

Child Protection Reporting Policy and Procedures (Previously Mandatory Reporting Policy)

Barwon Valley School is committed to the safety and wellbeing of all children and young people and has zero tolerance for child abuse. (Child Safe Standards)

Purpose

The purpose of this policy is to explain the roles and responsibilities of Barwon Valley School staff in protecting the safety and wellbeing of children and young people. The full DET 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/childprotection.aspx>

NOTE: The requirements set out in DET's *School Policy and Advisory Guide* apply at all times

Under the new criminal offence of **'Failure to Protect'**, people in positions of authority such as principals must take action to protect children where they know that a person associated with their organisation poses a substantial risk of sexually abusing children under the age of 16.

Mandatory Reporters

All members of the BVS teaching staff and Principal class, the Student Wellbeing Support Officer and the School Nurse are "mandatory reporters". This means that if in the course of undertaking their professional duties, they form a belief 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 make a report to Department of Health and Human Services (DHHS) Child Protection. They must report as soon as practicable after forming the belief. (The reporting of Emotional abuse and Neglect is not mandated but if mandatory reporters believe this has occurred or is at risk of occurring, they have a *duty of care* to make a report.)

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.

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

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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

BVS 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, 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.

Steps for mandatory reporting

If a BVS staff member has concerns about the safety and wellbeing of a child, or believes that physical abuse, sexual abuse, emotional abuse or neglect has occurred or is at risk of occurring the following steps should be followed:

Mandated staff (Teaching staff, Principal class, Wellbeing Officer and School Nurse)	Non-mandated staff (ES staff including Therapists)
<ul style="list-style-type: none">- Teaching staff to discuss concerns with Wellbeing Support Officer, School Nurse and/or a member of the Principal class. OR- Wellbeing Support Officer/Nurse to speak with a member of the Principal class.	<ul style="list-style-type: none">- ES/Therapist to discuss concerns with class teacher or area leader.- Discuss concerns with Wellbeing Support officer, Nurse and/or a member of the Principal class.
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/childprotection.aspx	

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.

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.

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Staff Training

BVS staff will be informed about child protection reporting requirements and also provided with written information in their Wellbeing Folders. For further details refer to :

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

Policy Review

Review and updates will take place annually.

Guidelines for completing a Child FIRST referral

Barwon Child FIRST is a partnership between seven Family Service organisations and DHHS Child Protection. The primary function of Child FIRST is to assess the needs of vulnerable children and families, and direct them to the most appropriate support services.

A referral to Barwon Child FIRST may be considered reasonable if the following are evident but the immediate safety of the child is **not** at risk:

- Significant parenting problems
- Serious family conflict
- Family pressures due to mental illness, substance abuse, disability or bereavement
- Young, isolated and unsupported families
- Significant social and/or economic disadvantage

Under the CYFA2005, the identity of the referrer is protected unless consent is given. Child FIRST can receive referrals from people with significant concerns for the wellbeing of a child without the consent of the family, although it is recommended the referral is discussed with the family prior to submission to increase the likelihood of service engagement.

It should be noted that Child FIRST is a voluntary service, which means the family is not legally obligated to accept services. Referrals to Child FIRST are prioritised based on risk levels. Barwon Child FIRST has a full-time Community Based Child Protection Worker co-located with them.

Referrals can be made by contacting Barwon Child FIRST on 1300 551 948 or the Wellbeing Officer can assist with the completion of a written referral. A referral to Child FIRST should be discussed with the Wellbeing Support Officer and/or a member of the Principal class prior to being undertaken.

Guidelines for Making a Report to Child Protection

If you believe that a child is at risk of harm and in need of protection, and the child's parents/carers are unable or unwilling to protect the child, a Child Protection notification is required. The Barwon Child Protection Intake team should be contacted on 1800 075 599 and the following information may be required:

- Student details
- Indicators of harm
- Reason for report
- Safety Assessment
- Description
- Child's whereabouts
- Other services in place
- Family information
- Cultural characteristics

All Child Protection notifications should be made as soon as practicable ie. If a staff member has concerns about a student's safety upon their arrival at school, a report should be made in as timely manner as possible following consultation with appropriate parties, to reduce any further danger to the child.

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Reports should be made in a factual manner, and separate reports should be made each time you become aware of any further grounds for your belief. Staff should be aware that any reports made to Child Protection in relation to suspected physical or sexual abuse will be forwarded by the Intake Worker to the Sexual Offences and Child Abuse Unit (SOCA) of the police for further review, as part of their internal process.

When making a notification to Child Protection the identity of the reporter is protected. It is important that the incident of concern is also documented by BVS staff and kept in a secure and confidential place.

Legalities and Confidentiality

Under the CYFA 2005, school staff are protected provided they share information under 'authorised circumstances' and 'in good faith'. Your identity must be kept confidential and you cannot be subject to legal liability for information disclosed as part of the mandatory process.

Information released to any members of the BVS school community pertaining to a Child Protection report which has been made should be on a 'needs to know' basis. Similarly any information pertaining to Child Protection's involvement with a family or Protection Orders in place should only be disseminated to staff where it is necessary to protect the best interest and safety of the child.

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