

# **Policy Documentation**

# Child Protection (Mandatory Reporting) Policy and Procedures

#### Erasmus Primary School, 2023

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# **Document Control**

Ver	Date	Description	By (Person responsible for revision)
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01.01	07/04/13	Reviewed & updated	M Brewster M Miotto
01.02	07/07/16	Include Child Safety Standards – Ministerial Order 870	T Clarisse
01.03	10/05/18	Update to remove references to Chaplain; change Victorian Department of Human Services (DHS) to Victorian Department of Health and Human Services (DHHS)	J Hoadley
01.04	29/10/18	Update policy according to VRQA Audit additional requirements October 2018	T. Clarisse
	19/11/18	Updates to meet VRQA's requirements (Nov 18)	T. Clarisse
01.05	06/06/22	Updates to meet Ministerial Order 1359	T. Clarisse
01.06	23/10/23	<ul> <li>Include the following: grooming and family violence as a form of child abuse, process for reporting to the Commission for Children and Young People (Commission) in relation to allegations of employee reportable conduct or misconduct that may involve reportable conduct, include all relevant mandatory reporters, extend the reporting requirement to contractors.</li> <li>Change Department of Education and Training to Department of Education, and The Department of Health and Human Services (DHHS) to Department of Families, Fairness and Housing</li> <li>Include 'fulfilling the roles and responsibilities in the procedure does not displace or dischargerisk of child abuse' into section 5 as per VRQA instructions</li> </ul>	T. Clarisse



# References

- Erasmus Policy: Child Safe Standards
- Schools Assistance Act 2004 (Cth)
- Children and Young Person's Act 1989 (Vic.)
- Children, Youth and Families Act 2005
- Ministerial\_Order 1359, together with VRQA checklist (2022 CSS Action list non gov schools).



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# 1 About this policy

#### 1.1 Rationale

Erasmus Primary School is committed to the care, safety and protection of all children attending the school. The responsibility of the School extends beyond academic success to the intellectual, physical, social and emotional and spiritual development of children and provision of caring and supportive learning environments. Erasmus Primary School employs staff who model behaviours that uphold the dignity and safety of all children and expects staff to take all reasonable actions to ensure the safety and protection of children whilst attending school and during all school activities, on and off the school site.

Given their close interactions with school children, everyone working in a school is responsible for the care and protection of the children and for reporting information about child maltreatment concerns such as neglect or physical, sexual and emotional maltreatment.

The School recognises that there are children with increased vulnerability to maltreatment and is committed to their care and protection.

The Department of Families, Fairness and Housing (DFFH) is targeted to those children at risk of significant harm who are living in Victoria and where their families are unable or unwilling to protect them. Its main functions are to:

- investigate matters where it is alleged that a child is at risk of significant harm
- refer children and families to services that assist in providing the ongoing safety and wellbeing of children
- take matters to the Children's Court if the child's safety cannot be ensured
- supervise children on legal orders granted by the Children's Court
- provide and fund accommodation services, specialist support services, and adoption and permanent care to children and adolescents in need.

The Schools Assistance Act 2004 (Cth.) requires schools to make a commitment that they will implement the National Safe Schools Framework (NSSF), key elements being:

- the provision of training for all staff
- the management of incidents of abuse
- provision of support for students.

The *Children, Youth and Families Act 2005* primary purpose is to provide for community services to support children and families and to provide for the protection of children.



This document explains the actions to be taken by staff to protect children in circumstances where maltreatment is suspected or when allegations of child maltreatment are made against staff, children or other people in the community.

#### 1.2 Definitions

- 'Child abuse' includes:
  - a) any act committed against a child involving
    - i. a sexual offence, or
    - ii. an offence under section 498(2) of the Crimes Act 1958, or
    - iii. grooming, or
    - iv. family violence; and
  - b) the infliction, on a child, of
    - i. physical violence; or
    - ii. serious emotional or psychological harm; and
  - c) serious neglect of a child.
- 'Child and Family Information, Referral and Support Team' ('Child FIRST') is a state government initiative to help vulnerable families and children by providing support and advice and linking families into community and social services.
- 'School staff' means an individual working in a school environment who is
  - a) directly engaged or employed by the school;
  - b) a volunteer or a contracted service provider (whether or not a body corporate or any other person as an intermediary); or
  - c) a minister of religion.
- Mandatory reporters include:
  - a) All staff, volunteers and contractors working at school.

#### 1.3 Related policies

- Erasmus Policy: Child Safe Standards
- Erasmus Policy: Child Safe Code of Conduct
- Erasmus Policy: Student Welfare
- Erasmus Policy: Supervision
- Erasmus Policy: Student Behaviour Management
- Erasmus Policy: OH&S



# 2 Types of maltreatment

Children who are in need of care and protection may show indicators of harm and maltreatment in their school environment. There are generally considered to be four types:

#### 2.1 Emotional maltreatment

Emotional maltreatment is defined as psychologically or emotionally abusive behaviour which profoundly damages a child's confidence and self-esteem resulting in sustained emotional harm, emotional deprivation or trauma, disturbed behaviour or the impairment of development.

#### 2.2 Neglect

Neglect is defined as the failure to provide the basic physical and emotional conditions that are essential for healthy development. It includes a child not receiving food, shelter, medical attention or supervision to such an extent that development is likely to be significantly impaired or injury may occur.

#### 2.3 Physical maltreatment

Physical maltreatment is defined as persistent and/or severe assault, non-accidental injury or physical harm of a child and includes the deliberate deprivation of a child's basic needs.

#### 2.4 Sexual maltreatment

Sexual maltreatment is defined as exposing or subjecting a child to sexual activity, behaviour or threat that is inappropriate to the developmental level or age of the child and/or is an illegal activity.

Harassment and bullying behaviour between students is dealt with in the *Student Behaviour Management Policy* and *Student Welfare Policy*. In some instances, it may be considered that the behaviour in question is indicative of a child protection issue and reporting procedures must be followed. To reduce the risk of suicidal and self-harming children, decisive action must be taken by school staff regarding any concerns they have about a child as early as possible.

Sexual behaviour between children may be an indicator of maltreatment and therefore considered to be child protection issue. Sexual behaviour between children may also involve employee duty of care responsibilities.



### 3 Indicators of child maltreatment

#### 3.1 General indicators

Psychological stress and mental illness, substance abuse, cruelty, disability and domestic violence within families are strongly associated with child maltreatment.

Children in these situations may be more vulnerable to maltreatment due to:

- significant family stress or violence
- limited communication skills
- different family or cultural values from mainstream societal values
- being physically and/or emotionally less able to protect themselves
- being unable to understand inappropriate sexual behaviour or maltreatment risk actors
- the fact they may be more compliant or adult centred.

Any of the indicators outlined below may suggest that a child is in need of care and protection. The list of indicators is not exhaustive, nor are the examples listed necessarily exclusive to a single type of maltreatment. Indicators should be considered in the context of the child's age, capabilities, medical and developmental history.

#### 3.2 Emotional indicators

Emotional indicators include:

- depression
- eating disorders (anorexia or bulimia)
- lethargy or fatigue
- symptoms of stress
- evidence of drug abuse or dependence
- wetting, soiling, smearing
- psychosomatic complaints
- aggressive or delinquent behaviour
- attempted suicide
- excessively compliant or passive behaviour
- excessive shyness or withdrawal
- low self-esteem
- fire setting
- truancy or school avoidance
- deliberate harming of animals
- poor peer relationships
- disclosure directly to an adult or indirectly to a friend or adult.



#### 3.3 Neglect indicators

#### Neglect indicators include:

- abandonment
- poor hygiene
- lack of adequate or suitable clothing
- inadequate nutrition
- lack of medical or dental care
- constant fatigue
- development delays
- untreated sores, boils or lice
- lack of adequate supervision
- engaging in sexual misconduct
- uses drugs or alcohol
- falling asleep in school
- poor school attendance or, alternatively, attending school even when sick
- poor academic performance
- stealing or begging for food or eating food from bins
- dull, apathetic appearance
- engaging in vandalism
- early arrival at school or reluctant to leave
- disclosure directly to an adult or indirectly to a friend or adult.

#### 3.4 Physical indicators

#### Physical indicators include:

- bruises
- burns
- hair missing in tufts
- lacerations and abrasions (especially to the eyes, lips, gums and mouth)
- missing or loosened teeth
- self-mutilation
- welts
- disclosure of abuse directly to an adult or indirectly to a friend or an adult.

#### 3.5 Sexual indicators

#### Sexual indicators include:

- bruises or bleeding from external genitalia, vagina or anal regions
- bloodstained underwear
- pregnancy or fear of pregnancy
- signs of pain, itching or discomfort in the genital area



- urinary tract infections
- disclosure of involvement in sexual activity directly to an adult, indirectly to a friend or in a disguised way; e.g. 'I know a person who.....'
- inappropriate expressions of affection
- inappropriate interest in sexual matters
- inappropriate sexual behaviour such as public disrobing or public masturbation
- regression to infantile behaviour
- excessive attention-getting, aggression or clingy behaviour
- recurrent physical complaints or self-mutilation
- depression, withdrawal into fantasy, excessive masturbation or suicidal preoccupation
- disclosure directly to an adult or indirectly to a friend or adult.

## 4 Mandatory reporting policy statement

#### 4.1 Student disclosures

Student disclosures must be responded to appropriately by staff and the child supported. If a disclosure from a student is ignored or dismissed the student continues to be placed at risk.

#### 4.2 Reporting responsibility

Schools have a responsibility in the prevention and reporting of child abuse and neglect. The role of school staff is **not investigative** in matters of child maltreatment. Staff must report concerns to the Principal who will action them appropriately. Staff may seek advice from professional colleagues to clarify concerns and determine ongoing support for a child. For a flowchart about reporting responsibility, refer to Appendix A: 'Four Critical Actions for Schools'. **School staff, volunteers and mandated notifiers have a responsibility to report under the Ministerial order 1359.** 

A referral to Child FIRST should be considered if the current impact on the child is at a low-to-moderate level and where the immediate safety of the child is not compromised.

A referral to Child FIRST may be the best way of connecting children, young people and their families to the services they need, where families exhibit any of the following factors that may impact upon a child's safety, stability or development:

- significant parenting problems that may be affecting the child's development
- family conflict, including family breakdown; families under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- young, isolated and/or unsupported families



• significant social or economic disadvantage that may adversely impact on a child's care.

If the Child FIRST team or a registered family services organisation subsequently forms a view that a child or young person is in need of protection they **must** report the matter to the Child Protection Service.

The Child Protection Service at the DFFH must be notified of any instance of possible or known child abuse. Certain professionals are required to report child physical and sexual abuse under the *Children and Young Persons Act 1989* (Vic.), section 64 (1C).

Notifiers (<u>inclusive of school staff, volunteers and mandated notifiers</u>) must report to the Child Protection Service when they form a reasonable belief that a child has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse and if the child's parents or caregivers have not protected or are unlikely to protect the child.

If you believe a child is at immediate risk of abuse, phone 000. Alternatively, inform the school Principal or delegate.

#### 4.3 Mandatory reporter

The responsibilities of a mandatory reporter under the *Children, Youth and Families Act 2005* are that they must make a report to Department of Families, Fairness and Housing as soon as practicable if they form a belief on reasonable grounds that:

- the child has suffered or is likely to suffer, significant harm as a result of physical injury and / or sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type, AND
- the reasonable belief is formed in the course of practising their profession or carrying out the duties of their office, position or employment.

Mandatory reporters must make a report as soon as practicable after forming the belief. It is a criminal offence to fail to report in these circumstances.

#### 4.4 Confidentiality

While staff should be conscious of the requirements for confidentiality, they should not provide undertakings which are inconsistent with their reporting obligations under this policy. Staff must communicate concerns of child maltreatment to the Principal. To the extent possible, children should be informed of the obligations of reporting in this policy. Whenever possible the most likely responses to these actions should also be described. Staff may not disclose or make use of the information in a manner that breaches confidentiality.



#### 4.5 Record-keeping

Staff must document concerns about child maltreatment and provide these to the Principal for safekeeping. The record should be **factual about observable events** and not an opinion, and should include the dates and times of observations or disclosures with exact or as close to exact wording of statements made by a child.

The Principal must maintain written records of all communication with DHHS or Victoria Police, and subsequent actions.

The School's Record of Serious Concern form (see Appendix B) is used to keep record of **all** communication with persons involved inclusive of external organisations.

#### 4.6 Case management

Case management is collaborative planning between school staff and key stakeholders to identify, monitor, assess and report child maltreatment.

The parents/carers, the child, education assistants, DFFH, Victoria Police and Department of Justice may be involved.

#### 4.7 Principal's responsibilities

In addition to his/her reporting responsibility, the Principal must:

- ensure that everyone working in the school provides the necessary documentation required by the Department of Education to show that they are fit and proper persons to work with children (e.g. Working With Children Check)
- implement the school's *Child Protection (Mandatory Reporting) Policy* and procedures appropriately
- liaise with DHHS and/or Victoria Police to ensure the best outcome for a child who
  has been maltreated and plan for the child's continuing needs in the school
  environment
- maintain written records of all communication with DHHS and/or Victoria Police, and the subsequent actions
- draw on the resources and expertise of relevant departments or non-government agencies to support children in need of care and protection and provide preventative educational programs for all children
- where unable to perform his/her duties, delegate responsibility to a senior manager (Head of Administration or Head of Learning).

#### 4.8 School staff responsibilities

In addition to communicating concerns to the Principal, school staff must:



- support the Principal in fulfilling his/her responsibilities as they relate to the school's *Child Protection (Mandatory Reporting) Policy*
- implement the Child Protection (Mandatory Reporting) Policy as it applies to them.

## 5 Procedures for responding to disclosures from children

These procedures are referred in the School's Family Participation Program and Staff handbook.

Staff, volunteers and contractors must be aware of the immediate needs of children making disclosures and respond accordingly. It is not easy for children to disclose maltreatment and they will usually only do so with great hesitation. They may hint or tell only part of the story to gauge the adult's reaction before disclosing more fully. They may have been coerced, bribed or threatened into secrecy. They may be very fearful of being blamed, of other people's reactions, and of the consequences disclosure will have for everyone involved. Children are likely to feel guilty because the maltreatment occurred, because they told another person before telling a parent/carer, or because of 'dobbing in' the parent/carer, friend, staff or volunteer. Conversely, children may feel relieved and hopeful that the maltreatment will stop. School staff, volunteers and contractors are advised to:

- use protective interrupting if a child begins to disclose in class or in a public area
  - Acknowledge that you have heard them and stop them from disclosing any further.
  - Be supportive and gently indicate that they might tell you about it in a more private situation.
  - Quietly arrange to see them as soon as possible, in a situation away from other children.
- listen attentively to children in a private location within the school whenever possible
- be supportive, understanding and empathic with the child
- acknowledge that it is difficult to talk about such things
- try to identify the child's fears
- let the child tell the event in their own words and accept what is said; only the minimum of information is required
- reassure the child that it is right to tell, that they are believed, and that they are not to blame
- be calm and non-judgmental
- establish clear limits on confidentiality by telling the child that a report will be made to a person who will be able to provide help and protection



- allow them the option of support during any interview on school site without the parent's/carer's knowledge, and reassure them of the availability of continuing support
- document the disclosure, subsequent discussion and actions
- explain what will happen next
- <u>try to stay with them until necessary steps have been taken to ensure their safety and support.</u>

School staff, volunteers and contractors must be mindful that they **do not**:

- push for details or conduct an investigation; other agencies have this responsibility
- express judgement or blame of the child, perpetrator or family
- get angry, upset or show shock
- put words in children's mouths or interrogate; this could jeopardise the interviewing process of DHHS and police
- promise not to tell when there are clear limits on confidentiality
- give a lecture about right and wrong
- say 'forget it' or 'you'll get over it' or other such minimalising statements
- give excessive pity
- engage in general staffroom, kitchen, carpark or school ground discussion about the disclosure.

Staff and volunteers must be aware that a disclosure can arouse for themselves strong feelings of shock, anger and helplessness. It is important to control these feelings; they can be worked through after the disclosure.

Fulfilling the roles and responsibilities in this procedure does not displace nor discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

## 6 Procedures for making a report

Refer to Appendix A: 'Four Critical Actions for Schools'.

When considering and responding to child safety incidents or concerns, the School will be sensitive to the diversity and characteristics of the school community.

#### 6.1 Step 1

Make dated observations and keep notes of the concerns that exist that have led you to form the belief that a report may be necessary. A report is required when a teacher or volunteer believes, based on reasonable grounds, that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse.



This belief and the reasonable grounds for forming it should be reported to Child Protection Services as soon as practicable after forming the belief **and** after each occasion on which they become aware of any further grounds for the belief.

It is permissible for a teacher or volunteer to ask a child sufficient questions to establish a reasonable belief, but care should be taken not to ask leading questions. It is expected that teachers or volunteers enlist the support of the Principal in any such questioning.

If you believe a child is at immediate risk of abuse, phone 000. Alternatively, inform the school Principal or delegate.

#### 6.2 Step 2

These concerns should be discussed with the Principal. Written records should be kept, locked in the Principal's office. The Principal shall not disclose to any other person (apart from the Wellbeing Coordinator) the identity of, or information with potential to indicate the identity of, the notifying individual ('the notifier').

#### 6.3 Step 3

If there is uncertainty about the need for a report to Child Protection Services, the Principal should ring Child FIRST for advice on 9843 6000.

#### 6.4 Step 4

If the harm to the child is, or is likely to be, inflicted by a person other than the child's parents and there is uncertainty as to whether the child's parents are likely to protect the child from such harm, the Principal may conduct an interview with the child's parents. The purpose of the meeting is to resolve uncertainty, not to investigate the incident or to ensure the child's safety as this is a matter for Child Protection Services. The interview should only be conducted if it will not jeopardise the safety of the child and will not indicate the identity of the notifying individual without the consent of the notifier.

#### 6.5 Step 5

The Principal should then ring a report through to Child Protection Services. This will include the child's name, age and address, your reason for believing that the injury or behaviour is the result of abuse, your assessment of the immediate danger to the child, your description of the injury or behaviour observed and the current whereabouts of the child. Where there is an allegation of child sexual abuse, a referral to police (000) shall also be made.

NOTE: A mandated reporter must make an independent report regardless of whether the Principal or delegate does, and in instances where the Principal or delegate has undertaken to make the report, ensure that a report is actually made.



#### 6.6 Step 6

It should then be decided who else, if anyone, should be informed. The need for confidentiality should be remembered at all times in the interests of the child and family. Only where the welfare of the child will be affected should the matter be discussed with anyone else.

If, following a report, a family approaches the school, it is recommended that any interview be conducted with a minimum of two school staff members present. The focus of such a meeting should be on the welfare of the child, not on justifying the actions of the teachers/volunteers involved.

#### 6.7 Step 7

Support for the reporting school staff and the student who is the cause for concern and anyone else affected should be arranged. Schools should be aware that a wide range of people may be affected. Support should continue to be provided if necessary, as the role of the teacher with the student and Child Protection Services may be ongoing.

For external support and the development of a support plan for students and/or adults affected:

- Have details from Step 5 above available.
- Obtain permission from parents/guardians if appropriate and possible.
- The Head of Wellbeing or Principal contacts MYND Psychological Consulting,
   Hawthorn: 9810 3140 to organise an initial meeting to discuss the situation and,
   together, devise a plan to best assist the child and/or adults affected.
- The plan must include any modifications required at school whilst the case remains open, the frequency of consults and provide formal feedback/ reports at agreed intervals to the Principal, where appropriate.

#### 6.8 Step 8

After notification to Child Protection Services is made, a senior protective worker will decide whether or not further investigation is required. The notifying school staff will be advised of this decision. If the notifying school staff is not advised, the Principal should ring Child Protection Services and request information about what action is proposed.

All documentation relating to a case must be provided to the Principal in a timely manner and shall be stored securely on the school server, accessible only by the Principal.

#### 6.9 Step 9

The Principal or delegate will handle any media inquiries that occur.



# 7 Reporting to the Commission

If faced with a situation whereby you don't believe the school has been responsive to your child safety concerns, you can contact the Commission for Children and Young People:

• by phone: 1300 78 29 78

by email: contact@ccyp.vic.gov.au

Webpage: https://ccyp.vic.gov.au/child-safe-standards/raising-child-safety-matters/

Mandatory reporters are legally required to notify the Commission for Children and Young People of allegations of reportable conduct against a child or young person by a staff member, volunteer or contractor at school. Notifications must occur within 3 days of the Principal becoming aware of a reportable allegation.

• by phone: 1300 78 29 78

• by secure web form: <a href="https://ccyp.vic.gov.au/report-an-allegation/notify-about-a-reportable-allegation/">https://ccyp.vic.gov.au/report-an-allegation/notify-about-a-reportable-allegation/</a>

Webpage: https://ccyp.vic.gov.au/report-an-allegation/

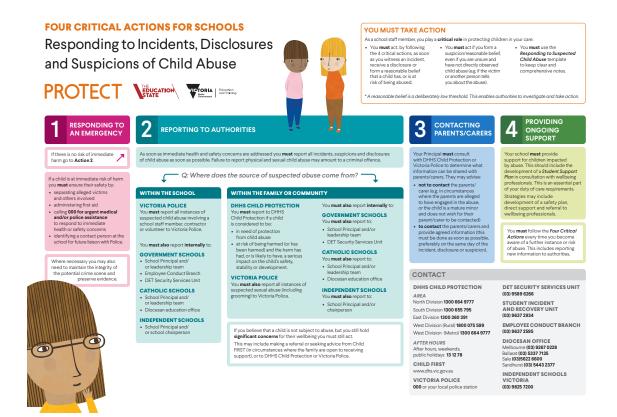
#### 8 Evaluation

This policy will be reviewed by December every two years or following significant incidents if they occur and will be amended or updated to take account of any changes or introductions of new policies or new standards.

Date policy ratified by Erasmus School Board: 27 / 10 / 2023



# **Appendix A**





# **Appendix B**



Concern communicated  ☐verbally ☐by phone ☐in writing (attach copy)						
Date:	Time:					
Concern raised by:	To whom:					
Contact details:	10 WHOTH.					
Relationship with school: Staff member Parent/ Guardian Visitor Other:						
Description of concern						
Give details such as dates, times, events and any actions already taken. Attach additional pages and documents if necessary.						
Educational Emotional Discipline Financial Safety Sport Other:						
·						
	,					
Follow-up actions (including person responsible)  3 <sup>rd</sup> Party Contacted: ☐Police ☐DHHS ☐MYND Psych. ☐Other:						
000 1300 360 391	9810 3140					
·						
Conclusion						
Issue resolved Issue unresolved (give details)						

/Volumes/Data/Wellbeing/Wellbeing documents/Erasmus Form Record of Serious Concern MASTER v01.02.docx

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