

## St Philip's Blackburn North



### CHILD PROTECTION: MANDATORY REPORTING POLICY

#### VISION AND MISSION

##### Vision Statement

**Modelling the teachings of Christ,  
St Philip's School community aspires to be a place of welcome that provides many learning  
environments to meet the challenges of an ever-changing world.**

##### Mission Statements

Because we believe that Christ is the central focus of our school and we are witnesses to him and his teachings we aim to:

- provide an atmosphere where all are made welcome, where they feel safe and have a sense of belonging
- provide a school environment that is positive and challenges all students to work to the best of their ability
- foster in all a realisation that they are responsible for their own learning
- develop a sense of justice by respecting the opinions and rights of others
- encourage all to be sensitive to others and respect their differences
- encourage all to use their physical environments in a respectful manner
- provide a learning environment that utilises the most effective and current approaches in education.

#### RATIONALE

The dignity of the human person, who is created in the image and likeness of God, is the foundation of Catholic Social Teaching. This Catholic anthropology leads us to afford all people, but especially students, young people and the most vulnerable, the highest respect. Within this context, effective Catholic schools provide a safe, supportive and secure environment that promotes respect and care and values diversity. The mental, physical, spiritual and emotional wellbeing of students and young people are essential preconditions for successful learning. These qualities cannot be developed for individuals in isolation from the health and wellbeing of the school community as a whole.

St Philip's Primary School is committed to the creation of a safe, just and respectful environment that supports wellness for all members of our school community. In this, there is a moral obligation and shared responsibility to protect the most vulnerable members of that community.

St Philip's believes that, while protecting students and young people against sexual abuse is a community wide responsibility, schools have particular moral and legal responsibilities to ensure students and young people are safe in their care and to actively and intentionally work to eliminate all forms of abusive behaviours towards students.

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There are also particular moral and legal obligations for those in authority to prevent, reduce and minimise child abuse and exploitation in all forms.

### **PURPOSE**

This policy applies to the whole school community in supporting safe environments for all students and young people. Its purpose concerns the Child Youth and Families Act (CYFA) 2005, the Crimes Act 1958(Vic) and the recommendations of the Betrayal of Trust Report and the Child Safe Standards from Ministerial Order 870, in which mandated professionals are legally compelled to make a report to the Department of Health and Human Service (DHHS) Child Protection, as soon as practicable, if in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child's parents/guardians/caregivers have not protected, or are unable or unwilling to protect the child.

In Victoria, mandated reporters are:

- Teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic)
- Principals of government and non-government schools, Registered medical practitioners, Nurses, All members of the police force.

Note: There may be times when two or more mandated professionals, for example a teacher and a principal, have formed a belief about the same child on the same occasion. In this situation it is sufficient that only one of the mandated professionals make a report. The other is obliged to ensure that the report has been made and that all the grounds for their own belief were included in the report made by the other person.

In the case where one mandated professional directs another mandated professional not to make a report, and one professional continues to hold the belief that a child is in need of protection, then that professional is legally obliged to make a report to Child Protection. A mandated professional who fails to report a 'belief based on reasonable grounds that a child is in need of protection' because of physical or sexual abuse is liable to be prosecuted under s.184(1), CYFA.

Note: There are also obligations for ALL Victorian adults under the 2014 'failure to disclose' amendments to the Crimes Act separate from, and in addition to, Mandatory Reporting obligations.

Non-mandated staff members such as administration or support staff, may also be aware of or have concerns about the wellbeing of a student at the School. Such staff members can report their concerns to a teacher, a member of the School Advisory Committee or directly to the Principal.

Confidentiality is provided for reporters in the CYFA (ss.190 and 191) and prevents the disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with the legislation except in very specific circumstances.

### **KEY PRINCIPLES**

- A safe environment is required to protect students and young people from harm and to prevent staff from abusing their position of authority and trust.
- The child and young person's ongoing safety and wellbeing must be the primary focus of all decision making.
- School leaders and staff must be fully self-aware of, and comply with, their professional obligations and responsibilities.
- The commitment to protecting students is embedded in the organisation's culture and responsibility for taking action is understood and accepted at all levels of the organisation.

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### **DEFINITIONS**

#### **Child**

In relation to Mandatory Reporting the Child Youth and Families Act 2005 (s.3) defines a child as a person who is under the age of 17 years or, if a protection order, a child protection order or an interim order continues in force in respect of him or her, a person who is under the age of 18 years.

A child in need of therapeutic treatment is defined in the Children Youth and Families Act 2005 (s.244) as over the age of 10 and under the age of 15 and has exhibited sexually abusive behaviours.

#### **Reasonable belief**

A 'belief on reasonable grounds' is formed if a reasonable person in the same position would have formed the belief on the same grounds. (s.184(4), CYFA)

For example, there may be reasonable grounds when:

- a child states that they have been physically or sexually abused
- a child 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 states that the child has been physically or sexually abused
- professional observations of the child's behaviour or development leads the mandated professional to form a belief that the child has been abused or is likely to be abused
- signs of physical or sexual abuse leads to a belief that the child has been abused.
- a staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability is impacting on the child or young person's safety, stability or development.

#### **School Advisory Group**

A committee consisting of the Principal, Leadership Team, Special Needs teacher and Student Wellbeing Leader are responsible for discussing any concerns and observations in relation to child physical, sexual or emotional abuse recorded by a staff member and to offer support to the staff member concerned.

#### **Emotional and Psychological abuse**

Emotional and Psychological abuse occurs when a child has suffered or is likely to suffer emotional or psychological harm of such a kind that the child's emotional or intellectual development is or is likely to be, significantly damaged and the child's parents/guardians/caregivers has not protected, or are unlikely to protect, the child from harm of this type.

#### **Physical abuse**

Physical abuse consists of any non-accidental form or injury or serious physical harm inflicted on a child or young person by any person. Physical abuse can include beating, shaking, burning and assault with implements.

Physical abuse can also include female genital mutilation (FGM).

#### **Sexual abuse**

Sexual abuse occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent or caregiver has not protected the child.

Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity, including physical activity and/or exposure of the child to pornography.

#### **Implementation**

This policy applies to the whole school community in supporting safe environments for all students and young people.

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- This policy is communicated to staff each year, and during induction of staff.
- Staff undertake training each year on mandatory reporting via the eLearning module.
- In the event that a teacher or other staff members form a view that a mandated report needs to be made, appropriate records must be kept.
- Staff making a report should advise the Principal that concerns are being raised and seek assistance to make the report.
- Staff making a mandated report should keep records that include dates and times, what has led to the report being made and what has been detailed in the report itself.
- 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.
- School 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.

### **Procedures**

#### **STEP 1**

Mandated notifiers employed by the School should make observations and keep dated notes of any existing concerns that have led them to form the belief that a report may be necessary. It is expected that mandated notifiers enlist the support of the Principal. It is permissible to ask a child sufficient questions to establish a reasonable belief, but care should be taken not to ask leading questions. Given the highly sensitive nature of this type of situation, confidentiality should be regarded as critical. The fewer the number of people informed the better.

#### **STEP 2**

These concerns should be discussed, in the first instance, with the Principal. It is essential that reports are managed in a caring, supportive and confidential manner and that the mandated notifier be supported. Written records of any conversations held and dated notes should be returned to the Principal. These notes will be stored with the Principal.

#### **STEP 3**

If there is uncertainty about the need for a mandatory report to Child Protection and Family Services – Department of Human Services, the Principal will meet with the School Advisory Group to decide upon a course of action.

#### **STEP 4**

If the harm to the child is or is likely to be inflicted by a person other than the child's parents/guardians/caregivers then the parents/guardians/caregivers must be informed. If it appears the child's parents/guardians/caregivers are unable to keep the child safe, the Child Protection and Family Services – Department of Human Services needs to be notified immediately.

#### **STEP 5**

After these internal discussions, the Principal should phone a report to Child Protection and Family Services – Department of Human Services.

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### **STEP 6**

It should then be decided who else, if anyone, should be informed. The need for confidentiality should be remembered at all times in the interests of the child and family. Only where the wellbeing of the child will be affected should the matter be discussed with anyone else. If following a report, a family approaches the school, it is recommended that any interview be conducted with a minimum of 2 school staff members present. It is recommended that the Principal and Deputy Principal be present at such a meeting. The focus of such a meeting should be on the welfare of the child, not on justifying the actions of the staff involved.

### **STEP 7**

After notification to Child Protection and Family Services – Department of Human Services is made, a senior protective worker will decide whether or not further investigation is required. The notifying staff member will be advised of this decision. If the notifying staff member is not advised, the Principal should phone the Department of Human Services and request information about what action is proposed.

### **STEP 8**

At an appropriate time, the standard practice for the Department of Human Services is to contact the parents/guardians/caregivers, after a notification has been made. When Officers of Child Protection and Family Services – Department of Human Services or the Police seek an interview with a child, they should cooperate with the authorised agency as follows:

- Arrange for the child to choose a supportive adult to be present.
- Follow the recommended procedures from the Department of Human Services and Catholic Education Melbourne.
- Ensure that arrangements are in order for any interview which is to take place at the school.
- Seek or offer appropriate pastoral support for the reporting staff member.
- Observe confidentiality at all times in the management of a mandatory reporting case.
- If legal assistance is required, contact Catholic Education Melbourne in the first instance.

If the child is in immediate danger, then Victoria Police should be notified.

### **Important Notes**

Please note that, except in very urgent situations, a member of staff should consult with the Principal before disclosing information about a child or the family without their consent. Any teacher involved in the process above retains the right, regardless of the outcome of discussions with the Principal and the School Advisory Group to proceed with the report. If the outcome of the discussions is not to proceed with a report but a teacher exercises the individual right to report it, the teacher is asked to formally notify the Principal that this course of action is being taken. Following a discussion with the Principal or Principal's nominee, if the teacher has formed the belief that it is necessary to make a report, then it is the teacher's responsibility to ensure that this notification has occurred and that all reasonable grounds supporting the belief have been reported. A teacher may notify the Department of Human Services of his/her belief without the prior knowledge of the Principal. However, it is strongly recommended that the teacher inform the Principal or Principal's nominee of his/her action as soon as possible. If the alleged perpetrator is the Principal contact should be made in the first instance with the school's Educational Consultant at the CEM in Croydon.

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## STEPS FOR MAKING A REPORT TO CHILD PROTECTION OR CHILD FIRST

STEP 1	RESPONDING TO CONCERNS	STEP 2	FORMING A BELIEF ON REASONABLE GROUNDS	STEP 3	MAKING A REFERRAL TO CHILD FIRST	STEP 4	MAKING A REPORT TO CHILD PROTECTION
<p>1. If your concerns relate to a child in need of immediate protection, or you have formed a belief that a child is at significant risk or harm.*</p> <p><b>Go to Step 4</b></p> <p>2. If you have significant concerns that a child and their family need a referral to Child FIRST for family services.</p> <p><b>Go to Step 3</b></p> <p>3. In all other situations</p> <p><b>Go to Step 2</b></p> <p><i>*Refer to guidelines in the policy detailing definitions of child abuse and indicators of harm</i></p>		<p>1. Consider the level of immediate danger to the child.</p> <p>Ask yourself:</p> <p>a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm?</p> <p><b>YES/NO</b></p> <p>and</p> <p>b) Am I in doubt about the child’s safety and the parent’s ability to protect the child?</p> <p><b>YES/NO</b></p> <p>2. If you answered yes to a) or b)</p> <p><b>Go to Step 4</b></p> <p>3. If you have significant concerns that a child and their family need a referral to Child FIRST for family Services.</p> <p><b>Go to Step 3</b></p>		<p><b>Child Wellbeing Referral</b></p> <p>1. Contact your local Child FIRST provider.</p> <p>2. Child FIRST Eastern Metropolitan</p> <p><b>1300 762 125</b></p> <p>3. Have notes ready with your observations and child and family details.*</p> <p><i>*Refer to Appendix 1 &amp; 2 Making a report to Child Protection Services</i></p>		<p><b>Mandatory/Protective Report*</b></p> <p>1. Contact your local Child Protection Intake provider immediately.</p> <ul style="list-style-type: none"><li>Child Protection Eastern region Intake Unit</li></ul> <p><b>1300 360 391</b></p> <p>Regional office (Box Hill)</p> <p><b>(03) 9843 6000</b></p> <ul style="list-style-type: none"><li>For <b>After Hours Child Protection</b> Emergency Services, call</li></ul> <p><b>131 278</b></p> <p>2. Have notes ready with your observations and child and family details.</p> <p><i>Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection.</i></p> <p><i>*Refer to Appendix 1 &amp; 2 Making a report to Child Protection Services</i></p>	

### Making a report to Child Protection Services or Child FIRST

If a staff member believes a report to Child Protection Services or Child FIRST is required, the Principal will be notified. The notifying staff member will proceed with a report to the appropriate department.

The following information will be required when making a report:

- The child's name, age and address.
- The name, age and address of any known siblings.
- Your reason for believing that an injury or behaviour is the result of abuse or neglect.
- Your assessment of the immediate danger to the child.
- Current whereabouts of the child or young person.
- Your description of the injury or behaviour observed.
- Any other information you have about the family.

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Your identity as a notifier will remain confidential unless:

- You choose to inform the child and/or family of the notification yourself.
- You consent to your identity as the notifier being disclosed.

### **Monitoring**

After notification to the appropriate department is made a senior protective worker will decide whether or not further investigation is required. The notifying staff member will be advised of this decision. If this does not occur, the Principal may connect the appropriate department and request information about what action is proposed.

### **Documentation**

Other than ensuring the safety of all involved, there should be no detailed communication with alleged perpetrators or any other students involved until after approval from Victoria Police. Police and Child Protection Services are to be the investigating body at all times.

### **Related Documentation**

This policy should be read in conjunction with the other policies and procedures of St Philip's Primary School concerned with Child Safety and Pastoral Wellbeing:

Including the following:

Child Safe Policy

Child Safe Code of Conduct

Student Wellbeing Policy

Risk Management Policy

## **APPENDIX 1**

[Four Critical Actions for Schools](#)

## **APPENDIX 2**

[Responding to an incident, disclosure or suspicion of Child Abuse Template](#)

### **REVIEW:**

This policy will be reviewed when required or when legislative changes take place.

Last review: October 2016

Ratified by the Education Board: 8<sup>th</sup> November 2016

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