

# SURFSIDE PRIMARY SCHOOL

## CHILD SAFETY RESPONDING AND REPORTING OBLIGATIONS (INCLUDING MANDATORY REPORTING) POLICY AND PROCEDURES.



### 1. PURPOSE

The purpose of this policy is to ensure that all staff and members of our school community understand the various legal and other reporting obligations related to child safety that apply to Surfside Primary School. The specific procedures that are applicable at our school are contained at Appendix A.

### 2. SCOPE

This policy applies to all school staff, volunteers and school community members. It also applies to all staff and students engaged in any school activities and services

### 3. BACKGROUND

#### 3.1 Commitment to Child Safety

Surfside Primary School is a child safe school. All staff have a duty of care to protect the safety, health and wellbeing of children. We take a zero tolerance approach to all forms of child abuse. Our school supports and respects all children, staff and volunteers.

We are fully committed to preventing child abuse, identifying risks early, and will take every reasonable action to eliminate the risk of child abuse.

#### 3.2 Legal obligations

Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police.

**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 DHHS Child Protection. The offence applies to **all adults** in Victoria, not just professionals who work with children.

### 4. DEFINITIONS

*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 (Including medical neglect)
- medical neglect
- family violence
- sexual exploitation (including pornography and prostitution).
- human trafficking (including forced marriage)
- Grooming- (can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer.)

## 5. POLICY IMPLEMENTATION

All children and young people have the right to protection in their best interests.

Surfside Primary School understands the important role our school plays in protecting children from abuse. The staff at Surfside Primary School are required by law to comply with various child safety reporting obligations. For detailed information about each obligation, please refer to [Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

At Surfside Primary School we also recognise the diversity of the children and young people at our school and take account of their individual needs and backgrounds when considering child safety.

### 5.1 Mandatory Reporting

The following individuals are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic):

- Victorian Institute of Teaching (VIT) registered teachers, including principals
- School staff who have been granted permission to teach by the VIT
- registered medical practitioners and nurses
- registered psychologists
- all members of the police force
- People in religious ministry
- Staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare coordinators, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff

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 children in their care it is important to take immediate action.

All mandatory reporters must make a report to the Department of Health and Human Services (DHHS) Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/ or sexual abuse, and
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type.
- In cases where staff have concerns about a child or young person, they should also discuss their concerns with the Principal or a member of the school leadership team.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Surfside Primary School to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the principal does not share their belief that a report is necessary.

At our school, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually.

### **Child in need of protection**

Any person can make a report to DHHS Child Protection (131 278 – 24 hour service) if they believe on reasonable grounds that a child is in need of protection.

The policy of the Department of Education and Training (DET) requires **all staff** who form a reasonable belief that a child is in need of protection to report their concerns to DHHS or Victoria Police, and discuss their concerns with the school leadership team.

For more information about making a report to DHHS Child Protection, see the Department's *Policy and Advisory Library: Protecting Children — Reporting and Other Legal Obligations and Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*.

At Surfside Primary School we also encourage all staff to make a referral to the school's Wellbeing co-ordinator and to Child FIRST when they have significant concern for a child's wellbeing. For more information about making a referral to Child FIRST see the *Policy and Advisory Library: Protecting Children – Reporting and Other Legal Obligations*

### **5.2 Reportable Conduct**

Our school must notify the Department's Employee Conduct Branch (9637 2594) if we become aware of an allegation of 'reportable conduct'.

There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been:

- a sexual offence (even prior to criminal proceedings commencing), sexual misconduct or physical violence committed against, with or in the presence of a child;
- behaviour causing significant emotional or physical harm to a child;
- significant neglect of a child; or
- misconduct involving any of the above.

The Department, through the Employee Conduct Branch, has a legal obligation to inform the Commission for Children and Young People when an allegation of reportable conduct is made.

Our principal must notify the Department's Employee Conduct Branch of any reportable conduct allegations involving current or former teachers, contractors, volunteers (including parents), allied health staff and school council employees.

For more information about Reportable Conduct see the Department's *Policy and Advisory Library: Reportable Conduct*.

### **5.3 Failure to disclose offence**

Reporting child sexual abuse is a community-wide responsibility. All adults (i.e. persons aged 18 years and over), not just professionals who work with children, have a legal obligation to Child Safety: Responding and Reporting obligations including Mandatory Reporting/Updated June 2021

report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 by another person aged 18 years or over.

Failure to disclose information to Victoria Police (by calling 000 or local police station) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"Reasonable belief" is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For Surfside Primary, a 'reasonable belief' might be formed when:

- a child states that they have been sexually abused
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been sexually abused
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
- signs of sexual abuse leads to a belief that the child has been sexually abused.
- "Reasonable excuse" is defined by law and includes:
  - fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
  - where the information has already been disclosed, for Surfside Primary, through a mandatory report to DHHS Child Protection.

#### **5.4 Failure to protect offence**

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (i.e. persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

#### **5.5 Further information**

For more information about these offences and reporting obligations see: [Protecting Children – Reporting and Other Legal Obligations](#).

## **6. RESOURCES**

### **Links to Detailed Information**

Child Safety: Responding and Reporting obligations including Mandatory Reporting/Updated June 2021

- Victorian Registrations and Qualifications Authority Child Safe Standards
  - <http://www.vrqa.vic.gov.au/childsafe/Pages/default.html>
- Protect portal, Department of Employment and Training
  - <http://www.education.vic.gov.au/about/programs/health/protect/Pages/default.aspx?Redirect=1>
- Child Safe Standards  
<http://www.education.vic.gov.au/about/programs/health/protect/Pages/chilsafestandards.aspx>

## **7. MONITORING AND REVIEW**

- 8. This policy was reviewed, updated, and agreed to by School Council in June 2021 and will be reviewed in February 2022.**

## **APPENDIX 1**

### **Surfside Primary School Procedure for Making a Report**

1. School staff should discuss any concerns about the safety and wellbeing of students with the Principal or a member of the school leadership or wellbeing team. The individual staff member should then make their own assessment about whether they must or may make a report about the child or young person.
2. School staff should keep comprehensive notes/make Compass chronicle entries that are dated and include the following information:
  - Description of the concerns (e.g. physical injuries, student behaviour)
  - Source of those concerns (e.g. observation, report from child or another person)
  - Actions taken as a result of the concerns (e.g. consultation with Principal, report to DHS Child Protection etc).
3. When making a report school staff should gather the relevant information necessary. This should include the following information:
  - Full name, date of birth, and residential address of the child or young person
  - Details of the concerns and the reasons for those concerns
  - The individual staff member's involvement with the child and young person
  - Details of any other agencies who may be involved with the child or young person.
4. Make a report to the relevant agency.
5. Record the date and nature of the report on Compass
6. Notify relevant school staff and/or Departmental staff of the report.
  - School staff should advise the Principal or a member of the leadership team if they have made a report.
  - In the case of international students, the Principal must notify the International Education Division of the Department on (03) 9637 2990 to ensure that appropriate support is arranged for the student.
  - In the case of Koorie students, the Principal must notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student.
7. Notify the Victoria Police if there is concern that a criminal offence may have been committed.

## APPENDIX 2 Legal obligations

Type of Reporting	By Whom	To Whom
<p><i>Mandatory Reporting</i></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> <ul style="list-style-type: none"> <li>✓ Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006 (Vic)</i></li> <li>✓ Principals of government and non-government schools</li> <li>✓ Registered medical practitioners</li> <li>✓ Nurses</li> <li>✓ All members of the police force</li> </ul>	<p>DHS Child Protection</p>
<p><i>Child in need of protection</i></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>DHS Child Protection</p> <p>Victoria Police</p>
<p><i>Child in need of therapeutic treatment</i></p> <p>Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviour</p>	<p>Any person</p>	<p>DHS Child Protection</p>
<p><i>Significant concerns about wellbeing of a child</i> Any person may make a report if they have significant concerns for the wellbeing of a child</p>	<p>Any person</p>	<p>DHS Child Protection</p> <p>Child First</p>

