Child Protection Policy

Rationale:

All children have a right to feel safe and to be safe. To protect children and young people from abuse and neglect Sunshine Special Developmental School (SDS) staff are required to:

a) Understand their mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse including physical, sexual, emotional abuse and neglect.

b) Know how to make a mandatory report to the Department of Health and Human Services (DHHS) Child Protection when they have formed a belief on reasonable grounds that a child or young person is at risk of significant harm.

c) Are able to identify and be aware of the indicators of abuse.

Purpose:

To define the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people and to enable staff to:

- identify the indicators of a child or young person who may be in need of protection
- make a report of a child or young person who may be in need of protection
- comply with reporting obligations under child protection law and criminal law

Legislation:

Teachers and principals are mandated by law under section 184 of the Children Youth and Families Act 2005 (CYFA) to make a report to child protection. A mandatory reporter who, in the course of practicing his or her profession or carrying out the duties of his or her office, position or employment as set out in section 182, forms the belief on reasonable grounds that a child is in need of protection must report to Child Protection as soon as practicable after forming the belief and after each occasion on which they become aware of any further reasonable grounds for the belief.

Separate from mandatory reporting requirements, a teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable. A breach of this duty of care may lead to legal action being taken against the individual teacher or teachers concerned. A breach of this duty of care will be established if a teacher or principal failed to take timely and positive steps after having acquired actual knowledge or formed a belief that there are indicators of or a foreseeable risk that a child is being abused or neglected including sexual abuse.

Child abuse can have a significant effect on a child’s physical or emotional health, development and wellbeing. Students with disabilities can be at increased risk and the younger a child is, the more vulnerable they are and the more damaging the effects are likely to be.
Types of child abuse include:

- Physical
- Emotional
- Neglect
- Medical neglect
- Sexual abuse
- Family Violence
- Female Genital Mutilation
- Risk-taking Behaviour that cannot be managed and compromises the child’s safety

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert teachers to the possibility of child abuse and neglect. It is not the role of school staff to make a judgement as to whether abuse is happening. Staff are mandated to report to Child Protection if indicators are present.

Teachers may observe:

- One or several indicators are displayed
- Indicators occur repeatedly
- Changes in relation to the child’s behaviour

**Mandated Staff:**

All staff who are Victorian Institute of Teaching (VIT) registered teachers (including principals) or who have been granted permission to teach by the VIT are ‘mandatory reporters’. This means that in the course of undertaking their professional duties, they must report to the Department of Health and Human Services (DHHS) Child Protection a belief on reasonable grounds that a child is in need of protection from significant harm as a result of sexual abuse or physical injury and the child’s parents are unable or unwilling to protect the child. They must report as soon as practicable after forming the belief.

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

A broad range of professional groups are identified in the *Children Youth and Families Act 2005* (CYFA) as mandatory reporters. All members of the Teaching Service are mandated by law to report signs of physical and/or sexual abuse, and neglect.

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.

Implementation:

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 it is important to take immediate action. In 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 person a child is at risk of child abuse.

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

- All concerns must be reported immediately to the Principal, or in his/her absence, the Child Safety Officer or Assistant Principal.
- The Principal, Child Safety Officer or Assistant Principal will keep a record of all discussions about a student with whom there is a concern.
- The teacher and/or the Principal class officer/Child Safety Officer will follow the “Step by Step Guide to making a report...” (References) and determine appropriate action and contact the Department of Health and Human Services (DHHS)/Child FIRST by telephone as soon as possible to make an official notification on:
  
  DHHS - 1300 360 462 or after school hours crisis line 131278
  
  Child FIRST - 1300 138 180

- Members of the Department of Health and Human Services, 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 Child Safety Officer.
- All reports, information sheets and 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 or Child Safety Officer.

Note: The role of investigating an allegation of child abuse rests solely with DHHS/Child FIRST and/or Victoria Police.

Forming a ‘reasonable belief’ or a ‘belief on reasonable grounds’

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.

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’s 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.

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.

**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.
- If Information provided during a protective investigation is used in a court, the court or tribunal may decide that it is necessary for the identity of the reporter to be disclosed.
- A court or tribunal decides that, in the interests of justice, the reporter is required to attend court to provide evidence.

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.

**Confidentiality**

Sunshine SDS 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 Sunshine SDS 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 Sunshine SDS staff member to receive information regarding Child Protection's investigation. This may occur verbally or in writing using the relevant Child Protection pro-forma.

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

Sunshine SDS 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

Sunshine SDS 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.

Sunshine SDS Staff Training

Sunshine SDS staff will be informed of Child Protection Reporting requirements as part of their initial induction to the school and will be provided with supporting documentation in their staff handbook. The Mandatory Reporting online professional learning module must be completed by all mandated staff on an annual basis.

Professional learning

All mandated staff are asked to complete the DEECD online (30 minutes) mandatory reporting eLearning module at: www.elearn.com.au/det/protectingchildren

Username: education
Password: employee

School staff seeking consultation

Consult with:

- School leadership or Child Safety Officer
- Network support staff (Student Support Services)
- Regional wellbeing staff
- DHHS Child Protection
- Emergency Management on: (03) 9589 6266
Child Protection Policy

- Student Critical Incident Advisory Unit on (sexual assault): (03) 9637-2934  (03) 9637-2487

References:
The full policy with detailed information that all staff in Victorian government schools must follow is found at:


A step by step guide to making a report to Child Protection or Child First


Children, youth and families Act 2005(CYFA):


Partnering Agreement:


Department of Health Services:


Victoria Police Sexual Offences and Child Abuse Investigation Teams (SCOIT):


Evaluation:

This policy is to be reviewed as part of the school's three-year review process