

Rationale

All Victorian schools must comply with the new *Ministerial Order No. 870 - Child Safe Standards - Managing the Risk of Child Abuse in Schools* in order to be registered, and remain registered with the Victorian Registration and Qualifications Authority (VRQA).

The Order came into effect on 1 August, 2016 and specifies how every Victorian school must:

- embed a culture of ‘no tolerance’ for child abuse
- comply with the prescribed seven minimum child safe standards.

Teachers and Principals are mandated by law under section 184 of the Children, Youth and Families Act 2005 (CYFA) to make a report to child protection.

It is mandated that if a teacher or Professional who during the course of carrying out duties forms the belief on reasonable grounds that a child is in need of protection must report to Child Protection as soon as practicable after forming the belief and after each occasion on which they become aware of any further grounds for the belief.

Aims

To protect children and young people from abuse and neglect by ensuring school staff:

- a) Understand their mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse including physical and sexual abuse.
- b) Know how to make a mandatory report to the Department Of Health and Human Services (DHS) Child Protection when they have formed a belief on reasonable grounds that a child or young person is at risk of significant harm.
- c) Are able to identify and be aware of the indicators of abuse.
- d) To make teachers and support staff of their legal obligations regarding reporting of abusive, negligent and inappropriate behavior towards students in their care. Teachers and Principals must understand and acknowledge their duty of care toward all children in the school.

Mandatory Reporting

In meeting the requirements of *Ministerial Order No. 870*, schools must be inclusive of the needs of all children, particularly students who are vulnerable due to age, family circumstances, abilities, or indigenous, cultural or linguistic background.

There are seven standards which require:

- strategies to embed an organisational culture of child safety, including through effective leadership arrangements
- a child safe policy or statement of commitment to child safety(attached)
- a code of conduct that establishes clear expectations for appropriate behavior with children (attached)
- screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel (strategies to embed culture of child safety evident)
- processes for responding to and reporting suspected child abuse(follow)
- strategies to identify and reduce or remove risks of child abuse (risk assessment completed)
- strategies to promote the participation and empowerment of children. (professional learning schedule)

There are certain classes of professionals who are classified as “mandatory reporters”. Within a school mandatory reporters include all:

- Victorian Institute of Teaching (VIT) registered teachers (including principals)
- Staff who have been granted permission to teach by VIT
- Registered doctors and nurses

All mandatory reporters must make a report to Victoria Police and/or DHHS Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/ or sexual abuse, and
- the child’s parents have not protected, or are unlikely to protect, the child from harm of that type.

It is a criminal offence not to report in these circumstances.

Mandatory reporters must also follow the Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse (pg. 21) to ensure they fulfil all of their legal obligations.

If, in the course of his or her duties, a teacher or Principal 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 or sexual abuse, and the child’s parents have not protected or are unlikely to protect the child from harm of that type; the person must notify the Department of Human Services Child Protection of 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 or the belief.

Forming a Belief

The Children, Youth and Families Act 2005 states that teachers must notify 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 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 to determine whether that belief should be investigated.

Reasonable Grounds

Reasonable grounds can be thought of as the mechanism used for forming the belief. These include situations where:

- To make Teachers and Principals aware that it is mandated that if they form a belief about a child they are mandated to report to Child Protection.
- Teachers are mandated to report a belief even if the Principal or Leadership Team disagree with the belief or the teachers concerns continue after discussions with the Principal or Leadership Team.
- Non-mandated staff (Education Support Staff) who believe there is reasonable grounds for forming a belief are encouraged to speak to the Principal regarding their concerns.
- To make sure school staff are aware that they may report a case due to their involvement with children in the community and forming a belief that a student may be in an unsafe situation.
- To outline teacher's duty of care at all times and that teachers are obliged to protect children from harm that is reasonably foreseeable. A breach of this duty of care may lead to legal action being taken against the individual teacher or teachers concerned. A breach of this duty of care will be established if a teacher or Principal failed to take immediate and positive steps after having acquired actual knowledge of formed a belief that there is a risk

IMPLEMENTATION

Teachers will be informed annually of their legal obligations and responsibilities to report child abuse and neglect to the Department of Human Services and will be provided with information on how to recognize and respond to child abuse.

If a teacher suspects that a child is in need of protection from physical and/or sexual abuse it is essential that he/she document any concerns and observations in a confidential file. In all cases, teachers are advised to inform the Principal of his/her concerns as early as possible. Teachers may in time form a

belief the child is being abused or neglected and therefore there are reasonable grounds on which to lodge a report to Child Protection.

Following a discussion with the Principal or Principal's nominee about his/her concerns and observations:

- The teacher may form the belief that it is necessary to make a report. In this case the teacher must make a report to the Department of Human Services as soon as practicable. It is the responsibility of the individual teacher to ensure that this notification has occurred and that all reasonable grounds supporting the belief have been reported.
- The teacher may continue to suspect that a child is in need of protection. In this case the teacher should continue to monitor and support the child.
- Those involved in any process of consultation around mandatory reporting must maintain confidentiality regarding the child, the family, the notifier and any alleged perpetrator.
- The teacher does not have to seek permission from parents or caregivers to notify. In most cases it is not advisable to do this owing to the nature of some disclosures. If parent asks for the identity of the notifier, confidentiality must be maintained and the teacher is not obliged to tell the parent or guardian.
- A teacher may notify the Department of Human Services Victoria of his/her belief without the prior knowledge of the Principal, however the teacher must inform the Principal or Principal's nominee of his/her action as soon as practicable.
- It may be necessary for the Department of Human Services to interview a child at school when a notification of abuse has been made. Such requests may be directed to the Principal or the Principal's nominee.
- It is important to advise children or young people of their right to have a supportive adult present at such an interview. This may be the Principal or a teacher.
- When Officers of Child Protection Victoria or the Police seek an interview with a child, the Principal should cooperate with the authorised agency.

The Principal Should:

- Arrange for the child to choose a supportive adult to be present.
- Follow the recommended procedures from the Department of Human Services and the DET.
- 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 the DET.

Where any report to the DHHS Child Protection involves a Koorie student, the Principal must advise the Regional Office. The Regional Office, with the Koorie Support Officer, ensures support is arranged.

EVALUATION

This policy was ratified by school council in June, 2018