

Standard 5: Processes for responding to and reporting suspected Child Abuse

Barton Primary School

Responding To & Reporting Suspected Child Abuse Policy

The following is our procedure for responding to incidents, disclosures and suspicions of allegations of suspected child abuse.

At Barton Primary School procedures for responding to allegations of child abuse apply to allegations or disclosures of child abuse made or by or in relation to a child, school staff, visitors or any other person connected to our school environment. As a school staff member, visitor, maintenance person, contract staff member etc. you have a duty to take reasonable steps to protect children under your care and supervision from harm that is reasonably foreseeable (this applies to ALL persons connected to the school environment).

The question of what constitutes “reasonable steps” will depend on the individual circumstances of each case. In relation to suspected child abuse, 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 the Victoria Police and DHHS Child Protection arranging counselling and/or other appropriate welfare support for the child providing on-going support to the child – 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 on-going support to the child. It is particularly important for visitors and/or others associated with the school such as contractors, maintenance personnel etc. to seek out school personnel who can assist and advise regarding further steps that need to be taken.

NB. Duty of care also extends to students who are:

- aged 17 years and over. In circumstances where you suspect that a student over the age of 17 is subject to abuse you should still follow the Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse. Although DHHS Child Protection work with children under 17 they can still be contacted with concerns relating to students 17 and over for referral and advice.
- involved in student sexual offending. You have a duty of care towards all students involved in student sexual offending, including the alleged victim, assailant and any other students in the school who may have witnessed and/or been affected by the abusive behaviour.

This document will be included in the induction program for all staff, volunteers and contractors engaged at our school. This document will be made available to our student’ parents and the wider community via our website. Teachers will ensure all students are aware of the procedures in an age appropriate way via our Positive Start program.

FOUR CRITICAL ACTIONS FOR SCHOOLS

YOU MUST TAKE ACTION

As a school staff member, you play a critical role in protecting children in your care.

- You **must** act, by following the 4 critical actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.
- You **must** act if you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).
 - You **must** use the [responding to allegations of suspected child abuse template](#) to keep clear and comprehensive notes.
 - These notes via the template will be securely stored in our school archive system.

* A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action

ACTION 1: RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to ACTION 2.

If a child is at immediate risk of harm you must ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- **calling 000 for urgent medical and/or police assistance** to respond to immediate health or safety concerns
- identifying the Principal (or Nominee) as the contact person at the school for future liaison with Police.
- Informing the SSSO coordinator for your school.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

ACTION 2: REPORTING TO AUTHORITIES

As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE SCHOOL:

VICTORIA POLICE

You must report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police.

You **must also** report **internally** to:

- School Principal (or nominee) and/or leadership team
- Informing the SSSO coordinator for your school.
- Employee Conduct Branch
- DET Security Services Unit

IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE FAMILY OR COMMUNITY

DHHS CHILD PROTECTION

You **must** report to DHHS Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

VICTORIA POLICE

You **must also** report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You **must also** report **internally** to:

- School Principal (or nominee) and/or leadership team
- DET Security Services Unit
- Informing the SSSO coordinator for your school.

ACTION 3: CONTACTING PARENTS/CARERS

Your Principal(or nominee) **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- **not to contact** the parents/carers (e.g. in circumstances where the parents are alleged to have engaged in the abuse.
- **to contact** the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

ACTION 4: PROVIDING ONGOING SUPPORT

Your school **must** provide support for children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professionals. This is an essential part of your duty of care requirements.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals etc.

You **must** follow the Four Critical Actions every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities

If you believe that a child is not subject to abuse, but you still hold **significant concerns** for their wellbeing you must still act.

This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DHHS Child Protection or Victoria Police.

FAILURE TO PROTECT and FAILURE TO DISCLOSE OFFENCES

Any staff member or person associated with the school (e.g. visitor, contractor, maintenance worker etc.) who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police.

Failure to disclose the information to police is a criminal offence, unless a reasonable excuse has been formed such as:-

- information has already been reported to DHHS Child Protection.
- Fear for own or others' safety
- The offence applies to all adults in Victoria, not just professionals who work with children.

If an adult fails to take reasonable steps to protect a child from harm and/or fails to disclose, this may amount to a criminal offence. Refer to the Department of Justice fact sheets on FAILURE to Protect and Failure to DISCLOSE for further information.

If you need to report a child in immediate risk or danger of a sexual offence please call Triple Zero (000).

What should a person in authority do to reduce or remove the risk of child sexual abuse posed by an adult associated with their organisation?

A person in authority in an organisation must take reasonable steps to reduce or remove a known substantial risk that an adult associated with their organisation will commit a sexual offence against a child.

Examples include:

- A current employee who is known to pose a risk of sexual abuse to children in the organisation should be immediately removed from contact with children and reported to appropriate authorities and investigated.
- A community member who is known to pose a risk of sexual abuse to children should not be allowed to volunteer in a role that involves direct contact with children at the organisation.
- A parent who is known to pose a risk of sexual abuse to children in a school should not be allowed to attend overnight school camps as a parent helper.
- Removing a suspected adult from child-related work pending investigation.

CONTACT

DHHS CHILD PROTECTION

South Division 1300 655 795

AFTER HOURS

After hours, weekends, public holidays 13 12 78

CHILD FIRST

www.dhs.vic.gov.au

VICTORIA POLICE

000 or contact your local police station

DET SECURITY SERVICES UNIT

(03) 9589 6266

STUDENT INCIDENT AND RECOVERY UNIT

(03) 9637 2934

EMPLOYEE CONDUCT BRANCH

(03) 9637 2595

CHILD PROTECTION REPORTING

RATIONALE

The purpose of this policy is to explain the roles and responsibilities of school staff to protect the safety and wellbeing of children and young people. The full policy with detailed information that all staff in Victorian government schools must follow is found at:

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotectobligation.aspx>

IMPLEMENTATION

Mandatory Reporters

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.

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 report to Child Protection. 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.

If one staff member has a different view from another staff member about making a report and the staff member continues to hold the belief that a child is in need of protection, that person is obliged to make a report to Child Protection.

All mandated reporters are required to make a report on each occasion that they form a belief.

Non-mandated staff members

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 or Victoria Police 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.

In order to discharge duty of care, staff members, **whether or not mandated**, need to report a belief formed in the course of undertaking their professional duties. 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.

Failure to disclose offence

In addition to mandatory reporting and duty of care obligations, **any adult** who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must report that information to police. Failure to disclose the information to police is a criminal offence except in limited circumstances, such as where the information has already been reported to Child Protection or the child is older than 16 when the belief is formed. More information about the offence can be found at <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>.

Duty of care

School staff have a duty of care to take reasonable steps 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 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, school staff can discharge this duty of care by taking action which includes the following:

- Reporting their concerns to Child Protection, Victoria Police or another appropriate agency

- Notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.

Duty of care obligations are separate and additional to mandatory reporting and 'failure to disclose' reporting obligations.

Making a report

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.

Staff are expected to follow the Department policy for making a report set out at:

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotectobligation.aspx>

Reports to Child Protection and Victoria Police are confidential unless you consent or a court or tribunal decides that it is necessary in the interests of justice for your identity to be disclosed.

Staff training

As part of their initial induction to the school, staff will be informed of child protection reporting requirements and Department policy

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotectobligation.aspx>

and will be provided with supporting documentation in their staff handbook.

This code of conduct will be reviewed if legislative or other changes require in the interim or no later than December 2020.

Evaluation

This Code of Conduct will be reviewed on a two year cycle as part of the three year review cycle

REFERENCE:

CHILDREN YOUTH AND FAMILIES ACT 2005 :

[http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/15A4CD9FB84C7196CA2570D00022769A/\\$FILE/05-096a.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e92000e23be/15A4CD9FB84C7196CA2570D00022769A/$FILE/05-096a.pdf)