

PHILOSOPHICAL BASIS

All children have a right to feel safe and to be safe. Glen Katherine Primary School is committed to supporting the wellbeing of its students and protecting them from child abuse. All members of the school community share a responsibility to ensure the welfare of all students.

When a school staff member forms a belief that a child has been harmed or is at risk of being harmed, they must take action that is timely, respectful and coordinated.

GUIDELINES

This policy will be viewed in conjunction with the Child Safety Policy and Staff Code of Conduct.

Any person who is registered as a teacher under the Education and Training Reform Act 2006, or any person who has been granted permission to teach under that Act, including Principals, is mandated to make a report to Child Protection.

Under the *Children, Youth and Families Act 2005* (CYFA) mandated professionals are legally compelled to make a report to Child Protection if, in the course of undertaking their professional duties, they form a belief on reasonable grounds that a child is in need of protection from physical injury (CYFA s. 162 (c)) or sexual abuse (CYFA s. 162 (d)). Teachers and principals are mandatory reporters under the s. 182.

While non-mandated staff are not legally obliged to make a report to the DET, they are still morally responsible to show duty of care to students if they form a belief that a student has been abused or is at risk of abuse.

If they have formed a reasonable belief they must discuss this with the Principal only and maintain confidentiality from the school community.

New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure. Staff will be reminded of mandatory responsibilities annually.

Forming a belief on reasonable grounds

A person may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child or young person's health, safety or wellbeing is at risk and the child's parents are unwilling or unable to protect the child.

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 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.

Reporting a belief

- All concerns about the safety and wellbeing of students must be reported immediately to the Principal, or in their absence, the Assistant Principal.
- The Principal will keep a record of all discussions about a student with whom there is a concern.
- If a belief has been formed by a staff member that sexual or physical abuse has taken place a "Mandatory Reporting Information Sheet" available from the Principal must be completed and filed in the Principal's office.
- 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.
- The teacher and/or the Principal or Assistant Principal will contact the Department of Human Services by telephone as soon as possible to make an official notification on:
1300 664 977 (Preston) or after school hours crisis line 131278
- If the Principal does not share the belief that a child is in need of protection and does not notify Child Protection, the teacher must still report the child abuse. It is the school's policy that the teacher must inform the Principal that he/she has made a report.
- A report must be made as soon as practicable after forming the belief, and on each occasion on which they become aware of any further reasonable grounds for the belief. An attempt is to be made to file the report on the same day as the belief is formed.
- The reporter's responsibility ends with the making of the report.

Protection for reporters

- If a report is made in good faith (CYFA 2005 s. 189), then:

it does not constitute unprofessional conduct or a breach of professional ethics so the reporter cannot be held legally liable,

Confidentiality for reporters

- Confidentiality is provided for reporters in the CYFA, 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.
- **The identity of a reporter will remain confidential, unless:**
 - the reporter chooses to inform the child or family of the report
 - the reporter consents in writing to their identity as the reporter being disclosed
 - a court or tribunal decides that it needs this information in order to ensure the safety and wellbeing of the child
 - a court or tribunal decides that in the interests of justice the evidence needs to be given.

Failure to report

- 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 section 184(1).

Follow Up

- Child Protection may conduct interviews of children and young people in Victorian schools 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.
- Children and young people should be advised of their right to have a supportive adult present during interviews. A staff member may be identified as a support person for the child or young person during the interview.

FURTHER INFORMATION AND RESOURCES

Duty of Care Policy

Protecting Children – Mandatory Reporting and other Obligations for the Early Childhood Sector
Victoria Police, either by calling '000' or by contacting the nearest police station
the local [Department of Health and Human Services, Child Protection](#)
local DHHS [Child FIRST](#) provider.

Date Reviewed: June 2018

Responsibility: GK Staff