

Mount Waverley Primary School
**MANDATORY REPORTING/
CHILD PROTECTION POLICY**



'Achieving Excellence Together'

A Child Safe School

2019

Principal: Greg Paine

School Council President: Michael Seelig



MOUNT WAVERLEY PRIMARY SCHOOL

MANDATORY REPORTING / CHILD PROTECTION POLICY

RATIONALE

All children have a right to feel safe and to be safe. 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 are believed to involve physical abuse, sexual abuse, emotional abuse and/or neglect. We comply with DET mandatory reporting guidelines and requirements as set out in the *Children, Youth and Families Act (2005)*.

PURPOSE

The purpose of this policy is to ensure that children's rights to be safe and feel safe are maintained and each child is protected against physical, sexual and emotional abuse, and neglect.

POLICY GUIDELINES

Mandatory Reporters

Under Section 182 of the Children Youth and Families Act (CYFA) 2005 all members of the Teaching Service who have been granted permission to teach by the Victorian Institute of Teaching are mandated by law to report signs of physical, emotional and / or sexual abuse, and neglect. This means that in the course of undertaking their professional duties, staff must report to the Department of Health and Human Services (DHHS) Child Protection, a belief on reasonable grounds, that a student 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.

Non-mandated Staff Members

Any person, who believes on reasonable grounds that a child is in need of protection, may report their concerns to Child Protection. This means any person, including non-mandated school staff, is able to make a report to Child Protection or Victoria Police when they believe 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.

Duty of Care

School staff have a duty of care to take reasonable steps to protect the safety, health and wellbeing of students in their care. If a staff member has concerns about the safety, health and wellbeing of students in their care it is important to take immediate action.

In the case of a student who may be in need of protection or therapeutic treatment, or where there are significant concerns about the well-being of a student, school staff can discharge this duty of care by taking action which includes the following:

1. reporting their concerns to Child Protection, Victoria Police or another appropriate agency
2. notifying the Principal or a member of the school leadership team of their concerns and the reasons for those concerns.

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

Failure to Protect and Failure to Report

A failure by mandated professionals and staff members to report a reasonable belief that a student or young person is in need of protection from significant harm as a result of physical, emotional or sexual abuse or neglect may result in the person being prosecuted and a court imposing a fine under the CYFA.

<http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>.

Forming a Belief

A person may form a belief on reasonable grounds that a student is in need of protection after becoming aware that a student 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 student 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 a child or young person states that the child has been physically or sexually abused
- a student or young person shows signs of being physically or sexually abused
- observations of the student's behaviour or development leads a professional to form a belief that the student has been physically or sexually abused or is likely to be abused including; non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- the staff member is aware of family violence or parental substance misuse, psychiatric illness or impairment that is impacting on the student or young person's safety, wellbeing or development observes.

Types of Child Abuse and Indicators of Harm

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger a child is, the more vulnerable they are and the more serious the consequences are likely to be.

Types of child abuse include:

1. physical
2. emotional
3. neglect
4. medical neglect
5. sexual abuse
6. family violence
7. female Genital Mutilation
8. human trafficking (including forced marriage)
9. sexual exploitation (including pornography and prostitution)
10. risk-taking behaviour.

A report should be made to DHHS Child Protection in circumstances where, for example:

1. the child is engaging in risk-taking behaviour
2. female genital mutilation has occurred, or there is a risk of it occurring
3. there is a risk to an unborn child
4. a child or young person is exhibiting sexually-abusive behaviours
5. there are indications that a child is being groomed.

For information see: [Department of Justice and Regulation – Grooming offence](#).

Child Protection Interviews

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

The Role of School Staff

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

The role and responsibilities of staff supporting students and young people who are involved with Child Protection may include acting as a support person for students, attending Child Protection case plan meetings and monitoring students' behaviour, and liaising with professionals.

N.B. The role of investigating an allegation of child abuse or neglect rests solely with Child Protection and / or Victoria Police.

Confidentiality

Staff must respect confidentiality when dealing with a case of suspected child abuse and neglect, and may discuss details and the identity of the child or young person and their family only with those involved in managing the case.

When a student or young person has transferred to another school, professional judgement should be exercised as to what information needs to be passed on. This will be guided by department policy and procedures for passing on information about a student's general wellbeing or special needs, and the role of the school in ongoing care plans.

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 they have done so.

Ensuring a Child Protection Interview Takes Place

The school does not have the power to prevent parents, carers or guardians from removing their child / children from the school and should not attempt to prevent the parent, carer or guardian from collecting their child. If a parent, carer or guardian removes a child before a planned interview has taken place, the Principal and /or nominee should contact Child Protection or Victoria Police immediately.

Staff Training

Staff will be informed of the Child Safe and Mandatory Reporting requirements as part of their initial induction to the school. Staff will be reminded of their Child safe and Mandatory Reporting requirements annually. The Department provide staff with an online learning module to assist in the education of requirements around mandatory reporting. Staff receive training indicators of abuse, risk taking behaviours, grooming and responding to disclosures. Staff are required to complete the online training modules and staff professional learning updates each year and can be accessed at:

<http://elearn.com.au/det/protectingchildren/>

Staff Wellbeing and Support

As well as staff being supported by school leadership and colleagues, DET staff are able to access professional, confidential and free counselling through the Employee Assistance Program (EAP) by phoning 1300 361 008 24 hours a day, 7 days a week.

Legislation Relating this policy

1. Children, Youth and Families Act 2005

2. Crimes Act 1958
3. Education and Training Reform Act 2006
4. Victorian Institute of Teaching Act 2001

POLICY IMPLEMENTATION

1. All members of the teaching service are mandated by law to report signs of physical and / or sexual abuse and neglect
2. It is NOT the teacher's responsibility to investigate the possible abuse but simply to report it after the formation of 'reasonable belief'
3. Teachers will be reminded of mandatory responsibilities annually
4. New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure
5. A disclosure from a student of the 'desire to harm themselves', must be reported to the Principal or Assistant Principal. They will immediately inform the DET School Psychologist or Guidance Officer
6. All concerns must be reported immediately to the Principal or in his/her absence, the Assistant Principal or nominee
7. If one staff member has a different view from another staff member about making a report, there is an obligation for the concerned staff member who believes the child is at risk, to proceed and make a report to Child Protection
8. If a belief has been formed by a teacher that sexual, physical abuse or neglect has taken place the Principal/Assistant Principal will record the details of the concern on the Incident Report form
9. The Principal /Assistant Principal will contact the Department of Health and Human Services by telephone as soon as possible to make an official notification on: **9843 6000 or after hours crisis line 131 278**
10. All reports, discussions and information are to be recorded and remain strictly confidential
11. Members of the Department of Health and Human Services, Child Protection or associated support or intervention services may visit the school following a notification, may interview teachers and students only in the presence of a Principal Class Officer or his/her nominee
12. All incidents or suspected incidents are to be monitored by staff and any subsequent signs or indications of abuse are to be reported to the Principal or Assistant Principal and/or his/her nominee.

Making a Report

There are two types of reports to be made in relation to significant concerns for the safety and wellbeing of a child or young person – a report to Child Protection or a referral to Child FIRST.

Staff are required to discuss their concerns about the safety and wellbeing of students with the Principal, Assistant Principal or member of the school leadership team. Teachers and/or Principal class employees are to make a report or referral by contacting DHHS - Child Protection or Child FIRST as soon as possible.

How to Make a Report

1. Make a report to the relevant agency:
 - In case of an emergency, or to report a concern that is life threatening or if a student is in immediate danger contact **000**
 - Vic Police Sexual Offences Child Abuse Unit **9347 6666** or the local police station
 - To report concerns about the immediate safety of a child within their family unit to DHHS Child Protection **9843 6000** or call the Child Protection Crisis

Line on **13 12 78** (24 hours, 7 days a week)

- To make a referral re student wellbeing contact Child FIRST 1300 762 125.
2. 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 staff member's obligation to do so if they have formed a reasonable belief that abuse may have occurred or there is a risk of harm.

The individual staff member should then make their own assessment about whether they should make a report about the student or young person and to whom the report should be made.

3. Gather relevant information necessary in preparation to make the report. This should include the following information:
 - full name, date of birth, parent names, siblings, and residential address of the student or young person
 - the details of the concerns and the reasons for those concerns
 - the individual staff member's involvement with the student and young person
 - details of any other agencies who may be involved with the student or young person, if known.
4. Following the report, take a written record of the report using the Child Safe Incident Report form, which includes the following information:
 - the date and time of the report and a summary of what was reported
 - the name and position of the person who made the report and the person who received the report.
5. Principal and teachers keep comprehensive notes that are stored in the school office confidential files. Notes must be dated and include the following information:
 - Information that has led to concerns about the student's safety (e.g. physical injuries, students behaviour)
 - the source of this information (e.g. observation of behaviour, report from student or another person)
 - the actions taken as a result of the concerns (e.g. consultation with Principal, report to DHHS Child Protection).
6. At the conclusion of a report to Police or Child Protection notify relevant school staff and/or Department staff. For Victorian government schools, the allegations must be reported to the:
 - Principal or member of the school leadership team
 - Department's Incident Support - Iris Alert by ISOC 1800 126 126
 - DET Regional Office 8392 9300.

In the case of international students, the Principal must notify the International Education Division on (03) 9637 2990 to ensure that appropriate support is arranged for the student.

In the case of Koorie students, the Principal must notify the Regional Office to ensure

the regional Koorie support officer can arrange appropriate support for the student.

Resources

- A step-by-step guide to making a report to Child Protection or Child First
<http://www.education.vic.gov.au/Documents/school/principals/pag/safety/ma kingareportchild.pdf>
- Protecting the safety and wellbeing of children and young people
<http://www.education.vic.gov.au/school/principals/pag/safety/protectionofchil dren.pdf>
- Protecting children-Mandatory Reporting and Other Options
<http://www.elearn.com.audet/mandatoryreporting>

Other resources

- Department of Health and Human Services:
 - [Child Protection](#)
 - [Child FIRST](#)
- [Victoria Police Sexual Offences and Child Abuse Investigation Teams \(SOCIT\)](#)
- Department of Justice and Regulation:
 - [Failure to disclose offence](#)
 - [Failure to protect offence](#)
 - [Grooming offence](#)

REVIEW AND EVALUATION

This Policy will be reviewed by the Leadership Team on a cyclical basis in accordance with the School Council Policy review schedule or as required.

Policy Area: Student Wellbeing	Ratified by School Council: 2019	Next Review: 2021
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