

Hume Valley 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.

**Hume Valley School has zero tolerance for child abuse.**

Hume Valley 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. Particular attention will be 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.

Every person involved in Hume Valley 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.

## **STATEMENT**

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. There are many indications 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 staff to the possibility of child abuse and neglect. Types of child abuse include

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect
- Medical neglect
- Family violence
- Human trafficking (including forced marriage)
- Sexual exploitation (including pornography and prostitution).

## **RATIONALE**

To ensure school staff are aware of their roles and responsibilities in protecting the safety and wellbeing of children young people and are able to:

- Understand their various legal obligations to report and take other reasonable steps to discharge the duty of care that may be owed to the child or young person.
- Identify indicators that a child or young person has been, is being or is at risk of being abused.
- Make a report about a child or young person who has been, is being, or is at risk of being abused.

## **IMPLEMENTATION**

The following summarises the mandatory and other reporting obligations where there is a concern that a child or young person has been, is being, or is at risk of being abused.

### **Mandatory Reporting**

The following professionals are considered mandatory reporters

- 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 and all members of the police force.

Mandatory reporters must make a report to the Department of Health and Human Services (DHHS) (Child Protection) as soon as practicable if, in the course of practising their profession or carrying out their duties, they form reasonable belief that a child or young person is in need of protection, as a result of physical injury or sexual abuse and the child's parents are unable or unwilling to protect the child from that abuse.

A mandatory reporter who fails to comply with these reporting obligations may be committing a criminal offence.

### **Failure to disclose.**

All adults, not just professionals who work with children, have a legal obligation to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16. Failure to disclose the information may amount to a criminal offence unless you have a "reasonable excuse" or have an "exemption" from doing so.

### **Failure to Protect**

Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

The offence applies only to adults in a position of authority within an organisation. In a school context, this may include Principals, Assistant Principals, Wellbeing and Sub School Leaders.

### **Reporting Obligations**

Department policy requires all staff who form a belief on reasonable grounds that a child or young person is in need of protection to report their concerns to DHHS Child Protection or Victoria Police. In the case of school staff they must also discuss their concerns with the principal or a member of the school leadership team prior to making a report.

### **Child in need of protection**

Any person can make a report to DHHS Child Protection if they believe on reasonable grounds that a child is in need of protection for any of the following reasons

- The child has suffered or is likely to suffer significant harm as a result of:
  - Physical injury and their parents are unable or unwilling to protect the child
  - Sexual abuse and their parents are unable or unwilling to protect the child
  - Emotional or psychological harm and their parents are unable or unwilling to protect the child.
- The child has been abandoned and there is no other suitable person who is willing and able to care for the child.
- The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child
- The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care or effective medical or other remedial care.

### **Child in need of therapeutic treatment.**

Any person who believes on reasonable grounds that a child over 10 but under 15 years of age has been exhibiting sexually abusive behaviours and maybe in need of therapeutic treatment should make a report to DHHS Child Protection.

Sexually abusive behaviours can be exhibited when a child uses their power, authority or status to engage another person in sexual activity that is unwanted or where the other party is incapable of giving informed consent (such as other children who are younger or who have cognitive impairments).

In the case of student sexual offending, Department policy requires staff to also report to the Victoria Police in the case of school staff, they must also discuss their concerns with the principal or a member of their school leadership team.

### **Significant concerns for the Wellbeing of a Child**

Any person who has a significant concern for the wellbeing of a child should report these concerns to DHHS Child Protection, or refer the child and their family to Child FIRST.

A significant concern for the wellbeing of a child may arise, for instance, where any of the following factors may have a significant adverse impact on a child's care, welfare or development

- Significant parenting problems
- Family conflict or family breakdown
- Pressure due to a family member's physical /mental illness, substance abuse, or disability
- Vulnerability due to youth, isolation or lack of support
- Significant social or economic disadvantage in the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.

### **Additional Legal Obligations.**

In addition to the mandatory reporting and other reporting obligations mentioned above, all school staff have duty of care obligations and obligations arising out of the Child Safe Standards.

All school staff have a duty of care to take reasonable steps to prevent reasonably foreseeable injury

to children and young people under their care. This includes taking reasonable steps to protect their safety, health and wellbeing.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, reasonable steps may include (but are not necessarily limited to):

- acting on concerns and suspicions of abuse as soon as practicable
- seeking appropriate advice or consulting with other professionals or agencies when the school staff member is unsure of what steps to take
- reporting the suspected child abuse to appropriate authorities such as Victoria Police and DHHS Child Protection
- arranging counselling and/or other appropriate welfare support for the child
- providing ongoing support to the child and young person – this may include attending DHHS Child Protection Case Planning meetings, and convening regular Student Support Group meetings
- sharing information with other school based staff who will also be responsible for monitoring and providing ongoing support to the child or young person.

### **Child Safe Standards**

The Child Safe Standards are compulsory minimum standards for all Victorian schools to ensure they are well prepared to protect children from abuse and neglect. The Standards support all Victorian schools to embed a culture of no tolerance for child abuse but, where necessary, to respond appropriately to actual or suspected abuse.

## **Potential Consequences of Making a Report.**

### **Confidentiality**

The identity of a reporter must remain confidential unless:

- the reporter chooses to inform the child, young person or parent of the report
- the reporter consents in writing to their identity being disclosed
- a Court or Tribunal decides that it 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 provide evidence

### **Professional protection**

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

## **Potential Consequences of Making a Report (cont)**

### **Interviews**

## DHHS Child Protection and/or Victoria Police

- may conduct interviews of children and young people at the school without the parent's knowledge or consent. Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child or young person to proceed in this manner
- will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises

When officers from DHHS Child Protection or Victoria Police come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person.

When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.

## Support for the child or young person

The roles and responsibilities of staff members in supporting children and young people who are involved with DHHS Child Protection may include the following:

- acting as a support person for the child or young person
- attending DHHS Child Protection case planning meetings
- observing and monitoring the child or young person's behaviour
- liaising with professionals.

## Requests for information

DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person. In certain circumstances,

DHHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection

## Witness Summons

If DHHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings.

## Escalation mechanisms

Where a school staff member continues to have protective concerns about a child or young person after DHHS Child Protection has closed the case, the school may need to escalate their concerns.

In these cases, schools can escalate the matter by doing the following:

- using DHHS Child Protection’s complaints management process. This process can be used to report urgent and important issues about an individual child or young person, as well as systemic issues about the provision of services
- principal of a Victorian Government school can also escalate their concerns to their regional Area Executive Director. The Area Executive Director can then share this information with their counterpart at the DHHS Child Protection.

To ensure that reports to DHHS Child Protection contain the necessary information for an intake worker to assess a report, schools should ensure all school staff use the PROTECT Reporting Template when recording a incident, disclosure or suspicion of child abuse

## REFERENCES

- <http://www.education.vic.gov.au/about/programs/health/protect/Pages/schotherconcerns.aspx>
- <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence>
- <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>

## Evaluation

This policy will be reviewed as part of the school’s three-year review cycle.

<b>Ratified By Hume Valley School Council</b>	September 2016
<b>Review Date:</b>	September 2019

