



*\*This policy was developed and is adopted by consensus of the School Council and Leadership at Preshil-  
The Margaret Lyttle Memorial School November 2017*

## **CHILD PROTECTION AND MANDATORY REPORTING POLICY**

Preshil – The Margaret Lyttle Memorial School, as its absolute priority embraces its duty of care to support and protect every child in the school. This includes enabling students to learn and interact socially, safely and free from abuse within and outside the school. Preshil is working towards the Safeguarding Children Program accreditation.

The Preshil School Council is the governing body of the school. The Preshil School Council is in agreement with and authorizes this Child Protection and Mandatory Reporting policy. The Preshil School Council ensures that this Child Protection and Mandatory Reporting policy is sensitive to the needs and diversity of all students, staff and community.

Child abuse is defined by the *Children, Youth and Families Act 2005 (Vic.)* as “an act by parents or caregivers that endangers a child or young person’s physical or emotional health or development. Abuse includes physical abuse, sexual abuse, emotional abuse or neglect. Child abuse can be a single incident, but usually, the abuse takes place over time”. The Act applies to all children until they are 18 years of age.

Under sections 28 and 31 of the *Children, Youth and Families Act 2005 (Vic.)*, any person may make a report to the Department of Human Services or to family services such as Child FIRST and Child Protection. However, section 182 of the Act lists those professionals who are obliged to notify protective services if they form a belief, based on reasonable grounds, that a child has suffered, or is likely to suffer significant harm as a result of physical injury or sexual abuse, or if the child’s parents or guardians have not protected or are unlikely to protect the child from harm of that type.

Preshil is required to assist the relevant state authorities – Victorian Police Service and Child Protection Services – in accordance with the Act.

### **Purpose**

This Child Protection and Mandatory Reporting Policy addresses the prevention of inappropriate behaviour, harm and sexual abuse to students, the obligations of the school and its employees, and appropriate responses when allegations are made.

### **Scope**

The Child Protection and Mandatory Reporting Policy applies to all matters concerning the protection, care and safety of students and all employees (paid or unpaid, full time, part time, casual, volunteers) and other persons (such as parents/carers, contractors and consultants) associated with the School.

### **Statement of Commitment**

Preshil is committed to:

promoting and striving to provide a safe, supportive and ethical environment for the wellbeing and holistic development of students; and

providing a safe secure nurturing environment in which all its students may grow and learn.

### **Mandatory Reporting**

Reporting of information about or an allegation of abuse is mandatory for all Preshil employees (paid or unpaid, full time, part time, casual, volunteers) and others (such as parents/carers, contractors and consultants associated with the School) who fall within the scope of this Child Protection-Mandatory Reporting Policy.

This Child Protection-Mandatory Reporting Policy will be applied to all behaviours that jeopardise the Schools' commitment to promoting and striving to provide a safe, supportive and ethical environment for students.

Any behaviour, which exploits the special position of trust and authority between the employee and student including, but not limited to a teacher/student, instrumental teacher/musician or worker/student is a professional obligation.

Preshil is obligated to comply with the requirements of the Child, Youth and Families Act 2005 in responding to issues of actual or suspected harm, which occur beyond schools.

- The Act provides the legislative base for officers of the Victoria Police Service and Child Protection Services to exercise legal responsibility to protect students from harm when their parents are unable or unwilling to do so.
- The Child, Youth and Families Act 2005 allows departmental officers and police officers to interview a student at school and before the student's parents are told about the investigation.
- The Regulation requires the Principal to inform relevant state authorities about actual or suspected harm if he or she is aware, or reasonably suspects that harm has been caused.
- While the above-named legislation refers specifically to students aged less than eighteen years, it is understood that Preshil is committed to the well-being of all students.

Preshil's Principal and registered teachers are classified in Section 182 of the Act as 'mandated notifiers' who are legally required to notify child protective services if they form a belief, based on reasonable grounds, that:

1. a student has suffered, or is likely to suffer significant harm as a result of physical injury or sexual abuse or
2. a student's parents or guardians have not protected or are unlikely to protect the student from harm of that type.

Employees are responsible for:

- Complying with this Policy;
- Reporting instances of harm to the Principal, Head/s of Campus, or Student Wellbeing Coordinator to make a report to Victoria Police 000, Child Protection or Child First;
- Providing the Principal with written reports regarding sexual abuse or suspected sexual abuse;
- and respecting confidentiality
- ensuring that a report has been made in instances where another reporter has undertaken to make the report

A report to Victoria Police 000, Child Protection or Child First must be made on each occasion when a belief that a student is at significant risk of harm has been formed.

A mandated reporter must take prompt action when making a report to Victoria Police 000, Child Protection or Child First.

If a child or young person is at **imminent risk** of harm or in **immediate danger**, our personnel are required to report the situation directly to **Victoria Police 000**

#### **Failure to disclose offence**

"Reporting child sexual abuse is a community-wide responsibility. Accordingly, a new criminal offence has been created in Victoria that imposes a clear legal duty upon all adults to report information about child sexual abuse to police. The offence commenced on 27 October 2014. Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence." (Victoria State Government, Justice and Regulation, July 2017).

If a staff member suspects on reasonable grounds that a child is at risk or in need of protection, they are to report their concerns to the Victoria Police 000, Child Protection or Child First, and also the Principal or Head of Campus immediately.

### **Mandatory Reporting Procedures**

The mandatory reporter(s) will be instructed to follow the guidelines including:

- Completing the “Child Abuse Incident Report Form”
- Document date(s), time(s), nature of incident, details of incident, actions taken including making a report to Victoria Police 000, Child Protection or Child First;
- Record the exact words that the student used to disclose the harm and the questions asked of them - the record should be signed and dated (include time);
- Listening and reassuring the student that s/he has taken the correct step in bringing the matter forward;
- Reassuring the victim that procedures will be followed and that the matter must not be kept secret;
- Explaining that, in order to obtain appropriate assistance, somebody who understands these matters will be advised; and
- Inform the student what will happen when the report is made – that someone may come to the school to talk to them; a support person can be with them; the people who can help will decide what is best to do;
- Consult directly with the Principal, Head of Campus Senior School (Blackhall/Kalimna) or Head of Campus Junior School (Arlington) or Wellbeing Co-ordinator (Arlington/Blackhall/Kalimna), and provide the documentation described above; and
- Document and consult directly with the persons listed above for each and every incident for a child they have concerns about.
- Ensuring that a report has been made in instances where another reporter has undertaken to make the report.

### **Responsibilities when responding**

The Principal is responsible for:

- Monitoring overall school compliance with these procedures
- Measures (induction and ongoing training programs) to inform employees of their responsibilities under the Act and this Child Protection-Mandatory Reporting Policy;
- Checking that the “Child Abuse Incident Report Form” has been completed, including: date(s), time(s), nature of incident, details of incident, actions taken including making a report to Victoria Police 000, Child First;
- Meet with the mandatory reporter and confirm that a report has been made to Victoria Police 000, Child Protection or Child First.
- Coordinate information from the reporter and reference any additional student files and information from the HOC, Wellbeing Co-ordinator, Year Level Coordinators, etc.
- Staff reporting instances of harm and sexual abuse to Child Protection Services or the Police;
- The Principal will follow the Child Protection-Mandatory Reporting Policy which will include:
- Providing copies of the “Child Abuse Incident Report Form” regarding sexual abuse or suspected sexual abuse to the Police; and securing these written records/reports in a locked cabinet in Principal’s office.
- Providing ongoing pastoral support and protection to the student until the allegation is resolved, or after if needed;
- Act as the School’s liaison person with Child Protection, Victoria Police or any other relevant authorities, assisting Child Protection Services and Police as requested;
- Ensuring that when a student is interviewed at school, he/she is accompanied by someone trusted by the student;
- Offering pastoral support to the parent/s if appropriate
- Ensuring that a report has been made in instances where another reporter has undertaken to make the report

N.B. Staff can independently report instances of harm and sexual abuse to Child Protection Services or the Police and then notify the Principal or Heads of Campus.

### **Students reporting Harm**

Students who verbally report incidents of harm to staff will be directed to the Principal, HOC or SWC. The procedures for Mandatory Reporting including the completion of the "Child Abuse Incident Report Form" will be followed, as listed above.

### **Responding to Verbal Disclosure by Parents/other concerned adults**

If a concerned adult discloses that he/she knows of harm or neglect or lack of protection to a student, the employee must report the information to the Principal. When a parent discloses that he/she has harmed a student, the Principal should immediately offer pastoral assistance and notify the Child Protection Services. The Principal will also advise the parent that the School will manage the situation in accordance with the School's legal obligations.

### **Responding to physical/behavioural signs of harm**

Where an employee is aware or reasonably suspects that harm has been caused to a student, the employee must report the harm to the Child Protection Services, Child First or Victoria Police 000 and notify the Principal. If the information is against the Principal, then the report is made to the director of the school's governing council. The employee must keep a written report of his/her actions.

### **Responding to contact from Child Protection Services/Police**

When a notification of harm is received by Child Protection Services, Child First or the Police, the decision may be made to talk to a student without the knowledge of their parents. If so, a departmental or police officer will contact the Principal and arrange a time to have contact with and talk to the student. The officer will explain the nature of the investigation, why it is necessary to talk to the student without the parents' knowledge and the legislative authority to do so. The agreed time will take into consideration the convenience of the school and the urgency of the investigation. The Principal is obliged to work with the relevant state authorities as requested.

### **Responding to contact from Child Protection Services/Police**

- During the Interview

Departmental officers, officers of the Police Service, or a combination of the two will come to the school to speak with the student. These officers will be specially trained in interviewing students and will be experienced in communicating with them and putting them at ease.

It is recommended that an employee from the school sit in while the officers are talking to the student, both to serve as a support for the student and observe the interview process. It is desirable that this be someone the student chooses, knows and trusts. This may result in that person being involved in a court matter at a later date as a witness, and his/her role should be discussed before the interview begins.

- After the Interview

After the officers have finished speaking with the student, the Principal will be told about the general outcome, what steps will now be taken if the student needs protection and the plan for advising their parents that the interview has taken place. The authorised departmental officer may decide to take the student into protective custody.

The departmental officer or police officer will inform the student's parents in person that they have spoken to their child and the reasons for this, i.e. investigating allegations of harm to their child. The school should not contact the parents in this regard.

If parents ask questions of the school after the interview, the school may indicate that an interview had taken place, but should refer the parents to either Child Protection Services or the Police Service.

### **Own investigations strictly prohibited**

Mandatory reporters must follow the above protocol strictly. Under no circumstances should the mandatory reporter 'investigate' an allegation of child abuse. This is the role of Child Protection and/or Victoria Police.

### **Confidentiality**

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

### **Consequences of a Breach of this Policy**

If you are a mandated reporter, failure to notify your belief, when you have reasonable grounds, is an offence under the Children, Youth and Families Act 2005 (Vic.) and can lead to criminal prosecution.

Although only mandated reporters have a legal responsibility to report physical and sexual abuse, everyone has a moral responsibility to report all types of known or possible child abuse.

### **Training**

All teaching and non-teaching staff, including Leadership and School Council at Preshil have:

- Completed the "Mandatory Reporting" and "Safeguarding Children Program" online training
- Signed the Preshil School Safeguarding Children and Young People Commitment Statement.

All employees of Preshil and all of the Preshil School Council will be offered training in this Policy and other associated protective policies on a regular basis.

The training required includes:

- Safeguarding Children in School Program (every two years)
  - Preshil School Policies: (annually, or as new laws are introduced)
  - Preshil Safeguarding Practice and Behaviour Guidelines
  - Preshil Safeguarding Children and Young People Commitment (signed agreement)
  - Preshil Safeguarding Responding to Child Abuse Reports Policy
  - Preshil Critical Incident Response Management Plan
  - *Step by Step Guide to Making a Report to Child Protection or Child FIRST* (Flowchart\_Mandatory\_Reporting\_Sep\_2010.pdf).

As a means of protecting children and young people and protecting employees, the following key practices are to be highlighted in training programs:

- Excursion Risk Assessments are to be completed for all internal and external activities, camps, etc.
- Parent permission forms are obtained for activities that may place students' safety at risk;
- Document the health needs of the student - both in the initial enrolment application and as updated yearly;
- The use of accident and incident report forms; and
- Active supervision and mentoring of employees.

### **The Principal must:**

- Officially receive the information and note details as provided. The complaint must be recorded in the actual words used by the person making the allegation;
- Conduct an initial enquiry to establish reasonable suspicion that harm has occurred.
- Notify the Police in the case of a potential criminal offence and Child Protection Services for other harm;

- Immediately provide the police officer with a copy of the written report regarding sexual abuse or suspected abuse or likely abuse of a student under 18 years by any person;
- Protect the identity of the person providing the information unless that person consents otherwise;
- Maintain strict confidentiality except when required by law;
- Where a parent/caregiver/adult makes a complaint on a student's behalf, the Principal must only enquire to the extent necessary to establish a reasonable suspicion that the abuse occurred;
- If the allegation is one which does not need to be reported to the police or Child Protection Services, inform the alleged perpetrator of the complaint against him or her and listen to any explanation offered and advise them that:
  - i. there is a presumption of innocence until another conclusion can be made based on all available information;
  - ii. appropriate confidentiality will be maintained; and
  - iii. pastoral support is available.
- Apply the Preshil Complaints and Grievance Management Policy for Dealing with Complaints including criteria for the standing aside of the alleged perpetrator;
- Where the complaint is made by the victim personally, the receiver of the information needs to respond pastorally by:
  - i. Listening and reassuring the person that s/he has taken the correct step in bringing the matter forward;
  - ii. Reassuring the victim that procedures will be followed and that the matter must not be kept secret;
  - iii. Explaining that, in order to obtain appropriate assistance, somebody who understands these matters will be advised; and
  - iv. Thereafter arranging for continuing pastoral assistance/counselling.
- Prepare a media response as appropriate.

### **Conclusion**

Preshil is committed to promoting and striving to provide a safe, supportive and ethical environment for the wellbeing and holistic development of students. This Child Protection-Mandatory Reporting Policy seeks to assist Preshil as the staff work to make this commitment a reality.

### **Definitions:**

“School staff means:

- a) in a Government school, an individual working in a school environment who is:
  - i. employed under Part 2.4 of the ETR Act in the government teaching service; or
  - ii. employed under a contract of service by the council of the school under Part 2.3 of the ETR Act; or
  - iii. a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary).
- b) in a non-Government school, an individual working in a school environment who is:
  - i. directly engaged or employed by a school governing authority;
  - ii. a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary); or
  - iii. a minister of religion”. (Merlino, J, 2015, p5)

“Child abuse includes-:

- a) any act committed against a child involving
  - i. a sexual offence; or
  - ii. an offence under section 498(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”. (Merlino, J, 2015, p5)

**Related Legislation**

*Children, Youth and Families Act 2005, Crimes Act 1958, Education and Training Reform Act 2006, Victorian Institute of Teaching Act 2001*

**Resources**

<https://www.is.vic.edu.au/managing-a-school/compliance-framework/students/child-protection-mandatory-reporting/>

<http://www.education.vic.gov.au/childhood/providers/regulation/Pages/protectionprotocol.aspx>