



# Child Safe POLICY

## **Rationale:**

To create and maintain a child safe organisation in accordance with Ministerial order 870.

## **Purpose**

The child safe environments policy sets out the school's approach to creating a child safe organisation where children and young people are safe and feel safe; and provides the policy framework for the school's approach to the Child Safe Standards.

## **Scope**

This policy applies to all staff, volunteers and contractors whether or not they work in direct contact with children or young people. This policy will apply across a range of school forums (e.g. camps, online) and outside of school hours.

## **Statement of Commitment to Child Safety**

Frankston Heights Primary School is committed to the safety and wellbeing of all children and young people. This will be the primary focus of our care and decision-making, with particular attention paid to the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds, as well as the safety of children with a disability.

Frankston Heights Primary School has zero tolerance for child abuse.

Frankston Heights Primary School is committed to providing a child safe environment where children and young people are safe and feel safe, and their voices are heard about decisions that affect their lives.

Every person involved in Frankston Heights Primary School has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make.

In its planning, decision-making and operations, Frankston Heights Primary School will

1. Take a preventative, proactive and participatory approach to child safety
2. Value and empower children to participate in decisions which affect their lives
3. Foster a culture of openness that supports all persons to safely disclose risks of harm to children
4. Respect diversity in cultures and child rearing practices while keeping child safety paramount
5. Provide written guidance on appropriate conduct and behaviour towards children
6. Provide professional development to all staff and volunteers in working with children
7. Ensure children know who to talk with if they are worried or are feeling unsafe, and that they are comfortable and encouraged to raise such issues
8. Report suspected abuse, neglect or mistreatment promptly to the appropriate authorities

9. Share information appropriately and lawfully with other organisations where the safety and wellbeing of children is at risk
10. Communicate regularly with families and carers and value their input.

### **Actions the school will take.**

Frankston Heights Primary School will demonstrate its commitment to **child safety** and monitor the school's adherence to its **child safety** policy on an annual basis through sharing the policy with staff, casual relief teachers, volunteers, school council, and the school community. In order to:

- support, encourage and enable **school staff**, parents and children to understand, identify, discuss and report **child safety** matters; and.
- support or assist children who disclose **child abuse**, or are otherwise linked to suspected **child abuse**.

### **The child safe policy will be implemented by:**

- embedding child safety strategies into daily school procedures
- a commitment to child safety
- a code of conduct that establishes clear expectations for appropriate behaviour with children
- screening, supervision, training and other human resource practices that reduce the risk of child abuse
- providing a clear process for responding to and reporting suspected child abuse
- implementing strategies to identify and reduce or remove risks of child abuse
- developing strategies to promote the participation and empowerment of children
- All staff (100%) annually signing code of conduct

### **Supervision**

- Supervision of employees and volunteers will be managed in a way that protects children from abuse and improves accountability and performance, without being onerous or heavy-handed. For instance, where practical, two staff members should be present during activities with children. In particular, children with a disability may require additional supervision.
- As a matter of good practice, new employees and volunteers should be thoroughly inducted and supervised regularly to ensure they understand their role and learn skills, as well as to check that their behaviour towards children is appropriate. Any warning signs will be reported through appropriate channels, including the schools internal reporting procedures (such as our child safety officer and leadership), the Department of Health and Human Services (child protection), or police if a child is believed to be at imminent risk.

**Please refer to:** Volunteer Workers Policy, Visitors Policy, Parent Helpers Policy ,Volunteer Guidelines & Confidentiality Declaration

### **Performance and development review**

- A proactive performance development strategy will be used to improve employees and volunteers' skills and knowledge on child safety. This is also an opportunity to improve knowledge and skills in working with children, as well as recognising and responding to suspected abuse.

### **Code of conduct and mandatory reporting**

- FHPS will provide all staff with a code of conduct which outlines expected standards of appropriate behaviour with and in the company of children. The policy and code will be annually reviewed and each staff member will sign the code. This will be filed on the personnel file.
- Disciplinary procedures should be used if an allegation of child abuse is not made or a breach of the code of conduct is known or suspected.
- Employees and volunteers must be aware of reporting procedures and how to communicate concerns regarding the improper behaviour of any person within the organisation. Members of the school must be aware of their duty to raise concerns about the behaviour of any person who may present a risk of child abuse, without fear of repercussions. A Mandatory Reporting Policy is attached.
- Children and their families should be encouraged to raise any concerns about the behaviour of any person, and can expect to be listened to and supported.

### **Policies and procedures outlining Frankston Heights Primary School's approach to the Child Safe Standards are outlined below.**

#### A child-safe culture

Frankston Heights Primary School's culture encourages staff to raise, discuss and scrutinise concerns making it more difficult for abuse to occur and remain hidden.

#### Personnel understand their roles and responsibilities/Code of Conduct

School leaders and managers will ensure that each person understands their role, responsibilities and behaviour expected in protecting children and young people from abuse and neglect. Staff will comply with the school's Code of Conduct. The school's Code of Conduct sets out clear awareness of the difference between appropriate and inappropriate behaviour. Refer to the Victorian Institute of Teaching, Victorian Teachers Professional Codes of Conduct and Ethics.

[www.vit.vic.edu.au/professional-responsibilities/conduct-and-ethics](http://www.vit.vic.edu.au/professional-responsibilities/conduct-and-ethics)

#### Human resource practices and training

The school applies best practice standards in the recruitment and screening of staff, and will take all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children. Staff induction, education and training programs are a vital

part of our school's to safeguarding children and young people from abuse and neglect. All prospective staff and volunteers are required to undergo National Criminal History Records check and maintain a valid Working with Children Check.

Reporting a child safety concern or complaint

The school has clear expectations for staff and volunteers in making a report about a child or young person who may be in need of protection. Immediate action should include reporting their concerns to the DHHS Child Protection or another appropriate agency and notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.

Risk reduction and management

The school believes the wellbeing of children and young people is paramount, and is vigilant in ensuring proper risk management processes. The school recognises there are potential risks to children and young people and will take a risk management approach by undertaking preventative measures.

Listening to children

The school has developed a safe, inclusive and supportive environment that involves and communicates with children, young people and their parents/care givers. We encourage child and parent/care giver involvement and engagement that informs safe school operations and builds the capability of children and parents/care givers to understand their rights and their responsibilities.

Confidentiality and Privacy

Considerable importance is placed on safeguarding the confidentiality and privacy of information about particular children and their families. Information on the collection, use and storage of information is included in school policies.

Breaches

Breaches of Duty of Care and Mandatory Reporting Obligations are identified in the specific policies included with this policy.

Policy evaluation and review

To ensure ongoing relevance and continuous improvement, this policy will be reviewed in the context of school self-evaluation undertaken as part of the school accountability framework.

Definitions

A full list of definitions for Ministerial Order No. 870 is available at [www.vrqa.vic.gov.au/childsafes](http://www.vrqa.vic.gov.au/childsafes)

**Child abuse** includes

- Any act committed against a child involving – a sexual offence or an offence under section 49B (2) of the *Crimes Act 1958* (grooming)
- The infliction, on a child, of- Physical violence or Serious emotional or psychological harm
- Serious neglect of a child

**Child safety** encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

**School environment** means any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:

- a campus of the school
- online school environments (including email and intranet systems)
- other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions and other events)

**School staff means:**

In a government school, an individual working in a school environment who is:

- employed under Part 2.4 of the *Education and Training Reform Act 2006 (ETR Act)* in the government teaching service or
- employed under a contract of service by the council of the school under Part 2.3 of the ETR Act or
- a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary)

Related policies and Documents

1. School Policy Advisory Guide – Duty of Care
2. School Policy Advisory Guide – Child Protection Reporting Obligations
3. DET Child Wellbeing and Safety Framework

## Appendix - The Child Safety Standards and School Responsibilities:

### Standard 1

#### For schools: Ministerial Order No. 870 requirements

Minimum child safety standard: Strategies to embed an organisational culture of child safety in accordance with clause 7.

#### Clause 7

1. The **school council** will:
  - a. develop strategies to embed a culture of **child safety** at the school;
  - b. allocate roles and responsibilities for achieving the strategies;
  - c. inform the school community about the strategies, and allocated roles and responsibilities;
  - d. put the strategies into practice, and inform the school community about these practices; and
  - e. periodically review the effectiveness of the strategies put into practice and, if considered appropriate, revise those strategies.

### Standard 2

**For schools: Ministerial Order No. 870 requirements** Minimum child safety standard: A child safety policy or a statement of commitment to child safety in accordance with clause 8.

#### Clause 8

1. The school council will ensure that the school has a **child safety** policy or statement of commitment to **child safety** that details:
  - a. the values and principles that will guide the school in developing policies and procedures to create and maintain a child safe **school environment** ; and
  - b. the actions the school proposes to take to:
    - i. demonstrate its commitment to **child safety** and monitor the school's adherence to its **child safety** policy or statement of commitment;
    - ii. support, encourage and enable **school staff**, parents, and children to understand, identify, discuss and report **child safety** matters;
    - iii. support or assist children who disclose **child abuse**, or are otherwise linked to suspected **child abuse**.
2. The **school council** must inform the school community about the policy or statement, and make the policy or statement publicly available.

### Standard 3

#### For schools: Ministerial Order No. 870 requirements

Minimum child safety standard: A child safety code of conduct in accordance with clause 9.

#### Clause 9

1. The **school council** will develop, endorse, and make publicly available a code of conduct that:
  - a. has the objective of promoting **child safety** in the school environment;
  - b. sets standards about the ways in which **school staff** are expected to behave with children;
  - c. takes into account the interests of **school staff** (including other professional or occupational codes of conduct that regulate particular **school staff** ), and the needs of all children; and
  - d. is consistent with the school's **child safety** strategies, policies and procedures as revised from time to time.

### Standard 4

#### For schools: Ministerial Order No. 870 requirements

Minimum child safety standard: Screening, supervision, training and other human resources practices that reduce the risk of child abuse in accordance with clause 10.

#### Clause 10

1. Subject to the requirements of the **ETR Act**, the **school council** must ensure that the school implements practices for a child-safe environment in accordance with this clause.
2. Each job or category of jobs for **school staff** that involves **child connected work** must have a clear statement that sets out:
  - a. the job's requirements, duties and responsibilities regarding **child safety** ; and
  - b. the job occupant's essential or relevant qualifications, experience and attributes in relation to **child safety**.
3. All applicants for jobs that involve **child connected work** for the school must be informed about the school's **child safety** practices (including the code of conduct).
4. In accordance with any applicable legal requirement or school policy, the school must make reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform **child connected work** :
  - a. Working with Children Check status, or similar check;
  - b. proof of personal identity and any professional or other qualifications;
  - c. the person's history of work involving children; and
  - d. references that address the person's suitability for the job and working with children.
5. (5) The school need not comply with the requirements in clause (4), above if it has already made reasonable efforts to gather, verify and record the information set out in

clauses (4) (a) to (4) (d), above about a particular individual within the previous 12 months.

6. The school must ensure that appropriate supervision or support arrangements are in place in relation to:
  - a. the induction of new *school staff* into the school's policies, codes, practices, and procedures governing *child safety* and *child connected work* ; and
  - b. monitoring and assessing a job occupant's continuing suitability for *child connected work*.
7. The school must implement practices that enable the school council to be satisfied that people engaged in child-connected work perform appropriately in relation to *child safety*.

NB: The school council needs to be satisfied about the appropriateness of the school's arrangements that would regulate or guide other people who make such decisions for or on behalf of the school about child safety matters and child-connected work.

## Standard 5

### For schools: Ministerial Order No. 870 requirements

Minimum child safety standard: Procedures for responding to and reporting suspected child abuse in accordance with clause 11.

### Clause 11

1. The *school council* must have a clear procedure or set of procedures for responding to allegations of suspected *child abuse* in accordance with this requirement and other legal obligations.
2. The *school council* must ensure that the procedure is:
  - a. sensitive to the diversity characteristics of the school community;
  - b. made publicly available; and
  - c. accessible to children, *school staff*, and the wider community.
3. The procedure must:
  - a. cover all forms of '*child abuse*' as defined in the *ETR Act* ;
  - b. apply to allegations or disclosures of *child abuse* made by or in relation to a child, *school staff* , visitors, or other persons while connected to a *school environment* ;
  - c. identify the positions of the person or people who are responsible for:
    - promptly managing the school's response to an allegation or disclosure of *child abuse*, and ensuring that the allegation or disclosure is taken seriously;
    - responding appropriately to a child who makes or is affected by an allegation of *child abuse* ;
    - monitoring overall school compliance with this procedure; and
    - managing an alternative procedure for responding to an allegation or disclosure if the person allocated responsibility under clause (3)(c)(i), above cannot perform his or her role;

- d. include a statement that fulfilling the roles and responsibilities contained in the procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse;
  - e. clearly describe the actions the school will take to respond to an allegation of **child abuse** , including actions to:
    - inform appropriate authorities about the allegation (including but not limited to mandatory reporting);
    - protect any child connected to the alleged **child abuse** until the allegation is resolved; and
    - make, secure, and retain records of the allegation of **child abuse** and the school's response to it.
4. The procedure must not:
- a. prohibit or discourage school staff from reporting an allegation of **child abuse** to a person external to the school;
  - b. state or imply that it is the victim's responsibility to inform the police or other authorities of the allegation;
  - c. require staff to make a judgment about the truth of the allegation of **child abuse** ;  
or
  - d. prohibit staff from making records in relation to an allegation or disclosure of **child abuse**.

## Standard 6

### For schools: Ministerial Order No. 870 requirements

Minimum child safety standard: Strategies to identify and reduce or remove risks of child abuse in accordance with clause 12.

### Clause 12

1. The **school council will** develop and implement risk management strategies regarding **child safety** in **school environments**.
2. The school's risk management strategies regarding **child safety** must identify and mitigate the risk(s) of **child abuse** in **school environments** by taking into account the nature of each **school environment**, the activities expected to be conducted in that environment (including the provision of services by contractors or outside organisations), and the characteristics and needs of all children expected to be present in that environment.
3. If the **school council** identifies risks of **child abuse** occurring in one or more **school environments** the authority must make a record of those risks and specify the action(s) the school will take to reduce or remove the risks (risk controls).

*Explanatory note: Different risk controls may be necessary for particular groups of children depending on the nature of the risk and the diversity characteristics of children affected by the risk.*

4. As part of its risk management strategy and practices, the school council must monitor and evaluate the effectiveness of the implementation of its risk controls.
5. At least annually, the **school council** must ensure that appropriate guidance and training is provided to the individual members of the **school council** and **school staff** about:
  - a. individual and collective obligations and responsibilities for managing the risk of **child abuse** ;
  - b. **child abuse** risks in the school environment; and
  - c. the school's current **child safety** standards

## Standard 7

**For schools: Ministerial Order No. 870 requirements.**

Minimum child safety standard: Strategies to promote child participation and empowerment in accordance with clause 13.

### Clause 13

1. The **school council will** develop strategies to deliver appropriate education about:
  - a. standards of behaviour for students attending the school;
  - b. healthy and respectful relationships (including sexuality);
  - c. resilience; and
  - d. **child abuse** awareness and prevention.
2. The **school council** must promote the **child safety** standards required by the Order in ways that are readily accessible, easy to understand, and user-friendly to children.

### Inclusion Principles

In complying with the child safe standards, schools need to be mindful of the diversity of students and school communities and include the following principles as part of each standard:

- promoting the cultural safety of Aboriginal children
- promoting the cultural safety of children from culturally and/or linguistically diverse backgrounds
- promoting the safety of children with a disability.

## Code of Conduct:

Child abuse is unacceptable. Ensuring children's safety is a top priority for the Victorian Government.



### What is child abuse?

Child abuse includes any act committed against a child involving:

- a sexual offence
- a grooming offence; or
- the infliction on a child of physical violence, serious emotional or psychological harm or serious neglect.

Our aim is to create a culture where protecting children from abuse is part of everyday thinking and practice. To strengthen existing approaches to preventing and responding to child abuse and provide for consistency in how these issues are managed. We all have a responsibility for keeping children safe.

All registered schools are required to develop strategies to embed a culture of child safety at the school. At Frankston Heights Primary we will:

- embed a culture of child safety at the school
- allocate roles and responsibilities to ensure child safe practices are adhered to
- inform the school community about the strategies being employed at the school

### What is organisational culture and how does it relate to child safety?

Embedding an organisational culture of child safety is critical to reducing the risk of child abuse in schools.

To successfully embed a culture of child safety, a commitment to **zero tolerance of child abuse** must be led by the school council. This commitment must be shared, openly and transparently, by all members of the school community, including staff (including school employees, contractors and volunteers), parents and families, visitors and child.

**All staff, volunteers and Council Members of Frankston Heights Primary School are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children.**

**All personnel of Frankston Heights Primary School are responsible for supporting the safety, participation, wellbeing and empowerment of children by:**

- adhering to Frankston Heights Primary School's child safe policy at all times / upholding Frankston Heights Primary School's statement of commitment to child safety at all times
- taking all reasonable steps to protect children from abuse
- treating everyone with respect
- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another
- promoting the cultural safety, participation and empowerment of Aboriginal children (for example, by never questioning an Aboriginal child's self-identification)
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination)
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities)
- ensuring as far as practicable that adults are not left alone with a child
- reporting any allegations of child abuse to Frankston Heights Primary School's Child Safety Officer (Assistant Principal), and ensure any allegation is reported to the police or child protection
- reporting any child safety concerns to Frankston Heights Primary school's Child Safety Officer .
- if an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe
- encouraging children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them.

**Staff and volunteers must not:**

- develop any 'special' relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children)
- exhibit behaviours with children which may be construed as unnecessarily physical (for example inappropriate sitting on laps.
- put children at risk of abuse (for example, by locking doors)
- do things of a personal nature that a child can do for themselves, such as toileting or changing clothes

- engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities)
- use inappropriate language in the presence of children
- express personal views on cultures, race or sexuality in the presence of children
- discriminate against any child, including because of culture, race, ethnicity or disability
- have contact with a child or their family outside of our organisation without our child safety officer's knowledge and/or consent (for example, no babysitting). Accidental contact, such as seeing people in the street, is appropriate
- have any online contact with a child or their family (unless necessary, for example providing families with e-newsletters)
- ignore or disregard any suspected or disclosed child abuse.

By observing these standards you acknowledge your responsibility to immediately report any breach of this code to Frankston Heights Primary School Child Safety Officer (Assistant Principal).

**NB: These procedures are not intended to:**

- prohibit or discourage school or any staff from reporting an allegation of **child abuse** to a person external to the school;
- state or imply that it is the victim's responsibility to inform the police or other authorities of the allegation;
- require staff to make a judgment about the truth of the allegation of **child abuse** ; or
- prohibit staff from making records in relation to an allegation or disclosure of **child abuse** .

In the case of an allegation of **child abuse**, you will:

1. inform appropriate authorities about the allegation (including but not limited to mandatory reporting);
2. protect within reasonable means any child connected to the alleged **child abuse** until the allegation is resolved;
3. make, secure, and retain records of the allegation of **child abuse** and the school's response to it; and
4. **phone 000 if you believe a child is at immediate risk of abuse.**



Staff Commitment:

I agree to adhere to Frankston Heights Primary School Child Safe Policy and Code of Conduct.

**In fulfilling my roles and responsibilities I understand that this does not displace or discharge any other obligations that arise if I reasonably believe that a child is at risk of child abuse.**

In the case of an allegation of **child abuse**, I will:

1. immediately inform appropriate authorities about the allegation (including but not limited to mandatory reporting);
2. protect within reasonable means any child connected to the alleged **child abuse** until the allegation is resolved; and
3. make, secure, and retain records of the allegation of **child abuse** and the school's response to it.
4. phone 000 if I believe a child is at immediate risk of abuse.

Name: .....

Signature: .....

Date: .....



## MANDATORY REPORTING POLICY AND PROCEDURES

### 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 immediately 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.

## **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 in a court of law under the CYFA.

### **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.

School policy and procedures stipulate how teaching staff fulfil their duty of care towards children and young people in their school.

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.

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>

<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>

<b>Date Implemented</b>	20.06.2016
<b>Author</b>	
<b>Approved By</b>	School Council June 2016,2017,2018,2019,2020,2021
<b>Approval Authority (Signature &amp; Date)</b>	Approved again in Feb 2020
<b>Date Reviewed</b>	
<b>Responsible for Review</b>	This policy will be reviewed annually as part of school council's cycle of policy reviews.
<b>Review Date</b>	Feb 2021