



# CHILD SAFETY RESPONDING AND REPORTING OBLIGATIONS POLICY AND PROCEDURES

## PURPOSE

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 have a right to feel safe and to be safe.

### Aims:

This policy aims 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 Fitzroy Primary School. The specific procedures that are applicable to the school are contained in Appendix A.

## SCOPE

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

- ❖ Teachers (including CRT)
- ❖ Non-Teaching Employees – Education Support Staff, Student Support Services Officer's
- ❖ Volunteers, Visitors, contractors
- ❖ Student Teachers
- ❖ Outside School Hours Care (OSHC).

The following individuals are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic):

- Victorian Institute of Teaching (VIT) registered teachers, including principals
- School staff who have been granted permission to teach by the VIT
- registered medical practitioners and nurses
- registered psychologists
- all members of the police force
- People in religious ministry
- Staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare coordinators, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff

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 Fitzroy 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

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mandatory report even if the principal does not share their belief that a report is necessary.

At our school, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually

**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.

## **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. Fitzroy 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 Fitzroy 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 Fitzroy Primary School we also recognise the diversity of the children and young people



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at our school and take account of their individual needs and backgrounds when considering child safety.

## **Mandatory Reporting**

Principals, registered teachers, registered medical practitioners, 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 Fitzroy 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. At our school, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually.

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

## **Reportable Conduct**

The school must notify the Department's Employee Conduct Branch (9637 2594) if there is an allegation of 'reportable conduct'. There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been:

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- 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, the Regional Director must be notified.

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

## **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 leads to a belief that the child has been sexually abused. "Reasonable excuse" is defined by law and includes:
- 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



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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](#).

## **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](#)

## **POLICY IMPLEMENTATION:**

### **The role of school staff**

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.**

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



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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 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**

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



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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. Updates will take place annually as part of the staff meeting rotations.

Fitzroy Primary School staff:

- Are mandated to report physical and / or sexual abuse.
- Have a duty of care to identify and take action as appropriate concerning emotional abuse or neglect.

### **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
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.

**Your role is NOT to investigate or collect detailed evidence to indict an offender, but to support the child.**

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.

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.

The Principal / Assistant Principal will be the contact with DHS Child Protection Services if a report is to be made.

### **Disclosures**

Any disclosure is to be documented and reported to the Principal / Assistant Principal as soon as possible. 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





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- 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 DHS)**

Certain information will be required by the CPS intake worker. 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. The school will have a support / monitoring role for the student in these cases. Sometimes support for the family is also necessary. The Principal / Assistant Principal will support the notifier and vice versa.

## **FURTHER INFORMATION AND RESOURCES**

### **Related School Policies**

- Duty of Care Policy
- Visitors Policy
- Volunteers Policy
- Child Safety Policy
- Engagement and Wellbeing Policy
- Bullying Prevention Policy

### **Related DET Resources**

For more information about these offences and reporting obligations see: [Protecting Children — Reporting and Other Legal Obligations](#).

- [Child Safe Standards Action List](#)
- [PROTECT website](#)
- [Four Critical Actions for Schools](#)
- [Ministerial Order 870](#)

## **EVALUATION**

This policy will be reviewed as part of the school's review cycle, OR if DET regulations change. Following every reportable incident, a review shall be conducted to assess whether Fitzroy Primary School's child protection policies or procedures require modification to better protect the children under their care.





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## Appendix A:

### CHILD SAFETY REPORTING PROCEDURES AT FITZROY PRIMARY SCHOOL

#### **For students**

All students should feel safe to speak to any staff member to raise any concerns about their safety or any other concerns that they have.

If a student does not know who to approach at Fitzroy Primary School they should start with their classroom teacher, and/or the Principal or the Assistant Principal

Students should also be aware of the School Wide Positive Behaviours matrix and their associated values linked to respectful relationships

#### **Managing disclosures made by students**

*When managing a disclosure you should:*

- listen to the student and allow them to speak
- stay calm and use a neutral tone with no urgency and where possible use the child's language and vocabulary (you do not want to frighten the child or interrupt the child)
- be gentle, patient and non-judgmental throughout
- highlight to the student it was important for them to tell you about what has happened assure them that they are not to blame for what has occurred
- do not ask leading questions, for example gently ask, "What happened next?" rather than "Why?" be patient and allow the child to talk at their own pace and in their own words
- do not pressure the child into telling you more than they want to, they will be asked a lot of questions by other professionals and it is important not to force them to retell what has occurred multiple times
- reassure the child that you believe them and that disclosing the matter was important for them to do
- use verbal facilitators such as, "I see", restate the child's previous statement, and use non-suggestive words of encouragement, designed to keep the child talking in an open-ended way ("what happened next?")
- tell the child in age appropriate language you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate (for a young child this may be as simple as saying "I will need to talk to people to work out what to do next to help you").

*When managing a disclosure you should AVOID:*

- displaying expressions of panic or shock
- asking questions that are investigative and potentially invasive (this may make the child feel

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- uncomfortable and may cause the child to withdraw)
- going over the information repeatedly (you are only gathering information to help you form a belief on reasonable grounds that you need to make a report to the relevant authority)
- making any comments that would lead the student to believe that what has happened is their fault making promises to the child about what will occur next or that things will be different given the process
- can be unpredictable and different for each child depending on their circumstances (instead reassure them that you and others will do your best to help).

## **General procedures**

Our school will follow the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* (Four Critical Actions) when responding to incidents, disclosures and suspicions of child abuse.

All staff at our school who believe that a child is in need of protection, even if it doesn't meet the threshold required for mandatory reporting or the staff member is not a mandatory reporter, should in the first instance, speak to the Principal or should make the required reports to DHHS Child Protection and/or Victoria Police as necessary.

At our school the Principal will be responsible for monitoring overall school compliance with this procedure.

Nothing in this procedure prevents a staff member or any other person from reporting to the relevant authorities if they form a reasonable belief that a child is at risk of abuse.

## **Reporting suspicions, disclosures or incidents of child abuse**

### *Responsibilities of all school staff*

If a school staff member reasonably suspects or witnesses an incident of child abuse or receives a disclosure of child abuse, they must:

- If a child is at immediate risk of harm, separate alleged victims and others involved, administer first aid and call 000.
- Speak to the principal or a member of the leadership team as soon as possible, who will follow the Four Critical Actions.
- Make detailed notes of the incident or disclosure using the Responding to Suspected Child Abuse: Template] and ensure that those notes are kept and stored securely in the office

**Option 1:** If the staff member is a mandatory reporter and reasonably believes that a student has suffered physical and/or sexual abuse from which the child's parents have not protected the child, they must make a report to DHHS Child Protection.

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**Option 2:** If the staff member is a mandatory reporter and reasonably believes that a student has suffered physical and/or sexual abuse from which the child's parents have not protected the child, they must ensure that a report to DHHS Child Protection or Victoria Police has been made by the Principal or a member of the leadership team. If the report has not been made by another staff member, the mandatory reporter must make the report.

**Option 1:** If the staff member has formed a 'reasonable belief' that a sexual offence has been against a child, they must make a report to Victoria Police.

**Option 2:** If the staff member has formed a 'reasonable belief' that a sexual offence has been committed by an adult against a child, they must ensure that a report to Victoria Police has been made by Principal or a member of the leadership team. If the report has not been made by another staff member, the staff member must make the report.

In circumstances where a member of the leadership team disagrees that a report needs to be made, but the staff member has formed a 'reasonable belief' that the child is in need of protection and/or has been the victim of sexual abuse, the staff member must still contact DHHS Child Protection and/or Victoria Police to make the report.

**Responsibilities of the Principal** to manage and/or report incidents, suspicions or disclosures to Child Protection or Victoria Police

The Principal is responsible for promptly managing the school's response to an incident, suspicion or disclosure of child abuse, and ensuring that the incident, suspicion or disclosure is taken seriously.

The Principal is also responsible for responding appropriately to a child who makes or is affected by an allegation of child abuse.

If the Principal receives a report from a school staff member or member of the school community of a suspicion, disclosure or incident of child abuse, they must:

Follow the Four Critical Actions as soon as possible, including:

- Responding to an emergency
- Reporting to authorities/referring to services
- Contacting parents/carers and
- Providing ongoing support.

Make detailed notes of the incident or disclosure, including actions taken using the Responding to Suspected Child Abuse: Template and ensure that those notes are kept and stored securely in the front office.

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They are also responsible for ensuring that any staff member who reported the incident, disclosure or suspicion to them also makes and keeps notes of the incident.

At Fitzroy Primary School, the Principal will be responsible for ensuring that there is a prompt response to the disclosure and that the child is appropriately supported.

Note: If the principal/other nominated staff member responsible above is unavailable, the Assistant Principal or nominated staff person will take on the role and responsibilities described in this section.

## **Duty of care and ongoing support for students**

Fulfilling the requirements in this procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of abuse.

All staff have a duty of care to take reasonable steps to prevent reasonably foreseeable harm to students. All staff must ensure that the Principal or other appropriate staff member is aware of any incidents, suspicions or disclosures of child abuse as soon as possible after they occur. This will allow appropriate supports to be put in place for the student affected.

## **For school visitors, volunteers and school community members**

All community members aged 18 years or over should be aware of their legal obligations – see *Failure to disclose offence* above, in this Policy.

Any person can make a report to DHHS Child Protection if they believe on reasonable grounds that a child is in need of protection. For contact details see the Four Critical Actions - [Four Critical Actions for Schools](#)