Child Protection and Obligations of Reporting Policy

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1. INTRODUCTION

The Scotch College Child Protection and Obligations of Reporting Policy follows the ‘Protecting the safety and wellbeing of children and young people’ joint protocol endorsed by the Department of Human Services Child Protection, the Department of Education and Early Childhood Development, the Catholic Education Office and Independent Schools Victoria (2010).

The following sets out essential information for all teachers and other members of staff. A full version of the protocol can be accessed at: www.education.vic.gov.au/healthwellbeing/safety/childprotection.htm.

The protocol is underpinned by:

- Children’s Services Act, 1996
- Children, Youth and Families Act 2005 (CYFA)
- Education and Training Reform Act 2006 (ETRA)
- Charter of Human Rights and Responsibilities Act 2006
- Education and Training Reform Regulations 2007
- Children’s Services Regulations 2009
- Family Law Act
- Crimes Act 1958
- Working with Children Act 2005 (Vic)

In Victoria, a child is in need of protection if he or she has suffered or is likely to suffer significant harm due to physical injury or sexual abuse, or emotional or psychological harm (to the extent that he or she suffers or is likely to suffer significant emotional or intellectual damage).

A child is also in need of protection if he or she has been or is likely to be significantly harmed as a result of not being provided with basic care or effective medical, surgical or other remedial care. In Victoria, statutory intervention is triggered due to the consequences of abusive and neglectful behaviours – see Australian legal definitions: When is a child in need of protection? at: http://www.aifs.gov.au/nch/pubs/sheets/rs12/rs12.html.

All staff are required to adhere to this policy, which must be read and acknowledged as part of the employment process.

2. GUIDING PRINCIPLES

Under the National Framework for Protecting Australia’s Children (2009), protecting children is everyone’s responsibility: parents, communities, schools and governments all have a role to play.

Child protection policy is based on the principle of partnership and shared responsibility across a broad range of human service areas, including schools.

Most children are best protected and cared for within their own families; however, when parents or guardians are unwilling or unable to protect their children from significant harm, the protection of the child becomes the responsibility of the wider community and, at times, requires statutory child protection intervention.

Victorian schools play an important role in the prevention of child abuse and neglect through their access to information about family functioning and the needs of children.

When a school or teacher forms a belief that a child has been harmed or is at risk of being harmed, they must take timely, respectful and coordinated action.

For the purposes of the protocol, acting in the best interests of the child includes:

- reporting to Child Protection all allegations or disclosures of physical abuse, sexual abuse, emotional abuse and neglect;
- reporting to Child Protection when a belief is formed that a child has been harmed or is at risk of being harmed;
- making the child’s ongoing safety and wellbeing the primary focus of decision-making;
- sharing appropriate information, expertise and resources with other service providers supporting the child;
- protecting and promoting the cultural and spiritual identity of a child and maintaining his or her connection to family or community of origin; and
- enabling the child and the child’s family to access appropriate services in order to reduce the long-term effects of abuse or neglect.
3. STAFF SELECTION

Everyone engaging in paid or voluntary child-related work with Scotch College requires a Working with Children (WWC) Check. This includes our non-teaching staff, contractors and volunteers (except where an exemption exists under the Working with Children Act 2005).

Teachers who are currently registered with the VIT are exempt from the WWC check. It is a condition of VIT registration that a teacher authorises VIT to conduct a police record check.

In addition to the requirement of a Working with Children check, and in recognition of the fact that a Working with Children Check is not a measure of a person’s suitability to work with children rather one part of a screening process, the Scotch College staff recruitment and selection policy must be complied with in relation to the selection and engagement of all staff. This will ensure:

- those involved in the selection of new staff have examined and considered in detail the credentials of every applicant to whom an offer of employment will be made;
- applicants are interviewed in person (unless it is not possible or practicable to do so);
- all necessary referee checks are completed;
- all other enquiries are made about the applicant as deemed appropriate and necessary to validate the selection process, including making enquiries with the applicant’s current employer (if the applicant has consented); and
- all requirements for recruitment have been satisfied.

4. CHILD PROTECTION

Children in need of protection

Any person who believes on reasonable grounds that a child is in need of protection may report their belief and the grounds to Child Protection or the Police.

The grounds on which a child is in need of protection include:

- where the child has been abandoned by his or her parents and after reasonable enquiries the parents cannot be found, and no other suitable person can be found who is willing and able to care for the child;
- where the 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;
- where the child has suffered or is likely to suffer emotional or psychological harm of such a kind that his or her emotional or intellectual development is or is likely to be damaged, and the child’s parents have not protected or are unlikely to protect the child; or
- where the child’s physical development or health has been or is likely to be significantly harmed, and the child’s parents have not or are unlikely to arrange for basic care or effective medical, surgical or other remedial care for the child.

Indications of child abuse

There are numerous indications of possible child abuse and indicators of harm. They include:

- **Physical abuse**  Physical indicators could include bruises, burns, fractures (broken bones), cuts and grazes to the face, and multiple injuries including internal injuries. Behavioural indicators could include disclosure of an injury inflicted by someone else, wearing unusual clothes to hide injuries, wariness or fear of a parent, reluctance to go home, habitual absences from school without explanation, regressive behaviour, and alcohol or drug misuse.

- **Sexual abuse**  Physical indicators could include injury to the genital area, discomfort in toileting, the presence of sexually transmitted diseases, pregnancy, bruising to breasts, buttocks and thighs, and anxiety-related illnesses (anorexia/bulimia). Behavioural indicators could include disclosure of sexual abuse, age-inappropriate sexual activity or behaviour, drawings that are sexually explicit, writing stories that are sexually explicit, regressive behaviour, truancy, depression, delinquent or aggressive behaviour, and sudden decline in academic performance.
• Emotional abuse  Physical indicators could include speech disorders, delays in physical development and failure to thrive. Behavioural indicators could include being overly compliant, passive and undemanding behaviour, attention-seeking behaviour, poor self-image, age inappropriate behaviour, fear of failure, setting overly high standards, excessive neatness, and depression.

• Serious neglect and medical neglect  Physical indicators could include consistently being unwashed, inappropriate dressing for weather conditions, consistent hunger and tiredness, and unattended health problems. Behavioural indicators could include begging or stealing food, gorging food, alienation from peers, withdrawal, aggressive behaviour, appearing miserable and irritable, and poor attendance at school. The child may disclose that he or she has been abused or neglected.

Staff members who believe on reasonable grounds that a child is in need of protection should immediately report their concerns to the coordinator for mandatory reporting under this policy (see point 5).

5. SEXUAL OFFENCES

The following are criminal offences under the Crimes Act:

Failure to Disclose

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police.

A sexual offence for the purpose of this obligation includes: rape, indecent assault, incest, sexual penetration of or indecent act with a child and grooming (which is communicating with a child under the age of 16 years or with a person under whose care, supervision or authority the child is, with the intention of facilitating the child's involvement in a sexual offence).

However, a report is not required to be made to the Police if the person required to make the report has a reasonable excuse for not doing so. A reasonable excuse includes:

- the person reasonably fears for the safety of any person (other than the alleged perpetrator of the offence) if the police were informed;
- the person reasonably believes that the Police have already been informed about the information;
- the information came from the victim when he or she was over 16 years of age and he or she requested that the information not be disclosed (except if the victim had an intellectual disability and did not have the capacity to make an informed decision);
- where the information was a confidential communication from the victim to a registered medical practitioner or counsellor who is treating the victim for an emotional or psychological condition.

A person who makes a report to the Police in good faith will not be liable in any way for making the disclosure and their identity will be confidential, unless they disclose their identity themselves or consent to it being disclosed or a Court considers it necessary for them to be identified.

Failure to Protect

This offence provides that a person who:

1. by reason of the position he or she occupies within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the relevant organisation; and,

2. knows that there is a substantial risk that the person will commit a sexual offence against a relevant child must not negligently fail to reduce or remove that risk.

Grooming for sexual conduct with child under the age of 16 years

A person of, or over the age of 18 years, must not communicate, by words or conduct, with a child under the age of 16 years or a person under whose care, supervision or authority the child is (whether or not a response is made to the communication) with the intention of facilitating the child's engagement in, or involvement in, a sexual offence with that person or another person who is of, or over, the age of 18 years.
MANDATORY REPORTING

The role of investigating an allegation of child abuse rests solely with Child Protection and/or the Police.

Mandated staff are obliged by law to report to Child Protection if, in the course of undertaking their professional duties, they form any reasonable belief 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.

The following persons employed or engaged by Scotch College are mandated staff:
- any person who is registered as a teacher with the VIT under the Education and Training Reform Act 2006;
- any person who has been granted permission to teach by the VIT under that Act;
- the Principal;
- a nurse.

Mandated staff members must make the report to Child Protection as soon as practicable after forming their belief on reasonable grounds that a child or young person is in need of protection.

There may be times when two or more mandated staff members – for example, a teacher and the 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 make a report. The other staff member is obliged to ensure that the report has been made, and that all of the grounds for that staff member’s own belief were included in the report made by the other staff member.

Mandated staff members are encouraged to discuss any concerns they may have about the safety and wellbeing of students with the relevant Head of Year, Head of House, Head of School, the Vice-Principal, Head of Junior School or the Principal.

If the Principal or a member of the School leadership team does not wish to make a mandatory report, this does not discharge the mandated staff member’s obligation to do so if he or she has formed a reasonable belief that abuse may have occurred. If the mandated staff member’s concerns continue, even after consultation with the Principal or member of the School leadership team, that staff member is still legally obliged to make a mandatory report of his or her concerns.

FORMING A BELIEF ON REASONABLE GROUNDS

A mandated staff member may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child or young person’s health, safety or wellbeing is at risk, and the child’s parents are unwilling or unable to protect the child.

There may be reasonable grounds for forming such a belief if:
- a child or young person states that he or she has been physically or sexually abused;
- a child or young person states that he or she knows someone who has been physically or sexually abused (and sometimes the child may be talking about himself or herself);
- someone who knows the child or young person states that the child or young person has been physically or sexually abused;
- a child shows signs of being physically or sexually abused;
- the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability which impacts on the child or young person’s safety, stability or development;
- the staff member observes signs or indicators (as above) of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision; and
- a child’s actions or behaviour may place him or her at risk of significant harm, and the child’s parents are unwilling or unable to protect the child.
REPORTING A BELIEF

Mandated staff members must report their belief, when the belief is 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. If one staff member has a different view from another staff member about making a report and the staff member continues to believe that a child is in need of protection, that person is obliged to make a report to Child Protection.

REPORTING PROCEDURES

Scotch College has appointed its Heads of School: Vice Principal, Head of Junior School, Heads of House and Head of Education Support to act as the coordinators for mandatory reporting of child abuse. Scotch College will ensure procedures are in place so that the identity of the coordinator/s is well publicised throughout the School.

The reporting procedures Scotch College has adopted have been formulated to ensure that:

- the welfare of the student remains paramount;
- the trust of the student is maintained;
- confidentiality is provided for students, teachers and families; and
- there is appropriate support and reassurance for teachers, students and families.

By following these procedures, the Heads of Year/Heads of House/Head of Education Support can form a total picture, whereas each individual mandated staff member may only see one minor incident. Also, because issues of abuse and reporting are often highly emotional, by discussing their concerns with the Head of Year/Head of House/Head of Education Support, mandated staff members can be helped to:

- view their concerns objectively;
- feel less isolated or vulnerable;
- deal with their emotional responses or related personal experiences; and
- help the student further, if required.

Step 1

Individual mandated staff members should make observations and keep notes of the concerns that have led them to form the belief that a report may be necessary. This may help mandated staff members to think in terms of reporting a behaviour or series of behaviours and concern/s, rather than reporting an individual family or person.

Step 2

Mandated staff member concerns should be discussed, in the first instance and as soon as practicable, with the Head of Year/Head of House/Head of Education Support/Vice Principal. In a situation of extreme abuse, the staff member must urgently seek out the Head of Year/Head of House/Head of Education Support/Vice Principal. Under such circumstances, it is crucial that Protective Services are notified without delay.

Step 3

After these internal discussions, if a belief has been formed it would be usual for the mandated staff member who formed the belief to report it to Child Protection Services. However, it is possible that, as a result of discussion with others in the School, it becomes clear that several staff members share the same belief. It is then possible, and legal, that one nominated person may report to Child Protection Services on behalf of those teachers. (See section, ‘Making a report to Child Protection Victoria’.)

This process will be well documented in School records to protect the individual staff member not making the report. If it is not possible to “form a belief”, detailed notes must be kept for future reference.

Step 4

If a report is made to Child Protection Victoria, the Head of Year/Head of House/Head of Education Support will inform the Principal and/or Vice-Principal.

Step 5

A decision will be made who, if anyone, should also be informed. This will be made having regard to the need for confidentiality, in the interests of the reporting staff, the child and the child’s family. In considering wider disclosure, the welfare of the student is paramount.
Step 6

If, following a report, a family approaches the School requesting an interview, the interview will be conducted by a minimum of two School staff, usually comprising the Principal or Vice Principal and the Head of Year/Head of House, and not necessarily including the reporting staff member/s. The focus of such a meeting will be the welfare of the child, not on justifying the actions of the teacher/s concerned.

Step 7

Support for the reporting mandated staff member/s, the student(s) concerned, the family, and anyone else affected will be arranged by the coordinator of the report.

MAKING A REPORT TO CHILD PROTECTION

The CYFA allows for two types of reports to be made in relation to significant concerns for the safety or wellbeing of a child – a report to Child Protection or a referral to Child FIRST.

A report to Child Protection should be considered if, after taking into account all of the available information, the staff member forms a view that the child or young person is in need of protection, because:

- the harm or risk of harm has a serious impact on the child’s immediate safety, stability or development;
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child’s safety, stability or development; or
- the child’s parents cannot or will not protect the child or young person from harm.

Where during the course of carrying out his or her normal duties, a staff member forms the belief on reasonable grounds that a child is in need of protection, a report to Child Protection regarding this belief, and the reasonable grounds for it, should be made as soon as practicable.

Staff members may form a professional judgment or belief, in the course of undertaking their professional duties, based on:

- warning signs or indicators of harm which have been observed or inferred from information about the child;
- legal requirements, such as mandatory reporting;
- knowledge of child and adolescent development;
- consultation with colleagues and other professionals;
- professional obligations and duty of care responsibilities;
- established protocols; or
- internal policies and procedures in an individual licensed children’s service or school.

The following information is requested when making a report:

- the child’s name, age and address;
- the reporting person’s reason for believing that the injury or behaviour is the result of abuse;
- the reporting person’s assessment of immediate danger to the child or children (information may be requested about the whereabouts of the alleged abuser/s);
- the reporting person’s description of the injury or behaviour observed;
- the current whereabouts of the child;
- any other information about the family; and
- the reporting person’s relationship to the child.

When making a report to Protective Services, the name of the Protective Worker receiving the report must be obtained. When receiving a report, Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required. In most circumstances, Child Protection will inform the reporter of the outcome of the report.
**Making a Referral to Child First**

A referral to Child FIRST should be considered if, after taking into account the available information, a staff member forms a view that the concerns have a low to moderate impact on the child, and the immediate safety of the child is not compromised.

A referral to Child FIRST can connect children, young people and their families to the services they need, when the following factors may affect 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; or
- significant social or economic disadvantage that may adversely impact on a child’s care or development.

On receiving a referral from a staff or community member, the Child FIRST team will conduct a further assessment of the family and may consult an experienced community-based Child Protection practitioner. This assessment may lead to the involvement of a local family services organisation. In most circumstances, Child FIRST will inform the referrer of the outcome of the referral.

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

**Protecting the Identity of the Reporter**

Confidentiality is provided for reporters under the CYFA. The CYFA prevents disclosure of the name of, or any information likely to lead to, the identification of a person who has made a report under the Act, except in specific circumstances.

It is an offence for any person, other than the person making the report, to breach this obligation of confidentiality.

The identity of a reporter must remain confidential, unless:

- the reporter chooses to inform the child, young person or family of the report;
- the reporter consents in writing to his or her identity being disclosed;
- a court or tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child; or
- a court or tribunal decides that, in the interests of justice, the reporter is required to attend court to provide evidence.

Information provided during a protective investigation may be used in a court report if the risks to the child or young person require the case to proceed to court. In these circumstances, the reporter may be required to provide evidence to the court.

If Child Protection decides that the report raises significant concerns about the wellbeing of a child, it may refer the report to a community-based child and family service, and disclose the identity of the reporter to that service. However, the CYFA provides that neither Child Protection nor the community-based child and family service may disclose the reporter’s identity to any other person without the reporter’s consent.

**Professional Protection for Reporters**

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; and
- it is the responsibility of Child Protection, Child FIRST or the police to investigate the matters that have been reported.

This means that a person who makes a report in accordance with the legislation will not be held liable for the eventual outcome of any investigation of the report.

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If there is uncertainty about whom to report or refer to, contact should be made with either Child Protection or Child FIRST for further advice.
FAILURE TO REPORT

A failure by mandated staff members to report a reasonable belief that a child is in need of protection from significant harm as a result of physical or sexual abuse is an offence under the Act, and may result in the staff member being prosecuted and a court imposing a fine.

WHEN TO REPORT TO VICTORIA POLICE

If there is an allegation of physical abuse or sexual abuse against a staff member or visitor to the School, the Principal must be informed and the matter must be immediately reported directly to Victoria Police for investigation, by telephoning the emergency number 000. If the allegation relates to the Principal, the Chairman of Council is to be informed, and is required to report the matter to the police.

ADVISING PARENTS OR GUARDIANS

Staff members do not require the permission of parents or guardians to make a report to or undertake an interview with Child Protection, nor are they required to tell parents or guardians that they have done so.

It is the responsibility of Child Protection to advise parents or guardians as soon as possible of any interview. This should occur by the time the child arrives home, or before this time.

CONFIDENTIALITY

Staff members must respect confidentiality when dealing with cases of suspected child abuse and neglect. They may only discuss case details and the identity of the child and the child’s family with those directly involved in the management of the child’s situation.

8. RAISING STAFF AWARENESS

The following strategies will be employed to raise the awareness of all staff to their responsibilities with regard to child protection.

All staff will be reminded at the start of each year:

- that each boy has the right to a safe and protective environment at all times; and,
- of their responsibilities with regard to reporting allegations or beliefs of sexual offences against a child under the age of 16.

In addition to this, all mandated staff will be reminded at the start of each year of:

- their obligations with regard to mandatory reporting as outlined in this policy; and,
- their obligations, and expectations of behaviour, with regard to duty of care, as outlined in the VIT Code of Conduct, the VIT Code of Ethics, and the Scotch College Staff Manual.

9. RAISING STUDENT AWARENESS

At the start of each year, each boy will be reminded that he has the right to a safe and protective environment at all times, and that he can seek assistance from the School Psychologist or a counsellor in the Educational Support Unit if a situation arises that threatens his safety. In the Senior School this reminder will be given by either the boy’s form teacher or his Head of House; in the Junior School it will be given by the boy’s class teacher.

10. RAISING COMMUNITY AWARENESS

All members of our community will be informed of their responsibilities with regard to reporting allegations or beliefs of a sexual offence against a child under the age of 16 via the Torch newsletter, the Junior School newsletter, and the Scotch College website.

A copy of this policy will be placed on the School’s website so that it is accessible to all members of our community and visitors to the School.

11. CONTACT DETAILS

Department of Human Services Child Protection (Box Hill): 9843 6000
Child FIRST (Boroondara): 1300 762 125
Child Protection Emergency after hours: 131 278

MR I TOM BATTY, PRINCIPAL
(June 2016)