

Child Protection Reporting Policy

Purpose

The purpose of this policy is to explain the roles and responsibilities of Wilandra Rise Primary School staff to protect the safety and wellbeing of children and young people. The full 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>

Aim

To ensure staff are aware of their responsibilities and obligations for Child Protection Reporting.

1. Mandatory Reporters

Under the Children Youth and Families Act 2005, All staff who are Victorian Institute of Teaching (**VIT**) registered teachers (including Principals) or who have been granted permission to teach by the VIT are 'mandatory reporters'. This means that in the course of undertaking their professional duties, they must report to the Department of Health and Human Services (**DHHS**) Child Protection a belief on reasonable grounds 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 report as soon as practicable after forming the belief. This report must be made on each occasion that they form a belief that a report is necessary.

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.

2. 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.

3. Failure to disclose offence

In addition to mandatory reporting and duty of care obligations, **any adult** who forms a reasonable belief (a reasonable belief exists when there is a reasonable basis to believe that a crime is being or has been committed against a child) that a sexual offence has been committed by an adult against a child under 16 must report that information to police as soon as practicable. 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>.

Local contact for Police is: Narre Warren Station 9705 3111 or 000

Failure to protect the child by not disclosing as required will result in The Principal making direct contact with the Police to disclose the information made available to them and to report a failure to disclose incident to the Police and Education Department.

4. Failure to protect

Protecting children and young people against sexual abuse is a community wide responsibility. Schools have a moral and legal responsibility to ensure children or young people are safe in their care and to ensure that all forms of abusive behaviours towards children are prevented.

The Crimes Act 1958 (Vic) and the Crimes Amendment (Failure to Protect) Act 2014 includes an offence for failure by a person with power, authority and responsibility within an organisation to protect a child under the age of 16 years who is under the care or supervision of the organisation.

As soon as a person in authority becomes aware of a risk of child sexual abuse, he/she will be under a duty of care to remove or reduce that risk. A criminal offence applies where the person in authority:

- knows that there is a substantial risk of a sexual offence being committed against a child by a person over 18 years associated with the organisation; and
- negligently fails to reduce or remove that risk.

5. Duty of care

School 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, school 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.

6. Making a report

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.

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>

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.

7. Staff training

As part of their initial induction to the school, staff will be informed of child protection reporting requirements and Department policy (<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>) and will be provided with supporting documentation in their staff handbook.

Evaluation

Review and updates will take place annually. Responsibility - Principal