
4. Staff members may form a professional judgement or belief, in the course of undertaking their professional duties based on:
 - a. warning signs or indicators of harm that have been observed or inferred from information about the child
 - b. legal requirements, such as mandatory reporting
 - c. knowledge of child and adolescent development
 - d. consultation with colleagues and other professionals
 - e. professional obligations and duty-of-care responsibilities
 - f. established protocols
 - g. internal policies and procedures in an individual licensed children's service or school.
5. 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.
6. 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.



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7. 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.
8. School policy and procedures stipulate how teaching staff fulfill their duty of care towards children and young people in their school.
9. 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.
10. 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.

Grooming

Grooming is a criminal offence under the *Crimes Act 1958* (Vic). This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in sexual activity at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer.

For more information about this offence and reporting obligations see: [Child Exploitation and Grooming](#).

FURTHER INFORMATION AND RESOURCES

Related School Policies

- Duty of Care Policy
- Visitors Policy
- Volunteers Policy
- Child Safe Policy
- Behaviour Management Policy
- Engagement and Wellbeing Policy
- Bullying Prevention Policy

Related DET Resources

- [Working with Children Policy](#)
- CHILD PROTECTION SERVICES, Dept. Human Services, Barwon South West office, Geelong, Vic, Ph: 5226 4540
- Resource folder: "Safe From Harm" A Professional Development Kit (Human Services, 2001)



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- Booklet: "Responding to Child Abuse" (Dept. Human Services, 2003)
 - PROTECT
 - o [Protecting the safety and wellbeing of children and young people](#)
 - o [Protecting Children - Mandatory Reporting and Other Obligations](#) - elearning module log-in

Other Resources

- Daniel Morcombe Child Safety Curriculum:
- Government schools, see: FUSE (Edumail password is required before searching [Daniel Morcombe Child Safety Curriculum](#))
- Parents, see: [Daniel Morcombe Child Safety Curriculum Parent Guides](#) - Queensland Department of Education, Training and Employment.

Department of Health and Human Services:

- [Child Protection](#)
- [Child FIRST](#)
- [Victoria Police Sexual Offences and Child Abuse Investigation Teams \(SOCIT\)](#)

References:

- <http://www.education.vic.gov.au/school/principals/health/Pages/childprotection.aspx>
- <http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/protecting-children-together>
- <http://www.dhs.vic.gov.au/for-service-providers/children%2c-youth-and-families/child-protection/specialist-practice-resources-for-child-protection-workers/child-development-and-trauma-specialist-practice-resource>

EVALUATION

This policy will be reviewed as part of the school's review cycle, annually as part of School Council responsibilities, and/or in response to any reportable incident, following analysis of school data on reported incidents, and/or if circumstances and regulations change.