

## Mandatory Reporting Policy

### Background

Huntingdale Primary School as part of the Victorian Government state school system has a duty of care and is committed to the safety and wellbeing of all children and young people, regardless of their age, culture, beliefs, socio-economic circumstances, disability, family living situation, child rearing practices or educational level. There is a culture of 'no tolerance' for child abuse.

The school is required in accordance with the mandatory reporting requirements of the Children, Youth and Families Act (2005), to take immediate action following a disclosure of, or concerns about, alleged child abuse or student sexual assault.

The Child Safe Standards came into effect on August 1 2016. All Victorian schools must comply with Ministerial Order No. 870 - Child Safe Standards to create and maintain a child safe organisation.

All children have a right to feel safe and to be safe. As members of a community, we all have a moral obligation to protect any child under our care and supervision from foreseeable harm. Professionals who work with children play a vital role in protecting children from abuse by responding and reporting any incidents, disclosures or suspicions. They are often best placed to identify signs and behaviours that may indicate that a child has been subject to abuse, or that a school community member or a school staff member may be a perpetrator of abuse.

Staff have a legal responsibility to respond to serious incidences involving abuse and neglect and to report incidences.

### Purpose

To ensure:

- That children's rights to be safe are maintained and each child is protected against abuse and neglect.
- Define the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people.
- Empower children so they feel confident to report incidences.
- Enable staff to identify the indicators of a child or young person who may be in need of protection.
- Make a report on a child or young person who may be in need of protection.
- Comply with reporting obligations under child protection law and criminal law.
- Follow DET Policy on Mandatory Reporting.
- The school is compliant with Ministerial Order 870 related to the Child Safe Standards, particularly **Standard 5- Processes for responding to and reporting suspected child abuse**



## Implementation

- The Principal has the overall responsibility of implementing this policy, but all staff have a critical role to play in implementing this policy.

## Staff Responsibilities

- Teach lessons that empower child to report incidences of abuse. This will be done in the 'Creating Our Learning Community' sessions.
- Immediately respond once you form a belief about child abuse or neglect, student sexual assault, sexual harassment or inappropriate sexualised behaviour.
- Consult with and seek advice from the school Principal or Assistant Principal.
- Make a mandatory report by following the Four Critical Actions (see below), as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.

***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.***

## Principal Responsibilities

- Provision in the school timetable for 'Creating Our Learning Community' so that teachers can plan for and teach sessions that empower children to report abuse.
- In the case of an emergency, call for medical assistance/police on 000.
- Provide a safe environment for the alleged victim.
- Separate the alleged victim and others involved, and provide support for each individual.
- Address duty of care issues for all students involved.
- Inform the student of the obligation to report the incident to the relevant authorities.
- Report incidents to the Department of Human Services, Victoria Police Sexual Offences and Child Abuse (SOCA) Unit if the incident relates to allegations or concerns about sexual assault or abuse, the Department of Education & Training Emergency and Security Management Unit and SEIL
- Document the disclosure, allegation or belief and ensure that all staff concerned have documented their actions.
- Ensure there is a plan put in place for a longer term response and support for students for whom there have been allegations of child abuse, neglect, sexual assault or inappropriate sexualised behaviour. This includes:
  - Maintaining ongoing contact with the parents /carers;
  - Addressing any complaints or concerns as they arise;
  - Ensuring ongoing education and school-level supports are provided for all students involved and that their health and wellbeing is monitored appropriately by classroom teachers in conjunction with the Principal or Assistant Principal;
  - Developing and maintaining an individual student support plan according to student needs;
  - Providing support to students during police or Child Protection interviews.

## Staff Training

- New staff will be informed of mandatory reporting responsibilities and procedures as part of the induction process.
- Staff will be reminded of their mandatory reporting responsibilities and must complete the annual online training as per DET requirements and give their certificate of completion to the Assistant Principal. Please use the following link:

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schoolsonlinelearning.aspx>



## 1. Understanding your obligations

- All school staff members have a moral and legal obligation and a Duty of Care to protect any child under their care from foreseeable harm (not just staff who are classified as mandatory reporters).
- As a school staff member, you must respond to any reasonable suspicion that a child has been, or is at risk of being abused by following the *Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse*.
- The easiest way to comply with your legal and moral obligations is to remember that **you must report any reasonable suspicion to the Department of Health and Human Services (DHHS) that a child has been abused, or is at risk of being abused**. This includes abuse that has, or is suspected to have, taken place within or outside of school grounds and hours. It could be a family member or even a school community member (including a school staff member) who may be a perpetrator of the abuse.
- **All adults** are required to report to police if they know or reasonably believe that a sexual offence has been committed by an adult against a child under the age of 16. Failing to meet these obligations can constitute a criminal offence, including a:
  - Failure to disclose a sexual offence
  - Failure to protect a child (where it is known that a person associated with their organisation poses a substantial risk of sexually abusing children).
  - *The failure to protect offence* applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a school will become a victim of a sexual offence committed by an adult associated with that school. A person in a position of authority in the school will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. Organisations other than schools are also covered by the offence. Further information can be obtained at:  
<https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>
  - A fact sheet can be found at:  
[https://www.justice.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2018/07/f0/bbce5bd2b/failure\\_to\\_disclose\\_betrayal\\_of\\_trust\\_factsheet\\_2017.pdf](https://www.justice.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2018/07/f0/bbce5bd2b/failure_to_disclose_betrayal_of_trust_factsheet_2017.pdf)

## 2. Identifying signs of Child Abuse

### **Physical Abuse**

Physical child abuse can consist of any non-accidental infliction of physical violence on a child by any person. Examples of physical abuse may include beating, shaking or burning, assault with implements and female genital mutilation (FGM). More information can be found at:

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schidphysical.aspx>

### **Sexual Abuse**

Child sexual abuse is when a person uses power or authority over a child to involve them in sexual activity. It can include a wide range of sexual activity including fondling the child's genitals, oral sex, vaginal or anal penetration by a penis, finger or other object, or exposure of the child to pornography. Child sexual abuse may not always include physical sexual contact (e.g. kissing or fondling a child in a sexual way, masturbation, oral sex or penetration) and can also include non-contact offences, for example talking to a child in a sexually explicit way, sending sexual messages or emails to a child, exposing a sexual body part to a child, forcing a child to watch a sexual act (including showing pornography to a child) or having a child pose or perform in a sexual manner (including child sexual exploitation).



Child sexual abuse does not always involve force. In some circumstances a child may be manipulated into believing that they have brought the abuse on themselves, or that the abuse is an expression of love through a process of grooming. More information can be found at:

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schidsexual.aspx>

### ***Emotional or Psychological Harm***

Emotional child abuse occurs when a child is repeatedly rejected, isolated or frightened by threats, or by witnessing family violence. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person, to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health. Emotional abuse may occur with or without other forms of abuse. More information can be found at

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schidemotional.aspx>

### ***Grooming***

Grooming is when a person engages in predatory conduct to prepare a child for sexual activity at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer.

Sometimes it is hard to see when someone is being groomed until after they have been sexually abused, because some grooming behaviour can look like "normal" caring behaviour. Examples of grooming behaviours may include giving gifts or special attention to a child or their parent or carer (this can make a child feel special or indebted to an adult), controlling a child through threats, force or use of authority (this can make a child fearful to report unwanted behaviour), making close physical contact sexual, such as inappropriate tickling and wrestling or openly or pretending to accidentally expose the victim to nudity, sexual material and sexual acts (this in itself is classified as child sexual abuse but can also be a precursor to physical sexual assault). More information can be found at:

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schidgrooming.aspx>

### ***Neglect***

Neglect includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health or physical development of the child is significantly impaired or placed at serious risk. In some circumstances the neglect of a child can place the child's immediate safety and development at serious risk or it may not immediately compromise the safety of the child, but is likely to result in longer term cumulative harm. More information can be found at:

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schidneglect.aspx>

### ***Family Violence***

Family violence is behaviour towards a family member that may include physical violence or threats of violence, verbal abuse, including threats, emotional or psychological abuse, sexual abuse or financial and social abuse. A child's exposure to family violence constitutes child abuse. This exposure can be very harmful and may result in long-term physical, psychological and emotional trauma. More information can be found at:

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schidviolence.aspx>



### **3. Four Critical Actions for schools in responding to incidences, disclosures and suspicions of child abuse**

- In cases where staff have concerns about a child or young person, they should discuss their concerns with the Principal, Assistant Principal or a member of the school Leadership Team. However, it is the responsibility of the staff member to make any report.
- The Principal or Assistant Principal will keep a record of all discussions about a student with whom there is a concern. Staff are also encouraged to keep their own notes.
- All reports, notes, discussions and information will be kept confidential.
- DET's PROTECT webpage can be sourced at:  
<http://www.education.vic.gov.au/about/programs/health/protect/Pages/default.aspx>

#### **You MUST Act**

- As a school staff member, you must act as soon as you witness an incident or form a reasonable belief that a child has been, or is at risk of being abused.
- You must act if you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child abuse, e.g. if the victim or another person tells you about the abuse.
- You should make sufficient enquiries to form a reasonable belief and to determine a child's immediate needs. However, once a reasonable belief has been formed, it is not your role to investigate. This is the role of DHHS Child Protection or Victoria Police.
- You might witness an incident, form a suspicion, receive a disclosure from a current student or receive disclosure from a former student. See the following link for more information on what you should do.  
<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schcritmstaact.aspx>
- You **must** follow the Four Critical Actions every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities. This resource can be sourced at:  
[http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_ChildAbuse.pdf](http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf)

#### **ACTION 1: RESPONDING TO AN EMERGENCY**

If there is no risk of immediate harm go to ACTION 2. If a child is at immediate risk of harm you must ensure their safety by:

- Separating alleged victims and others involved
- Administering first aid
- **Calling 000 for urgent medical and/or police assistance** to respond to immediate health or safety concerns
- Identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

#### **ACTION 2: REPORTING TO AUTHORITIES**

As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

#### **IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE SCHOOL:**

VICTORIA POLICE



You must report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police.

You **must also** report **internally** to:

- School Principal and/or leadership team
- Employee Conduct Branch
- DET Security Services Unit

### IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE FAMILY OR COMMUNITY

#### DHHS CHILD PROTECTION

You **must** report to DHHS Child Protection if a child is considered to be:

- In need of protection from child abuse
- At risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

#### VICTORIA POLICE

You **must also** report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You **must also** report **internally** to:

- School Principal and/or leadership team
- DET Security Services Unit

### ACTION 3: CONTACTING PARENTS/CARERS

Your Principal **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- **Not to contact** the parents/carers (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parents/carers to be contacted)
- **To contact** the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

### ACTION 4: PROVIDING ONGOING SUPPORT

Your school **must** provide support for children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professionals. This is an essential part of your duty of care requirements.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals etc.

Any disclosures must be documented. This may be critical for further investigations and/or legal proceedings. See: [📄 Responding to suspected child abuse: template \(docx - 67.41kb\)](#).



#### 4. Responding to other concerns about the wellbeing of a child

- In addition to reporting suspected abuse, as a school staff member you have a critical role in supporting students impacted by abuse and have a Duty of Care to ensure that the students feels safe and supported at school.
- Support can include direct support and referral to wellbeing professionals and community services and should involve the development of a Student Support Plan. Support could be made to Child First. See the following link:  
<http://www.education.vic.gov.au/Documents/childhood/providers/regulation/Stepbystepreportingtochildprotection.pdf>
- Principals are responsible for ensuring students are supported during interviews at school conducted by Victoria Police or DHHS Child Protection and you may be required to respond to subpoenas to attend court.
- Support must be provided to any impacted staff members

#### 5. Links

Child Protection Protocol

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

Protect

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schcritical.aspx>

Child Protection

<http://www.education.vic.gov.au/school/parents/health/Pages/childprotection.aspx>

#### **Evaluation**

This policy will be reviewed as part of the school's 3 year cycle or as needed to comply with DET policy changes.

#### **Document Status**

<b>Reviewed</b>	<b>School Council Ratification</b>	<b>Next Review</b>
October 2018	20 <sup>th</sup> November 2018	20 <sup>th</sup> November 2020