

# CHILD PROTECTION

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## 1 RATIONALE:

All children have a right to feel and be safe. Pursuant to the *Education and Training Reform Act 2006* (Vic) Principals and Teachers registered to teach or who have permission to teach and all members of staff have a legal and moral responsibility to respond to serious incidences and reports of abuse and/or neglect and to ensure the wellbeing of all students is protected.

## 2 AIMS:

- 2.1 To ensure that all students rights to feel and be safe are maintained and each student's wellbeing is protected.
- 2.2 To define the roles and responsibilities of all staff in ensuring the protection and safety of all students.
- 2.3 To acknowledge and be able to recognise the various types of child abuse indicators of harm.
- 2.4 To ensure all staff have the knowledge on how to make a report to Child Protection when they have formed a belief on reasonable grounds that a student is at risk of significant harm, abuse or neglect.

## 3 IMPLEMENTATION:

### DUTY OF CARE

All school staff have a duty of care 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 any child in their care they should 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 the DHHS Child Protection or another appropriate agency
- notifying the Principal or a member of the school leadership team of their concerns and the reasons for those concerns

### **Protecting children from the risk of sexual abuse - failure to protect offence**

Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child-related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

The offence applies only to **adults in a position of authority** within an organisation, including Principals, senior school staff, regional directors and other senior managers.

### **Forming a reasonable belief**

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 Health and Human Services to determine whether that belief should be investigated.

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

### **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
- female genital mutilation has occurred, or there is a risk of it occurring
- a child is exhibiting sexually-abusive behaviours
- there are indications that a child is being groomed

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 teachers to the possibility of child abuse and neglect.

### **MANDATORY REPORTING**

All staff who, during the course of carrying out their duties, forms a belief on reasonable grounds that a child is in need of protection must act in accordance with the law to make all reasonable steps to ensure the safety of that child.

Following a discussion with the Principal or Principal's nominee about his/her concerns and observations the staff member may form the belief that is necessary to make a report. A report must be made to DHHS Child Protection as soon as practicable after forming such a belief. A report must be made on each occasion they form such a belief.

Individual staff members must keep accurate notes of concern that led them to file the report as necessary. These dated notes will be kept confidential and filed securely in the Primary Welfare Office. All reports, information sheets and subsequent discussions and observations will be recorded and filed together with the initial report and remain confidential.

While only mandated by law to report incidents of physical and sexual abuse and neglect, all staff are encouraged to report other forms of abuse or neglect.

<b>Reporting Type</b>	<b>By whom</b>	<b>To whom</b>
<p><b>Mandatory Reporting - DHHS Child Protection</b></p> <p>Mandatory reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.</p>	<p><i>Mandatory reporters</i></p> <p>Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006</i> (Vic)</p> <p>Principals of government and non-government schools</p>	<p>DHHS Child Protection</p> <p>Relevant DET authorities</p>
<p><b><i>Child in need of protection</i></b></p> <p>Any person may make a report if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:</p> <p>The child has been abandoned and there is no other suitable person who is willing and able to care for the child.</p> <p>The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.</p> <p>The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child.</p> <p>The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child.</p> <p>The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child.</p> <p>The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.</p>	<p>Any person</p>	<p>DHHS Child Protection</p> <p>Victoria Police</p>

All staff are informed annually of their legal obligations and responsibilities to report child abuse and neglect to DHHS. All staff are required to complete the DET Mandatory Reporting Online Module each year. All staff are made aware of any change to legislation or DET policy as the need arises.

Staff are aware that fulfilling the roles and responsibilities contained 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 abuse.

#### **4 EVALUATION:**

This policy will be reviewed as part of the school's review cycle or as legislation is amended.