

# CHILD PROTECTION AND MANDATORY REPORTING PROCEDURE

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## 1. PURPOSE

ELTHAM College has zero tolerance of child abuse and is committed to protecting the safety of children, as outlined in the Child Safe Policy [EC001-POL](#). All internal and external persons working at the College are responsible for the care and protection of children and reporting as required. It is expected that the College community will follow the responsibilities as outlined in the ELTHAM College Code of Conduct [EC002-POL](#). This document outlines the procedure and steps involved in regards to the reporting and management of allegations relating to child abuse and sexual misconduct by an adult member of the school community.

## 2. SCOPE

This Reporting Procedure applies to all adults including students over the age of 18 years who attend school, permanent, fixed term or casual employees, Board Members, parents, volunteers and contractors, all of who form the College community and may come into contact with the students at ELTHAM College. This applies to face-to-face, online or remote contact with children. This procedure should be read in accordance with the ELTHAM College Child Safe Policy [EC001-POL](#) and the Code of Conduct Policy [EC002-POL](#).

## 3. GUIDELINES FOR MAKING A REPORT OF SUSPECTED CHILD ABUSE

### Types of child abuse and indicators of harm

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. 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)

A report should be made to DHHS Child Protection in circumstances where, for example:

- The child is engaging in risk-taking behaviour
- There is a risk to an unborn child
- A child or is exhibiting sexually-abusive behaviours

There are many indicators 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.

### Mandatory reporting

Everyone has a moral and social responsibility to report concerns about child abuse. Some professionals are legally required to make a report to the Department of Health and Human Services (DHHS) Child Protection if 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 sexual abuse.

At ELTHAM College the Principal, registered teachers, school psychologists, nurse and youth and child welfare workers are mandatory reporters under the Children, Youth and Families Act 2005.

A mandatory reporter who forms a belief that there is a concern of child abuse, MUST make a report on each occasion that a belief is formed, and not simply report an incident once.

A mandatory reporter MUST ensure that a report has been made in instances where another mandatory reporter has undertaken to make the report. This is done by signing the report made and confirming the report has been received by the relevant person/authority.

If the report is made in good faith, the report is not considered unprofessional conduct or a breach of professional ethics, and the reporter cannot be held legally liable. Confidentiality is provided for reporters in the Children, Youth and Families Act, 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.

### **Voluntary reporting**

Any adult who believes on reasonable grounds that a child is in need of protection from physical injury or sexual abuse may report that information to the Police or DHHS. Seeking guidance from the Child Safety Officer at the school is encouraged; this helps the school to ensure children are protected from potential abuse at all times.

All ELTHAM staff members who form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse, are encouraged to discuss their concerns with the Principal or a member of the leadership team.

### **Legal responsibilities**

While the child safe standard focus on organisations, every adult who reasonably believes that a child has been abused, whether in their organisation or not, has an obligation to report that belief to authorities.

#### **a) The failure to disclose criminal offence**

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years of age has an obligation to report that information to the police, unless they have a reasonable excuse for not disclosing, or exemptions apply. Failure to disclose the information to police is a criminal offence.

#### **b) The failure to protect criminal offence**

The *failure to protect offence* commenced on July 1 2015, and states that it is a criminal offence for an adult in a position of authority within the school to fail to protect a child under the age of 16 from criminal sexual abuse.

This offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of the school will become a victim of a sexual offence committed by an adult associated with the school (such as an employee, contractor, volunteer or visitor). Any staff member in a position of authority in the school will have committed the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

The person in a position of authority must take all reasonable steps to remove or reduce that risk. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

#### **c) Grooming**

The offence of grooming concerns predatory conduct undertaken by an adult to prepare a child for sexual activity at a later time. The offence applies where an adult communicates by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's engagement in or involvement in sexual conduct, whether with the groomer or another adult.

Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.

### **Forming a 'reasonable belief'**

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation.

A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if:

- A child states that they have been physically or sexually abused
- A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- Someone who knows a child states that the child has been physically or sexually abused
- Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused
- Signs of abuse lead to a belief that the child has been physically or sexually abused.

### **Positions of responsibility at ELTHAM College**

The Child Safety Officers and Principal are collectively responsible for:

- Promptly managing the school's response to an allegation or disclosure of child abuse, and ensuring the allegation is taken seriously
- Responding appropriately to a child who makes or is affected by an allegation of child abuse
- Monitoring overall school compliance with this procedure
- Managing an alternative procedure for responding to an allegation or disclosure if the person allocated responsibility cannot perform his or her role.

Fulfilling the roles and responsibilities as stated in this procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

## **4. PROCEDURE**

Allegations of child abuse concern may arise from a child, parent/carer or employee. The initial disclosure could be made to anyone in the school community.

### **Step 1: Initial Disclosure**

#### **By a child:**

- Let the child use their own words and reassure them it is not their fault
- If possible have the Child Safety Officer present
- Do not leave the child in a distressed state, stay with them if required
- Explain that the information may be shared with others
- Provide them with an incident report form ([EC004-FORM](#)) to complete, or complete it together
- Document the disclosure and report to the Child Safety Officer or Principal as soon as possible.

## By an adult:

- Ask about the wellbeing of the child
- Explain that the school takes allegations of abuse very seriously
- Allow the person to talk through the incident in their own words and explain the school procedure and the next reporting steps, as required
- Keep comprehensive notes that are dated and include the source of the information (e.g. observation of behaviour, report from child or another person)
- Provide them with an incident report form ([E004FORM](#)) to complete, or complete it together
- Document the disclosure and report to the Child Safety Officer or Principal as soon as possible.

## Step 2: Making the report

**In the case of an emergency or if a child is in immediate danger, contact Triple Zero (000) or the local Police Station.**

Following assessment of the situation with the Principal and Child Safety Officer; if it is decided to make a report to the DHHS the following steps will need to be followed:

- Contact the DHHS Child Protection Crisis Line on 13 12 78 (24 x 7, toll free)
- Gather the relevant information necessary to make the report. This should include the following:
  - Full name, date of birth and residential address of the child
  - If reported by the child - details as disclosed by the child in their own words
  - The reason for suspecting that the behaviour or injury is a result of abuse
  - An assessment of the immediate danger to the child
  - A description of the injury or behaviour observed or disclosed
  - Cultural details such as disability or language
  - Details of any other agencies who may be involved with the child if known.
  - The actions taken as a result of the concerns (e.g. consultation with the Principal, report to DHHS Child Protection etc.)
- Submit the report as required to DHHS and request that the school is informed of each step of the procedure
- Ensure records of the allegation are retained and are kept secure
- Request that any visiting Police officers to the school for purposes of an interview are dressed in plain clothes
- If the complainant alleges that a crime has been committed by an employee, Board Member, student or volunteer, that person will be stood down immediately.

## Step 3: Next Steps:

- The Child Protection Officer will form a Case Management Group which may consist of the Child Safety Officer, the Director of Student and Staff Services and the Principal or delegate
- Ensure the issue is reported to the ELTHAM College Board and Executive team
- The Principal will conduct an independent investigation into the allegation; however, this will not interfere with the DHHS or Police investigations.

**NOTE:** Staff and other persons can submit a report to DHHS independently upon their own initiative. It is not mandatory to have the endorsement of ELTHAM College.

Please refer to [Appendix A](#): Child Protection and Mandatory Reporting Procedure Flow Chart

## 5. POTENTIAL CONSEQUENCES OF MAKING A REPORT

**Confidentiality – The identity of a reporter must remain confidential unless:**

- The reporter chooses to inform the child 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.

### **Interviews**

DHHS Child Protection and/or Victoria Police may conduct interviews of children at the school without the parent's knowledge or consent.

Interviewing children at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.

DHHS Child Protection and/or Victoria Police will notify the Principal or a member of the teaching staff of their intention to interview the child 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.

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

### **Support for the child**

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

- Acting as a support person for the child
- Attending DHHS Child Protection case planning meetings
- Observing and monitoring the student's behaviour
- Liaising with professionals.

DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the student or family for the purpose of investigating a report and assessing the risk to the child.

### **Requests for Information**

In certain circumstances, DHHS Child Protection can also direct school staff to provide information or documents about the protection or development of the student. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection. For more information see: [Requests for Information About Students](#)

### **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, see: [Subpoenas and Witness Summonses](#)

## **6. RELATED DOCUMENTS**

### **External References:**

- Ministerial Order No.870 – Child Safe Standards – Managing the risk of child abuse in schools
- Children, Youth and Families Act 2005
- Crimes Act 1958
- Education and Training Reform Act 2006
- Victorian Institute of Teaching Act 2001

Education Department of Education Policies:

- [Duty of care](#)
- [Police and DHS Interviews](#)
- [Responding to Student Sexual Assault](#)
- [Requests for Information about Students](#)
- [Risk Management](#)
- [Subpoenas and Witness Summonses](#)

Education Department Resources:

- [A step-by-step guide to making a report to Child Protection or Child FIRST \(PDF - 270Kb\)](#)
- [Protecting the safety and wellbeing of children and young people](#)
- [Protecting Children - Mandatory Reporting and Other Obligations](#)

Other Resources:

- Department of Health and Human Services:
  - [Child Protection](#)
  - [Child FIRST](#)
- [Victoria Police Sexual Offences and Child Abuse Investigation Teams SOCIT](#)
- Department of Justice and Regulation:
  - [Failure to disclose offence](#)
  - [Failure to protect offence](#)
  - [Grooming offence](#)

**Associated ELTHAM College Documents:**

- [ELTHAM College Child Safe Policy ECPOL-001](#)
- [ELTHAM College Code of Conduct ECPOL-002](#)
- [ELTHAM College Child Safe Incident Report Form EC004-FORM](#)

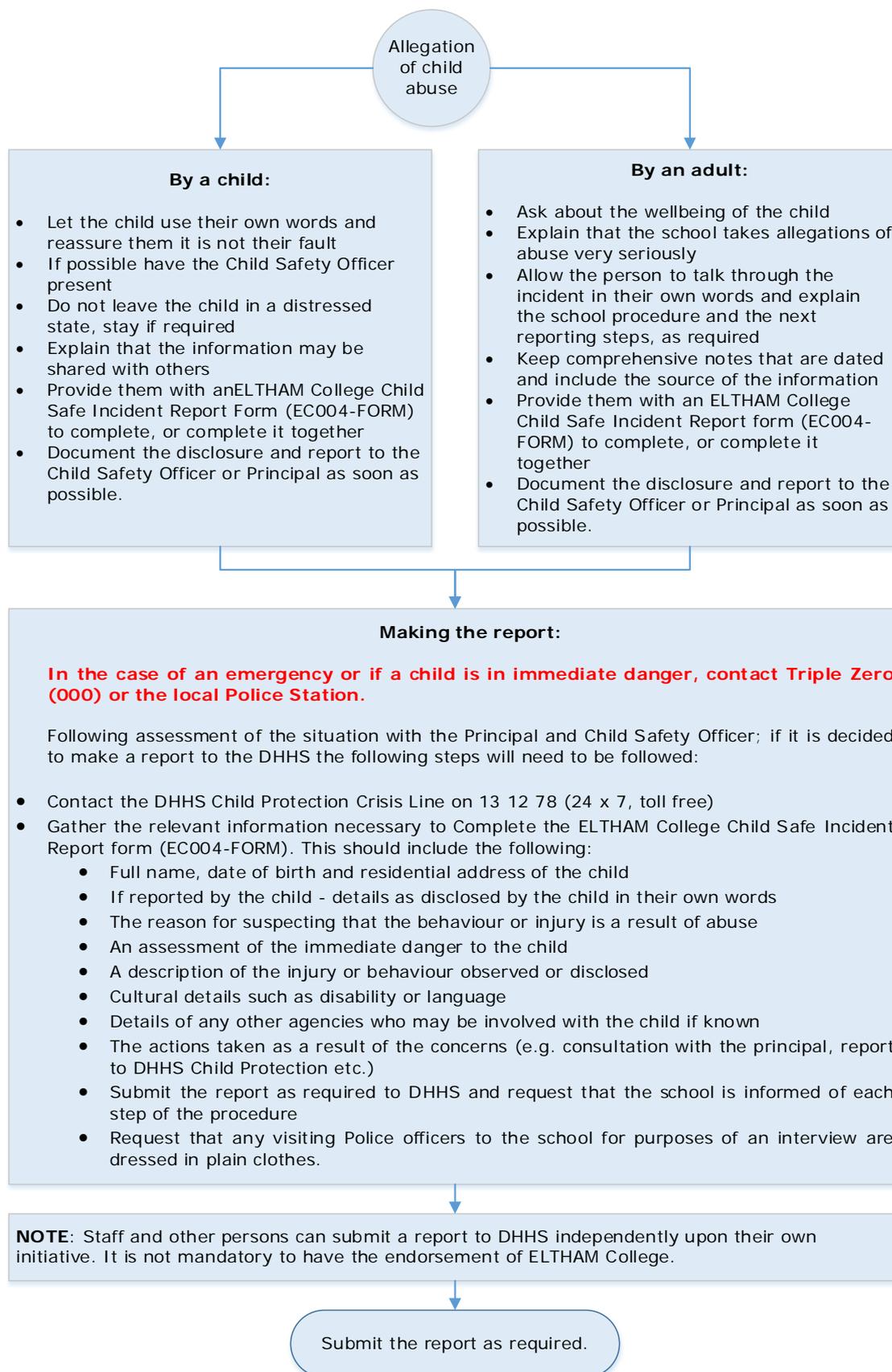
## 7. DEFINITIONS

- Child Safety Officer – a person who has knowledge of child safety issues and could be a point of contact for others who have questions or concerns or want to report an allegation of child abuse. The Child Safety Officer will make reports on behalf of the school and be responsible for ensuring adequate records are maintained
- Child – any child under the age of 18 years or an enrolled student at ELTHAM College, or a child connected to the ELTHAM College community
- DHHS – Department of Health and Human Services
- Mandatory Reporters – as set out in Part 4.4 of the *Children, Youth and Families Act 2005*, certain professionals and community members have a legal obligation to report incidences of child sexual abuse. The following are mandated reporters:
  - Registered medical practitioner
  - Nurse
  - Midwife
  - Person who is registered as a teacher under the Education and Training Reform Act 2006 or has been granted permission to teach under the Act.
  - The Principal of a government school or non-government school within the meaning of the Education and Training Reform Act 2006
  - Member of the police force.
- Position of authority – a person who has official power to make important decisions.

## 8. APPENDICES

### Appendix A

#### Child Protection and Mandatory Reporting Procedure



## 9. DOCUMENT VERSION CONTROL AND AMENDMENTS

<b>Version</b>	<b>Date</b>	<b>Amendment</b>	<b>Author</b>
1	11/04/17	First Version	H Nicholson
2	20/04/17	Included a statement that staff or parents can submit a report to DHHS independently of ELTHAM College	H Nicholson
3	7/7/2017	Included statements: - mandatory reporters are responsible to ensure a report is made on each occasion a belief is formed. - mandatory reporters must ensure another mandatory reporter completes a report, when they are made aware of the requirement.	H Nicholson