

# YARRA ROAD PS

## Mandatory Reporting & Procedures

### Child Safe Standard 5

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## POLICY

### RATIONALE:

All children have a right to feel safe and to be safe. In schools, we have a legal and moral responsibility to respond to serious incidents involving abuse and neglect of the children with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse or neglect.

School staff have a duty of care 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 they should take immediate action.

### AIM:

To ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.

### IMPLEMENTATION:

For definitions, please see Appendix C

- All members of the Teaching Service are mandated by law to report signs or risks of harm, disclosures of abuse or neglect, or a reasonable belief a student is subjected to sexual abuse or physical harm.
- Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, **must** report their concerns to Department of Health and Human Services (DHHS) Child Protection.
- All other staff members who form a belief on reasonable grounds that a child or young person:
  - is in need of protection, should report their concerns to DHHS Child Protection or Victoria Police.
  - is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to DHHS Child Protection.
- If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to DHHS Child Protection or Child FIRST. (See **DHHS link below for process**)
- In cases where staff have concerns about a child or young person, they should also discuss their concerns with the principal or a member of the school leadership team.
- New staff will be informed of mandatory reporting responsibilities and procedures as part of their hiring process.

- Staff will be reminded of mandatory responsibilities annually.
- All concerns must be reported immediately to the Principal, or in his/her absence, the Assistant Principal.
- The Principal will keep a record of all discussions about a student with whom there is a concern.
- If a belief has been formed by a staff member that a mandatory report must be made, all discussions must be recorded to be stored in the office on file
- The teacher and/or the Principal class officer will contact the Department of Health & Human Services (DHHS) by telephone as soon as possible to make an official notification

For more information, see Appendix B

## **PROCEDURES**

### **DISCLOSURE PROCEDURE:**

#### **What to do if someone makes a disclosure to a YRPS staff member, or a volunteer**

It is possible that a young person who is suffering, or has suffered, abuse will disclose to a YRPS volunteer or member of staff. This is something that everyone should be prepared for and must handle carefully.

The following action should be taken:

- Remain calm and in control but don't delay acting.
- Listen carefully to what is said. Allow the person to tell the story at their own pace and ask questions only for clarification. Don't ask questions that suggest a particular answer.
- Don't promise to "keep it a secret". The first opportunity should be taken to say that this information will have to be shared with the Wellbeing Co-ordinator in the event the child's welfare is at risk. It should be made clear that only people who need to know will be told and they should be able to help.
- The young person should be reassured that they "did the right thing" in telling someone.
- The young person should be told what is going to happen next, i.e. that you are going to contact the Student Welfare Officer and/or Principal.
- Notify the Principal or Student Wellbeing Co-ordinator immediately following the conversations. It is that person's responsibility to liaise with relevant authorities, usually social services.
- As soon as possible, a note should be made of what was said, using the young person's own words. Note the date, time, any names that were involved or mentioned and who the information was given to. This should then be sent confidentially to the Principal or Wellbeing Co-ordinator that you initially reported to.
- Once a report has been made to a YRPS member of staff, do not discuss the information with people outside of school or any member of staff who does not have a 'need to know'

A student who has disclosed to an adult will continue to be monitored by their classroom teacher, with extra support given by SSOs and the school's Student Wellbeing officer. Further actions will take into account advice given by outside agencies and be ongoing to ensure that the child remains safe and supported.

#### **Checklist for reporting suspected abuse**

Staff who are reporting suspected abuse should have this information at hand when reporting suspected abuse.

- Name of young person.
- Age.
- Home address and home number (if known).
- Are you reporting your own concerns or passing on those of somebody else? Give details.

- Brief description of what has prompted the concerns: include dates, times etc, of any specific incidents.
- Any physical signs? Behavioural signs? Indirect signs?
- Have you spoken to the young person? If so, what was said?
- Have you spoken to the parent(s)? If so, what was said?
- Has anybody been alleged to be the abuser? If so, give details.
- Have you consulted anybody else? Give details.
- Your name and role.
- To whom reported and date of reporting..

**Child Protection Box Hill Office on 9843 6000 or after  
school hours crisis line 131278 ➤**

### **RESPONDING TO AN INTERNAL DISCLOSURE**

If it is alleged that a member of staff, contractor or a volunteer may have committed an offence or breached the school's policies or its Code of Conduct, the person concerned may be stood down (with pay, where applicable) while an investigation is conducted. If the investigation concludes that on the balance of probabilities an offence (or a breach of the school's policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the school. The findings of the investigation will also be reported to any external body as required. In situations where someone in leadership is suspected of involvement in the activity, or if the person having the suspicion does not believe that the matter is being appropriately addressed or dealt with, the matter should be reported to the next highest level of supervision.

### **INVESTIGATING**

If the appropriate child protection service or the police decide to conduct an investigation of this report, all employees, contractors or volunteers must co-operate fully with the investigation. Any such investigation will be conducted according to the rules of natural justice. Leadership may decide to conduct their own investigation under the guidance of the governing body. Every effort will be made to keep any such investigation confidential.

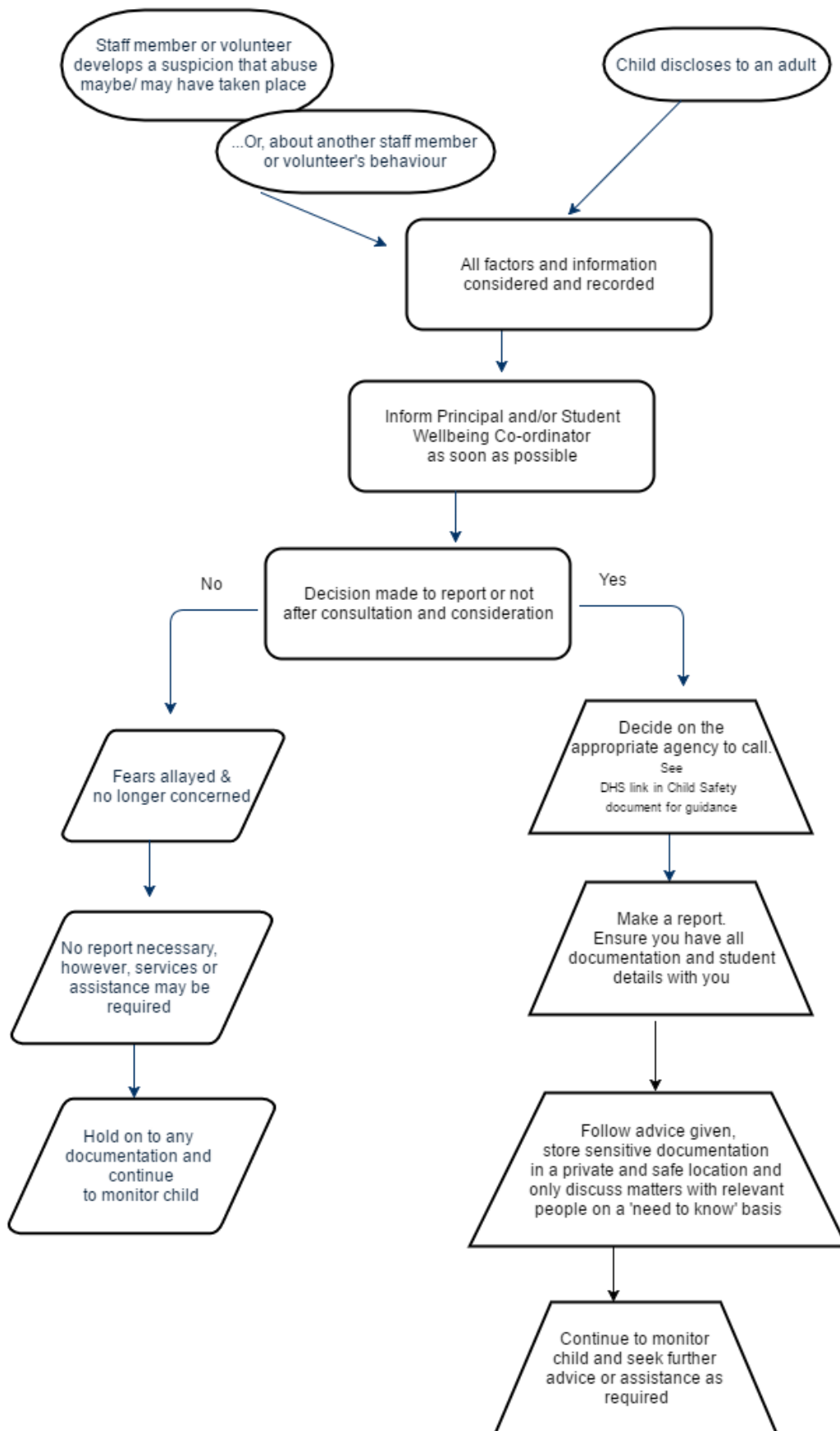
### **PRIVACY**

All personal information considered or recorded will respect the privacy of the individuals involved unless there is a risk to someone's safety. Yarra Road Primary School will have safeguards and practices in place to ensure any personal information is protected. Everyone is entitled to know how the personal information is recorded, what will be done with it, and who will be able to access it.

**The following link includes phone numbers and a guide to making a report to Child Protection or Child First. Note: ChildFirst call will be to the catchment area where the child lives. Check from the list of numbers.**

[http://www.dhs.vic.gov.au/data/assets/pdf\\_file/0003/582591/flowchart-mandatory-reporting-27-5-10.pdf](http://www.dhs.vic.gov.au/data/assets/pdf_file/0003/582591/flowchart-mandatory-reporting-27-5-10.pdf)

## REPORTING SAFEGUARDING CONCERNS FLOWCHART



- In the case of international students, the principal must notify the International Education Division of the Department on **(03) 9637 2990** to ensure that appropriate support is arranged for the student.
- Members of Department of Health & Human Services (DHHS), or associated support or intervention services that visit the school following a notification, will interview staff and children only in the presence of a Principal class member or his/her nominee.
- All Mandatory Reporting file notes remain filed in the office strongroom.
- All reports, incident reports, subsequent discussions and information are to be recorded and remain strictly confidential.
- All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported.
- While only mandated by law to report incidents of physical and sexual abuse, and neglect; teachers are also encouraged to report incidents of emotional abuse or neglect.
- Students, who disclose to staff a desire to harm themselves or others, must be reported by staff to the principal.
- Legal Obligations – see Appendix A

### **REPORTING CRIMINAL CHILD SEXUAL ABUSE - FAILURE TO DISCLOSE OFFENCE:**

Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose 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 DHHS Child Protection.

### **NOTE**

**Fulfilling the roles and responsibilities contained on a procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of abuse.**

### **REVIEW PROCEDURE**

Every two years, and following any reportable incident, Leadership and School Council will review the effectiveness and implementation of this policy to assess whether the school's child protection policies or procedures require modification to better protect the children under its care

**Follow this link for further information, including signs of abuse:**

[http://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5\\_SchoolsGuide.pdf](http://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_SchoolsGuide.pdf)

**This Policy was last ratified by School Council in 2017**

**Appendix A: Legal obligations**

Type of Reporting	By Whom	To Whom
<p><b><i>Mandatory Reporting</i></b></p> <p>Mandatory reporters must make a report as soon as practicable if, in the course of practicing their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.</p>	<p><b><i>Mandatory reporters</i></b></p> <p><b><i>Mandatory reporters under the Children, Youth and Families Act 2005:-</i></b></p> <ul style="list-style-type: none"> <li>• Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006 (Vic)</i></li> <li>• Principals of government and nongovernment schools</li> <li>• Registered medical practitioners</li> <li>• Nurses</li> <li>• All members of the police force</li> <li>• Social Workers</li> <li>• Psychologists</li> <li>• Youth workers</li> </ul>	<ul style="list-style-type: none"> <li>• DHHS Child Protection</li> </ul>

<p><b><i>Child in need of protection</i></b></p> <p>Any person may make a report if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:</p> <ul style="list-style-type: none"> <li>• The child has been abandoned and there is no other suitable person who is willing and able to care for the child.</li> <li>• The child’s parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.</li> <li>• The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child.</li> <li>• The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child.</li> <li>• The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child.</li> <li>• The child’s physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.</li> </ul>	<p><b><i>Any Person</i></b></p>	<ul style="list-style-type: none"> <li>• DHHS Child Protection</li> <li>• Victoria Police</li> </ul>
<p><b><i>Child in need of therapeutic treatment</i></b></p> <p>Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours.</p>	<p><b><i>Any Person</i></b></p>	<ul style="list-style-type: none"> <li>• DHHS Child Protection</li> </ul>

**Significant concerns about wellbeing of a child**

Any person may make a report if they have significant concerns for the wellbeing of a child.

**Any Person**

- DHHS Child Protection
- Child FIRST

**Appendix B: Further Information**

**Statement:**

A broad range of professional groups are identified in the *Children Youth and Families Act 2005 (CYFA)* as mandatory reporters. 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 nonmandated 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.

**Forming a belief on reasonable grounds**

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.

There may be reasonable grounds for forming such a belief if:

- a child 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 the child or young person states that the child or young person 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 or young person'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 are unwilling or unable to protect the child.

### **Reporting a belief**

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.

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**

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.

The identity of a reporter must remain confidential unless:

- the reporter chooses to inform the child, young person or family of the report
- the reporter consents in writing to their identity being disclosed
- 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.

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.

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.

**Professional protection for reporters** If a report is made in good faith:

- it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter
- the reporter cannot be held legally liable in respect of the report.

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 (Children, Youth and Families Act, 2015)

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

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.

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:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development
- 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
- the child's parents cannot or will not protect the child or young person from harm.

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.

Staff members may form a professional judgement or belief, in the course of undertaking their professional duties based on:

- warning signs or indicators of harm that have been observed or inferred from information about the child
- legal requirements, such as mandatory reporting
- knowledge of child and adolescent development
- consultation with colleagues and other professionals
- professional obligations and duty-of-care responsibilities
- established protocols
- internal policies and procedures in an individual licensed children's service or school.

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.

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.

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.

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.

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.

### **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 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 judgement 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 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 Performance and Development/Staff meeting rotation.

### **Appendix C: Definitions**

- **‘Staff’** - Anyone that is directly employed by YRPS, is a project leader, or who has been contracted by YRPS as a freelance individual or organisation to work with children and young people on projects delivered by the school. These people have regular and ongoing contact with children.
- **‘Volunteer’** - Volunteers have semi-regular contact with children, through volunteering at sessions.
- **‘Visitor’** – Visitors are individuals who attend a session at YRPS either as a guest, or as an observer. Visitors may come into contact with children but are always supervised throughout the course of their visit, and are never given any responsibility for working with children.
- **‘Child/young person’** - A person under the age of 18
- **‘Abuse’** - Abuse is the violation of an individual’s human rights. It can be a single act or repeated acts. It can be physical, sexual, or emotional. It also includes acts of neglect or an omission to act. In all forms of abuse there are elements of emotional abuse. Vulnerable adults may also suffer additional types of abuse such as being manipulated financially or being discriminated against. Other examples of abuse include inflicting physical harm such as hitting or misuse of medication, rape and sexual assault or exposure to sexual acts without informed consent, emotional abuse such as threats, humiliation and harassment, exploitation, ignoring medical or physical needs, withholding of necessities of life such as food or heating, witnessing domestic violence. Bullying is also a form of abuse by peers or a person more powerful than the victim. This list is not definitive.
- **‘Physical Abuse’** - This is abuse that causes physical harm to a young person as well as fabrication of symptoms of or deliberately causing ill health to a young person.

- **‘Emotional Abuse’** - Emotional abuse is an element of all forms of abuse. It is abuse that causes adverse effects on the young person’s emotional development, particularly from emotional ill-treatment of a young person.
- **‘Child sexual abuse’** is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child’s inhibitions in preparation for sexual activity with the child.
- **‘Neglect’** – Neglect can occur when children do not have for example, adequate food, health care or education. They could suffer neglect when: any of their basic needs are not being met; they are left unsupervised in situations which represent possible dangers; they are left alone when it is inappropriate for their physical or emotional development.
- **‘Child protection’** means any responsibility, measure or activity undertaken to safeguard children from harm.
- **‘Reasonable grounds for belief’** is a belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.
- **‘A reasonable belief’** is formed if a reasonable person believes that:
  - a. The child is in need of protection,
  - b. The child has suffered or is likely to suffer “significant harm as a result of physical injury”,
  - c. The parents are unable or unwilling to protect the child.
- A **‘reasonable belief’** or a **‘belief on reasonable grounds’** is not the same as having proof, but is more than mere rumour or speculation.
- 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 if:
  - a) A child states that they have been physically or sexually abused;
  - b) A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
  - c) Someone who knows a child states that the child has been physically or sexually abused;
  - d) Professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or
  - e) Signs of abuse lead to a belief that the child has been physically or sexually abused.

In Victoria, where a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child's parents have not protected, or are unlikely to protect, the child from harm of that type, mandatory reporters are required to make a report