

PERANBIN PRIMARY COLLEGE

CHILD SAFE: CHILD PROTECTION

MANDATORY REPORTING

POLICY AND PROCEDURE



1 AIM

Peranbin Primary College strives to develop the full potential of each student within a just and caring community. We believe in the nurturing of the whole person which entails the physical, psychological, aesthetic and emotional development.

Within this context, we aim through the mandatory reporting process:

- To ensure the protection of students from significant harm.
- To provide staff with an understanding of their legal obligation in the mandatory reporting process.
- To provide staff with a process to follow if they feel a student may be in need of "protection".
- To fulfill the school's legal obligation.

2 RESPONSIBILITY FOR IMPLEMENTATION OF THE POLICY

- The Principal is responsible for the implementation of this policy.

3 DEFINITIONS

Child - For the purpose of the relevant parts of the *Children, Youth and Families Act 2005 (Vic.)* a child is any person 17 years of age or younger.

Mandated Person(s) – Under the *Children, Youth and Families Act 2005 (Vic) Part 4.4, Section 182: 1a) to 1l)* the following persons are mandated persons:

- (a) a registered medical practitioner;
- (b) a person registered under the **Nurses Act 1993**;
- (c) a person who is registered as a teacher under the **Victorian Institute of Teaching Act 2001** or has been granted permission to teach under that Act;
- (d) the head teacher or principal of a State school within the meaning of the **Education Act 1958** or of a school registered under Part III of that Act (or the person acting in this capacity);
- (e) a member of the police force;

The persons listed below, while mandated under the act as 'mandated persons', have not been made operational (or gazetted), as this requires an order by Governor in Council:

- (f) on and from the relevant date, the proprietor of, or a person with a post-secondary qualification in the care, education or minding of children who is employed by, a children's service to which the **Children's Services Act 1996** applies or a person nominated under section 16(2)(b)(iii) of that Act;
- (g) on and from the relevant date, a person with a post-secondary qualification in youth, social or welfare work who works in the health, education or community or welfare services field and who is not referred to in paragraph (h)*;
- (h) on and from the relevant date, a person employed under Part 3 of the **Public Administration Act 2004** to perform the duties of a youth and child welfare worker;
- (i) on and from the relevant date, a registered psychologist*;
- (j) on and from the relevant date, a youth justice officer;
- (k) on and from the relevant date, a youth parole officer;
- (l) on and from the relevant date, a member of a prescribed class of persons.

Mandatory Report – A report made to Child Protection (Department of Human Services) by a mandated person who has formed a belief that a child has suffered, or is likely to suffer, significant harm as a result of physical injury and/or sexual abuse and the child's parents/carers have not protected, or are unlikely to protect, the child from harm of that type;

4 PROTOCOLS AND PROCEDURES

4.1 When is a Mandatory Report made?

If in the course of his or her duties, a mandated person forms the belief on reasonable grounds that a child is in need of protection on the grounds **that a child has suffered, or is likely to suffer, significant harm as a result of physical injury and/or sexual abuse**, and the child's parents/carers have not protected or are unlikely to protect the child from harm of that type; the mandated person must report to the Department of Human Services Child Protection that belief and of the reasonable grounds for it, as soon as practicable:

- after forming the belief; and
- after **each occasion** on which he or she becomes aware of any further reasonable grounds for the belief.

4.2 The basis for making a report to Child Protection (Department of Human Services)

a) Forming a belief

The *Children, Youth and Families Act 2005 (Vic)* requires mandated persons to report to the Department of Human Services when they "form a belief on reasonable grounds" that a child has suffered, or is likely to suffer, significant harm as a result of physical injury arising from abuse or neglect or as a result of sexual abuse.

A belief is considered to be more than a suspicion. One may be considered to have formed a belief if one is more likely to accept rather than reject the suspicion that a child is at risk of harm from physical or sexual abuse.

Proof is not required that abuse has occurred or is likely to occur. A belief is sufficient. It is the role of the Department of Human Services Child Protection to determine whether that belief should be investigated.

Seeking advice: If a mandated person is unsure of the need for a mandatory report, please seek the advice of the Principal.

b) Reasonable grounds

The following are examples of 'reasonable grounds' where a mandatory report **MUST** be made to the Department of Human Services Child Protection:

- a child tells a mandated person they have been abused.
- someone else (perhaps a relative, friend, neighbour or sibling of the child) tells a mandated person that a child has been abused or is at risk of abuse.
- a child tells a mandated person that they know someone who has been abused (often a child is referring to him or herself)
- a mandated person's own observation of a particular child's behaviour/injuries or their knowledge of children generally leads them to suspect that abuse is occurring (Appendix 1).

Important Note: It is not the responsibility of teachers or other College staff to determine whether child abuse and neglect exists. Staff should never attempt to seek information from a child about the specifics of suspected abuse nor should they attempt to investigate what may have occurred. The responsibility rests entirely with the Department of Human Services as the agency authorised to investigate or the Victorian Police.

4.3 The basis for making a report to the Sexual Offences and Child Abuse Investigation Team

A report to the Sexual Offences and Child Abuse Investigation Team is required to be made if an incident of grooming, failure to disclose or failure to protect is suspected. The basis for making a report is on the same grounds as making a report to Child Protection, ie forming a belief and having reasonable grounds.

4.4 Making a mandatory report

- Once a mandated person has formed a belief or a disclosure has been made, a report **must be** made to the Department of Human Services Child Protection as soon as practicable.
- It is solely the person who has formed a belief's responsibility to make the mandatory report or ensure that it is made to the Department of Human Services Child Protection /
- The mandated person prior to making the report is required to;
 - Meet with the Principal to inform him/her of the grounds on which they have 'formed a belief'.*
 - Document the grounds on which they have 'formed a belief' and provide a copy of this documentation to the Principal at the meeting. (See Appendix 2)
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- It should be noted that the duty to report:
 - Applies regardless of whether the alleged suspected abuse occurred in Victoria, outside the State or on the school grounds.
 - Is not discharged when a mandated person advises the Principal of his or her belief.
- A mandatory report should remain confidential. The Principal will advise only those people with a "need to know" to ensure the safety and wellbeing of students.

- If possible a report should be made on the **same day** as a belief is formed or a disclosure has been made.
- **Immediately** after making the notification to the Department of Human Services Child Protection Unit , the person making the report is required to provide the following **in writing** to the Principal.
 - Date and time phone call to the Department of Human Services Child Protection was made.
 - Full name of the Child Protection Worker spoken to.
 - Content and outcome of the conversation with the Child Protection Worker

This information will be entered on the school's "confidential" Notifications to Department of Human Services Child Protection / SOCS database by the Principal/nominated staff..

Important note: A report should also be made on **each occasion** that the mandated person becomes aware of further reasonable grounds for the belief that a student is in need of protection because the student has suffered or is in the future likely to suffer significant harm as a result of sexual and/or physical abuse and the student's parents have not protected or are unlikely to protect the student from harm or abuse of this kind in the future.

4.5 Information required when making a report to Child Protection

The mandated person should endeavor where possible to have the following information prior to calling the Department of Human Services Child Protection

- Name of family and children.
- The identified student's address, language spoken at home and date of birth.
- Reason for concern about the child or children (as factual and specific as possible)
- The reporter's involvement with the family.
- Any other people or agencies involved.
- Any concerns about a protective worker's safety in visiting the family.
- Best time to find parents/carers at home.
- If the family knows that a report is being made.

An inability to provide all this information should not delay the reporting process. School staff should make the report as soon as possible, provide all the information available, and if necessary follow up later with further information as it becomes available.

4.6 Correspondence from Child Protection

- If the mandated person who has made the report receives any correspondence from Child Protection they are required to notify the Principal of this.
- This correspondence is to be given to the Principal so that it may be securely stored together with the initial report(s) to Child Protection
- The mandated person is entitled to keep a copy of the correspondence from Child Protection should they wish. This correspondence **must be** securely stored to ensure the confidentiality of the correspondence.

4.7 Is permission required from the parent/carers?

Mandated persons **do not require** the permission of parents/carers to make a mandatory report, nor are they required to tell parents or carers that they have done so.

4.8 Protection for people making a report to Child Protection

- Mandated persons have a key role to play in ensuring that vulnerable children are protected and supported. This involves sharing information about children's safety and development where it could help a vulnerable child.
- When a mandated person shares information with Child Protection the mandated person is allowed to share any information that may help Child Protection to make an initial assessment about a child

The mandated person may also share information that is relevant to the protection or development of a child when Child Protection is investigating a report, or during subsequent intervention. **(The Principal must be informed of the date and content of this conversation in writing).**

- *The mandated person's identity is protected.*
 - Information about the mandated person's identity must be kept confidential unless the mandated person consents to it being disclosed.
- *The mandated person is legally protected.*
 - The mandated person is not subject to any legal liability in respect of the giving of information. For example, the mandated person cannot be successfully sued.
- *The mandated person is professionally protected.*
 - Authorised disclosure of information cannot be held to constitute unprofessional conduct or a breach of professional ethics. As a result, the mandated person cannot be disciplined by their professional body, or incur any formal adverse professional consequences at their workplace.

Mandated persons are protected in these ways provided they share information as authorised and "in good faith". This legal term is open to interpretation but implies that the mandated person acts honestly and reasonably, and in the belief that their actions will achieve an appropriate outcome – in this case, the protection and support of a child and their family.

4.9 Are there penalties for not making a mandatory report?

Failure to make a mandatory report can lead to criminal prosecution of the mandated person.

4.10 Non Mandated Staff

While not mandated under legislation, non mandated staff in a school have a professional responsibility to advise the Principal of the school as soon as practicable, if they have 'formed a belief' on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury (resulting from abuse or neglect) or sexual abuse, and the child's parents/carers have not protected or are unlikely to protect the child from harm.

5 PROFESSIONAL DEVELOPMENT

Staff, emergency teachers and volunteers are to be informed and educated on mandatory reporting requirements annually.

6 COMMUNICATION

- Staff, emergency teachers and volunteers are to be advised of this policy.

7 ASSOCIATED POLICIES, PROCEDURES, AGREEMENTS, GUIDELINES & LEGISLATION

- The Children, Youth and Families Act 2005 (Vic.)
- Department of Education and Early Childhood Development Victoria, "Victorian Government Schools Reference Guide" (section 4.6.2)
<http://www.education.vic.gov.au/management/governance/refernceguide/default.htm>
- Department of Human Services Victoria 2001, Safe from Harm, the role of professionals in protecting children and young people.
<http://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/SafeFromharm.pdf>
- Department of Education and Early Childhood Development Victoria 2007 "Responding to Allegations of Student Sexual Assault: Procedures for Victorian Government Schools."
- Child Safe Policy and Procedure
- Child Safe: Code of Conduct for Behaviour with Students
- Child Safe: Child Protection – Working With Children Checks
- Child Safe: Child Protection – Failure to Disclose
- Child Safe: Child Protection – Failure to Protect
- Child Safe: Child Protection – Grooming

8 REVIEW TIMELINE

This policy is to be reviewed at least every three years.

Initially Ratified: July 2016

Next Review to be completed by: 2019

Indicators of Harm

The table below provides a summary of the indicators of harm. These are also referred to as warning signs as they can signal to professionals that they need to take notice of what might be causing these physical or behavioral signs.

Child sexual abuse is difficult to detect because of the secrecy that surrounds it. The most common way sexual abuse is identified in the older child, is through self disclosure. For the younger child or infant, physical indicators of sexual abuse are more commonly identified through a medical examination, or through observations when changing nappies or underwear.

Summary of the Indicators of Harm

	Physical Indicators	Some Possible Behavioral Indicators
Physical Abuse	<ul style="list-style-type: none"> - Bruises (often of different ages) - Burns - Scalds - Welts - Internal injuries - Shaking injuries - Strangulation - Poisoning 	<ul style="list-style-type: none"> - Frequent absenteeism/prolonged school refusal - Wary of physical contact with adults - Frightened of parent/guardian - Expresses little or no emotion when hurt - Unduly compliant, shy, withdrawn, passive, uncommunicative - Attaches too readily to strangers - Offers unlikely explanation for injuries - Reports injury by parents/guardian - Nervous, hyperactive, aggressive, disruptive - Afraid to go home
Sexual Abuse	<ul style="list-style-type: none"> - Injury to genital or rectal area – bleeding or bruising - Discomfort in urinating or defecating - Frequent urinary tract infections - Vaginal or anal bleeding or discharge - Sexually transmitted diseases - Pregnancy – especially in very young adolescents 	<ul style="list-style-type: none"> - Child tells of abuse - Persistent and age-inappropriate sexual activity - Refusal to go home - Regressive behaviour – bed wetting, speech loss - Frequent absenteeism/prolonged school refusal - Self-injurious behaviour – alcohol abuse, self mutilation, suicide attempts, prostitution
Emotional Abuse	<p>The child or young person is:</p> <ul style="list-style-type: none"> - Treated as a scapegoat - Emotionally rejected - Isolated - Verbally abused continually - Devalued - Exposed to domestic violence 	<ul style="list-style-type: none"> - Compliant, passive, undemanding - Low self esteem - Demanding, aggressive and angry - Antisocial and destructive - Depressed and suicidal - Attention seeking
Physical Neglect	<p>The child or young person is not provided with:</p> <ul style="list-style-type: none"> - A safe environment - Food - Clothing - Shelter - Recommended/required medical care. <p>Neglect includes abandonment, rejection or forced eviction from home</p>	<ul style="list-style-type: none"> - Indiscriminate with affection - Constantly miserable and irritable - Alienated from peers, withdrawn, pale, listless - Begs for food - Engages in delinquent acts - Poor social skills

These indicators are compiled from information provided by:

- The Department of Human Services Website
http://www.cyf.vic.gov.au/child_protection/library/publications/protection/what
- The Department of Human Services Victoria (2001) "Safe from Harm, the role of professionals in protecting children and young people"
<http://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/SafeFromharm.pdf>
- The National Association for Prevention of Child Abuse and Neglect at:
<http://www.napcan.org.au/what.htm>
- The South Eastern Centres Against Sexual Assault at:
<http://www.secasa.com.au/inforsheets.php>

CHILD SAFE: NOTIFICATION

Notification to:

Child Protection **Ph: 1300 360 391 or (03) 9843 6000**

In accordance with the School’s Policy on Mandatory Reporting **PRIOR** to making a Notification to the Child Protection Unit the staff member must:

- “Meet with the Principal to inform him/her of the grounds on which they have “formed a belief”.**
- Document the grounds on which they have “formed a belief” (by completing this proforma) and provide a copy of this documentation to the Principal at the meeting.
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**Counsellors would normally advise the Wellbeing Support Service Team Leader prior to meeting with the Principal.”

PLEASE COMPLETE PRIOR TO MEETING WITH THE PRINCIPAL

1. Name of staff member making a notification: _____
2. Name of student staff member wishes to make a notification about: _____
3. Provide a summary of the grounds on which the staff member has “formed a belief” that a notification to Child Protection should be made (***this should be in dot point form***), attach supporting documentation if relevant:

Staff Member’s Signature: _____ Date: _____

Please provide a copy to the Principal

(Appendix 2 continued on next page)

Information to be provided to the Child Protection Worker by the staff member:

In accordance with the school's Policy on Mandatory Reporting the staff member making the notification should, where possible, have the following information prior to calling the Department of Human Services Child Protection Unit

- Name of family and children
- The identified students address, language spoken at home and date of birth
- Reason for concern about the child or children (as factual and specific as possible)
- The reporter's involvement with the family
- Any other people or agencies involved
- Any concerns about a protective worker's safety in visiting the family
- Best time to find parents/carers at home
- If the family knows that a report is being made

An inability to provide all of this information should not delay the reporting process. The staff member should make the report as soon as possible, provide all the information available and, if necessary, follow up later with further information as it becomes available.

Important note: A report should also be made on ***each occasion*** that the mandated person becomes aware of further reasonable grounds for the belief that a student is in need of protection because the student has suffered or is in the future likely to suffer significant harm as a result of sexual and/or physical abuse and the student's parents have not protected, or are unlikely to protect the student from harm or abuse of this kind in the future.

FOLLOW-UP AFTER MAKING NOTIFICATION TO CHILD PROTECTION

In accordance with the school's Policy on Mandatory Reporting:

"Immediately after making the notification to the Department of Human Services Child Protection Unit , the person making the report is required to provide the following **in writing** to the Principal.

- Date and time phone call to the Department of Human Services Child Protection was made.
- Full name of the Child Protection Worker spoken to.
- Content and outcome of the conversation with the Child Protection Worker

PLEASE COMPLETE THE FOLLOWING:

1. Name of staff member who made the notification: _____
2. Name of student staff member made the notification about: _____
3. Date and time of notification: _____
4. Full name of Child Protection Worker spoken to:

5. Content of conversation (dot point only):

6. Outcomes (dot point only):

Staff Member's Signature: _____ Date: _____

Please provide a copy to the Principal on the day the notification is made.