



# Child Protection Policy & Procedures

## 1. **Purpose**

The purpose of this policy is to explain the roles and responsibilities of school staff to protect the safety and wellbeing of children and young people. The full policy with detailed information that all staff in Victorian government schools must follow is found at:

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>

## 2. **Mandatory Reporting**

2.1 A broad range of professional groups are identified in the Children Youth and Families Act 2005 (CYFA) as mandatory reporters. Mandatory reporters who, in the course of practicing their profession, form the belief on reasonable grounds that a child is in need of protection on the basis of a following ground:

- (a) the child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents/guardians have not protected, or are unlikely to protect, the child from harm of that type;
- (b) the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents/guardians have not protected, or are unlikely to protect, the child from harm of that type;

Mandatory reporters must report to the Secretary of the Department of Human Services (by way of making a report to Child Protection or Child FIRST) that belief and the reasonable grounds for it as soon as practicable:

- (a) after forming the belief; and
- (b) after each occasion on which they become aware of any further reasonable grounds.

2.2 Mandatory reporters are defined in section 182 of the CYFA and include:

- 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, eg. school chaplains
- staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, student wellbeing coordinators, mental health practitioners and Student Support Services staff.

2.3 Child is defined in section 3 of the CYFA to include a person under the age of 17 years or, if a protection order, a child protection order or an interim order continues in force in respect of the person, a person who is under 18 years.

2.4 There may be times when two or more staff members who are mandatory reporters, for example a teacher and a principal, have formed, on reasonable grounds, a belief as described in paragraph 1.1 about the same child on the same occasion. In this situation it is sufficient for only one of the staff members to make a report under section 184 of the CYFA. However, 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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2.5 Mandatory reporters must follow the Four Critical Actions (see Appendix 2) to ensure they fulfill all their legal obligations.

### **3. 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 a staff member who is not a mandatory reporter, is able to make a report to Child Protection when they believe that a child is at risk of harm and in need of protection, and the child's parents are unable or unwilling to protect the child.

### **4. Forming a belief on reasonable grounds**

4.1 A person may form a belief on reasonable grounds that a child is in need of protection as described in paragraph 1.1 after becoming aware that a child's health, safety or wellbeing is or may be at risk and the child's parents/guardians are unwilling or unable to protect the child.

Examples where there may be reasonable grounds for forming such a belief may include if:

- a child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows the child states that the child has been physically or sexually abused
- a child shows signs of being physically or sexually abused
- the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child's safety, stability or development
- the staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- a child's actions or behaviour may place them at risk of significant harm and the child's parents/guardians are unwilling or unable to protect the child.

4.2 Child abuse can include physical abuse, sexual abuse, grooming, emotional or psychological harm, neglect or family violence.

It doesn't have to involve physical contact or force. Child abuse can include:

- talking to a child in a sexually explicit way
- grooming a child for future sexual activity
- forcing a child to watch pornography
- being witness to family violence
- failing to provide a child with an adequate standard of nutrition, supervision or medical care to the extent that their development of the child is placed at serious risk, or is significantly impaired.

4.3 Any child can be victim to child abuse, however children who are vulnerable, isolated and/or have a disability are disproportionately abused. Abuse is often committed by someone the child knows well such as a



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family member or someone within the school setting. In fact, child abuse can be committed by any member of the community.

Regardless of who the perpetrator or victim is the trauma of child abuse can have devastating impacts upon a child's wellbeing and development that can last for the rest of their life. This is why it is critical that we respond immediately to any form of suspected abuse within our school communities.

4.4 The most common physical and behavioural indicators of child abuse are outlined below. This is not an exhaustive list. If you feel uncomfortable about a child's physical presentation or behaviour, but have not directly witnessed or been told about abuse, or risk of abuse, you must still act.

Common physical indicators of child abuse:

- bruises, welts, cuts/grazes or burns (especially those on back, bottom, legs, arms and inner thighs or in unusual configurations and may resemble an object)
- internal injuries and bone fractures not consistent with the explanation offered
- any injury to the genital or rectal area (e.g. bruising, bleeding, infection or anything causing pain to go to the toilet)
- wearing clothes unsuitable for weather conditions to hide injuries
- sexually-transmitted diseases and/or frequent urinary tract infections
- appearing consistently dirty and unwashed and/or inappropriately dressed for weather conditions
- being consistently hungry, tired and listless
- having unattended health problems and lack of routine medical care
- internal injuries.

Common behavioural indicators of child abuse:

- disclosure of abuse and/or drawings or writing which depicts violence and abuse
- habitual absences from school without reasonable explanation
- significant and unexplained delays in emotional, mental or physical development
- regressive or unusual changes to behaviour (e.g. sudden decline in academic performance, nervousness, depression, withdrawal, hyperactivity, aggression, bedwetting)
- drug or alcohol misuse, suicide or self-harm, harm to others or animals
- an inconsistent or unlikely explanation for an injury, or inability to remember the cause
- reluctance to go home and/or a wariness or fear of a parent/carer
- unusual fear of physical contact with adults
- persistent and age-inappropriate sexual activity (e.g. excessive masturbation or rubbing genitals against adults, promiscuity)
- poor self-care or personal hygiene
- an unusually close connection with an older person
- possessing expensive gifts or money (e.g. a new mobile phone given to them by a "friend")
- taking on a caretaker role prematurely, trying to protect other family members.



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4.5 The most common behavioural indicators from an adult who is perpetrating abuse are outlined below. This is not an exhaustive list. If you feel uncomfortable in any way about a relationship between an adult and a child (or inappropriate relationships between children such as siblings) you must still act.

Family members:

- attempts by one parent to alienate their child from the other parent
- overprotective or volatile relationships
- reluctance by the child to be alone with one or more of their family members
- a child and a sibling behaving like boyfriend and girlfriend (embarrassment if they are found alone together).

Other adults:

- touching a child inappropriately
- bringing up sexual material or personal disclosures into conversations with a child
- inappropriate contact with the child (e.g. calls, emails, texts, social media)
- obvious or inappropriate preferential treatment of the child (making them feel “special”)
- giving inappropriate / expensive gifts to a child
- having inappropriate social boundaries (e.g. telling the child about their own personal problems)
- offering to drive a child to or from school
- inviting themselves over to their homes, calling them at night
- befriending the parents/carers of the child and making visits to their home
- undermining the child's reputation (so that the child won't be believed).

## **5. Reporting a belief**

5.1 A staff member, whether or not mandated, needs to report their reasonable 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 in which they become aware of any further reasonable grounds for the belief.

5.2 If another staff member has a different view from the staff member about making a report and the staff member continues to hold the reasonable belief that the child is in need of protection, the staff member is obliged to make a report to Child Protection.

## **6. Protecting the identity of the reporter**

6.1 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 the CYFA, except in specific circumstances.

6.2 Pursuant to section 191 of the CYFA, the identity of a reporter must remain confidential unless:

- the reporter chooses to inform the child or family of the report (however, the reporter must not inform the child or family of the report without obtaining the Principal's prior authorisation to do so)
- the reporter consents in writing to their identity being disclosed



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- 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
- a court or tribunal decides that, in the interests of justice, the reporter is required to attend court to provide evidence.

6.3 Information provided during a protective investigation may be used in a court report if the risks to the child require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

6.4 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.

## **7. Professional protection for reporters**

Pursuant to section 189 of the CYFA, if a report is made in good faith by a staff member it:

- does not for any purpose constitute unprofessional conduct or a breach of professional ethics on the part of the reporter; and
- does not make the reporter subject to any liability in respect of the report.

For example, this means that a staff member who makes a report in accordance with the CYFA will not be held liable for the eventual outcome of any investigation of the report.

## **8. Failure to disclose offence**

In addition to mandatory reporting and duty of care obligations, any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must report that information to police. Failure to disclose the information to police is a criminal offence except in limited circumstances, such as where the information has already been reported to Child Protection or the child is older than 16 when the belief is formed. More information can be found at

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

## **9. Duty of Care**

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

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

- Reporting their concerns to Child Protection, Victoria Police or another appropriate agency in accordance with this policy
- Notifying the Principal or a member of the school leadership team of their concerns and the reasons for



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those concerns.

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

## **10. Making a report to Child Protection**

10.1 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.

10.2 Staff are expected to follow the Department policy for making a report set out at Appendix 1.

10.3 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.

10.4 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.

10.5 Staff members 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 staff member discusses such concerns with the Principal or member of the leadership team, and the Principal or member of the school leadership team (as applicable) does not wish to make a mandatory report under the CYFA, this does not discharge the staff member's obligation to do so if they have formed a reasonable belief as described in paragraph 4.1. If the staff member's concerns continue, even after consultation with the Principal or member of the leadership team (as applicable), the staff member is still legally obliged to make a mandatory report of their concerns.

## **11. The role of school staff**

11.1 School staff have a duty of care to protect and preserve the safety, health and wellbeing of students in their care and staff must always act in the best interests of those students. If a staff member has any concerns regarding the health, safety or wellbeing of a student 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.**

11.2 The roles and responsibilities of staff in supporting students 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.

11.3 Staff are requested to inform a member of the Principal team if they will be making a mandatory report under the CYFA with regard to a child at the school.



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## **12. Confidentiality**

12.1 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 student and their family only with those involved in managing the situation.

12.2 When a student 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.

## **13. Interviews at Victorian schools**

13.1 Child Protection may conduct interviews of children 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 student. This may occur regardless of whether the school is the source of the report to Child Protection.

13.2 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 student. The practitioner must sign in and out of the Visitors book and display a Visitors Pass at all times while at the school.

## **14. Support persons**

14.1 Students should be advised of their right to have a supportive adult present during interviews. If a student 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.

14.2 A staff member may be identified as a support person for the student 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.

14.3 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 student is to be interviewed, unless they believe that doing so will create a conflict of interest.

## **15. Advising parents, carers or guardians**

15.1 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.

15.2 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 student arrives home.

## **16. 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





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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.

## **17. 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 college staff handbook. Updates will take place annually as part of the Performance and Development process.

## **18. Misconduct Allegations – Legal Obligations of Victorian Schools**

### **18.1 Organisational Duty of Care**

The Organisational Duty of Care requires all organisations that exercise care, supervision or authority over children in Victoria, including the Department and schools, to take reasonable precautions to prevent the abuse of a child (sexual or physical abuse) by an individual associated with the organization while the child is under their supervision or authority. This can include, but is not limited to, employees, volunteers, allied health staff members and contractors.

### **18.2 Reportable Conduct Scheme**

The Reportable Conduct Scheme is a child protection scheme that requires Victorian education providers to notify the Commission for Children and Young People if there is an allegation of 'reportable conduct' made against one of its employees (including a principal, teacher, school council employee or corporate staff member), contractors, volunteers or allied health staff members.

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

- A sexual offence, sexual misconduct or physical violence against, with or in the presence of a child; OR
- Behavior causing significant emotional or psychological harm to a child; OR
- Significant neglect of a child; OR
- Misconduct involving any of the above.

18.4 The scope of 'reportable conduct' is wide, and includes:

- Information about something that is alleged to have occurred outside the course of the person's employment or engagement with the school;
- Sexual offences, sexual misconduct or physical violence committed in the presence of a child (which may include family violence committed by a school staff member in front of their own child).

## **19. 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>





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<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>

[http://www.dhs.vic.gov.au/data/assets/pdf\\_file/0007/586465/information-guide-registered-teachers-principals.pdf](http://www.dhs.vic.gov.au/data/assets/pdf_file/0007/586465/information-guide-registered-teachers-principals.pdf)

<http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/about-child-abuse>

## **20. Appendices**

Appendix 1 – A Step-by-Step Guide to Making a Report to Child Protection or Child FIRST

Appendix 2 – Four Critical Actions for Schools; Responding to Incidents, Disclosures and Suspicions of Child Abuse

## **21. Evaluation**

This policy will be reviewed annually or as required by changes to DE&T guidelines or legislation.