

## CHILD PROTECTION: MANDATORY REPORTING POLICY

### INTRODUCTION

- Victory Christian College has an overarching priority that all children in its care are safe, feel safe and that child abuse is non-existent in our community.
- Staff have a legal and moral responsibility and a Duty or Care to protect any child under their care from foreseeable harm. Staff are required to respond to any reasonable suspicion that a child has been or is at risk or being abused.
- Mandatory reporting is a legal requirement under the **Children /Youth and Families Act 2005 (Vic.) (Act)** to protect children from harm relating to physical injury and sexual abuse. A child, for the purpose of the relevant parts of the *Act*, is any person 17 years of age or younger. School personnel mandated under this *Act* who, in the course of carrying out their duties, from a reasonable belief that a child is in need of protection from physical harm or sexual abuse, and that the child's parents are unwilling or unable to protect the child, must report that belief to DHHS Child Protection and the grounds for it as soon as possible after forming the belief.
- In addition to **Mandatory Reporting**, additional legal obligations in relation to reporting suspected sexual child abuse have been introduced in response to the *Betrayal of Trust Report*. Failure to do so can constitute a criminal offence, including **Failure to Disclose Offense and Failure to Report Offence**.

### AIMS

- To ensure that children's rights to be safe are maintained and each child is protected against physical abuse, emotional abuse, sexual abuse, family violence or neglect.

### MANDATORY REPORTERS

- Victorian Institute of Teaching (VIT) registered teachers (including Principals) Staff who have been granted permission to teach by the VIT. Registered doctors, nurses and Police Officers.
- All School Staff, including principals, teachers, education support staff, administrative staff, visitors, contractors or other persons while connected to a school environment.

### FORMING A 'REASONABLE BELIEF'

A person 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 they have been physically or sexually abused.
- A child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves).
- 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 (refer to appendix 3)
- The staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child or young person's safety, stability or development.
- The staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision.
- A child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child. *Note: The role of investigating an allegation of child abuse rests solely with Child Protection and/or Victoria Police.*

## IMPLEMENTATION

- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- Staff will be reminded of mandatory responsibilities annually.
- All concerns must be reported immediately to the Principal, or in her absence, the Deputy Principal.
- The teacher and/or the Principal can share information and make a referral to Child FIRST when they have significant concern for a child's wellbeing, but do not believe that the child needs protection.
- If a reasonable belief is formed that a child is in need of protection, then the teacher or principal that formed the belief must make a report to Child Protection. This report should be made on the same day as the belief is formed.
- All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported.
- All relevant information that is documented about a vulnerable child may be shared with Health and Human Services without concern about legal or professional consequences, provided it is done so in good faith.
- Staff will keep working notes of any concerns they may have about a child or children. These concerns should be clearly documented representing a chronology of events including actions taken and further considerations. If concerns extend over a period of time, these notes will help teachers to determine the need for action. A teacher's working notes can be used to provide information to Child Protection officers or police investigating an allegation and may be used as evidence in subsequent court proceedings.
- 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. However, it is good practice and/or necessary to discuss any concerns prior to making a report a referral, and it would be normal to raise the possibility of making a report or referral during such discussions. Consent should not be sought if you believe that it will put you or the child at risk.
- Students, who disclose to staff a desire to harm themselves or others, must be reported by staff to the principal.

## APPENDIX ONE: IDENTIFYING SIGNS OF CHILD ABUSE

### Physical Abuse

Physical abuse consists of any non-accidental form of injury or serious physical harm inflicted on a child or young person by any person. Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline. Physical abuse can include beating, shaking, burning and assault with implements.

#### Physical abuse - Possible Indicators

Physical Indicators	Behavioural Indicators
<ul style="list-style-type: none"> <li>• Bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms and inner thighs. Any bruises or welts in unusual configurations.</li> <li>• Burns that show the shape of the object used to make them</li> <li>• Fractures of the skull, jaw, nose and limbs, especially those not consistent with the explanation offered or with the type of injury probable/possible at the child's age and development</li> <li>• Cuts and grazes to the mouth, lips, gums, eye area, ears, and external genitalia</li> <li>• Human bite marks</li> <li>• Bald patches where hair has been pulled out</li> <li>• Multiple injuries, old and new</li> <li>• Poisoning</li> <li>• Internal injuries</li> </ul>	<ul style="list-style-type: none"> <li>• The child or young person states that an injury has been inflicted by someone else or offers an inconsistent or unlikely explanation or can't remember the cause of injury</li> <li>• Unusual fear of physical contact with adults (for example, flinches if unexpectedly touched)</li> <li>• Wearing clothes unsuitable for weather conditions (such as long sleeved tops) to hide injuries</li> <li>• Wariness or fear of a parent/caregiver; reluctance to go home</li> <li>• No reaction or little emotion displayed when hurt</li> <li>• Little or no fear when threatened</li> <li>• Habitual absences from school without explanations</li> <li>• Overly compliant, shy, withdrawn, passive and uncommunicative</li> <li>• Fearfulness when other children cry or shout</li> <li>• Unusually nervous or hyperactive, aggressive, disruptive and destructive to self and/or others</li> <li>• Excessively friendly with strangers</li> <li>• Regressive behaviour, such as bed wetting or soiling</li> <li>• Poor sleeping patterns, fear of dark, nightmares</li> <li>• Sadness and frequent crying</li> <li>• Drug or alcohol misuse</li> <li>• Poor memory and concentration</li> <li>• Suicide attempts</li> </ul>

### Sexual Abuse

A child is sexually abused when any person uses their authority or power over the child or young person to engage in sexual activity. Child sexual abuse involves a wide range of sexual activity. It can also include exploitation through pornography or prostitution.

#### Sexual abuse – Possible indicators

Physical Indicators	Behavioural Indicators
<ul style="list-style-type: none"> <li>• Injury to the genital or rectal area, such as bruising or bleeding</li> <li>• Vaginal or anal bleeding or discharge</li> <li>• Discomfort in urinating or defecating</li> <li>• Presence of foreign bodies in vagina and/or rectum</li> <li>• Inflammation and infection of genital area</li> <li>• Sexually transmitted diseases</li> <li>• Pregnancy, especially in very young adolescents</li> <li>• Bruising and other injury to breast, buttocks and thighs</li> <li>• Anxiety related illnesses such as anorexia or bulimia</li> <li>• Frequent urinary tract infections</li> </ul>	<ul style="list-style-type: none"> <li>• The child or young person discloses sexual abuse</li> <li>• Persistent and age inappropriate sexual activity</li> <li>• Drawings or descriptions in stories that are sexually explicit and not age appropriate</li> <li>• A fear of home, a specific place, a particular adult; excessive fear of men or of women</li> <li>• Poor or deteriorating relationships with adults and peers</li> <li>• Poor self care/personal hygiene</li> <li>• Arriving early at school and leaving late</li> <li>• Complaining of headaches, stomach pains or nausea without physiological basis</li> <li>• Frequent rocking, sucking or biting</li> <li>• Sleeping difficulties</li> <li>• Reluctance to participate in physical or recreational activities</li> <li>• Regressive behaviour, such as bedwetting or speech loss</li> <li>• Sudden accumulation of money or gifts</li> <li>• Truancy or running away from home</li> <li>• Delinquent or aggressive behaviour</li> <li>• Depression</li> <li>• Self –injurious behaviour, including drug/alcohol abuse, prostitution, self- mutilation, attempted suicide</li> <li>• Sudden decline in academic performance, poor memory and concentration</li> <li>• Wearing of provocative clothing, or layers of clothes to hide injuries</li> <li>• Promiscuity</li> </ul>

## Emotional and Psychological Abuse

Occurs when a child or young person is repeatedly rejected, isolated or frightened by threats or witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child or young person is disturbed or their emotional development is at serious risk of being impaired.

Emotional or Psychological abuse may occur with or without other forms of abuse. The child or young person may develop personality or behavioural disorders, or become filled with self-doubt and internalised rage, unable to form sustained and intimate relationships. There are few physical indicators, although emotional abuse may cause delays in emotional, or mental or even physical development.

### Emotional and Psychological abuse – Possible indicators

Physical Indicators	Behavioural Indicators
<ul style="list-style-type: none"> <li>• Speech disorders</li> <li>• Delays in physical development</li> <li>• Failure to thrive (without an organic cause)</li> </ul>	<ul style="list-style-type: none"> <li>• Overly compliant, passive and undemanding behaviour</li> <li>• Extremely demanding, aggressive, attention seeking behaviour</li> <li>• Anti-social, destructive behaviour</li> <li>• Low tolerance or frustration / Unexplained mood swings</li> <li>• Poor self-image</li> <li>• Behaviours that are not age appropriate</li> <li>• Mental or emotional delays</li> <li>• Fear of failure, overly high standards, and excessive neatness</li> <li>• Depression, suicidal</li> <li>• Running away</li> <li>• Violent drawings or writing</li> <li>• Contact with other children forbidden</li> </ul>

## Family violence

Family violence is defined as violence (either actual or threatened) which occurs within a family including physical, verbal, emotional, psychological, sexual, financial or social abuse. Where there are strong indicators that incidents of family violence are placing children at significant risk or danger, Child Protection must be informed. Family violence is a criminal offence and can be liable to prosecution.

### Family violence – Possible indicators

Physical Indicators	Behavioural Indicators
<ul style="list-style-type: none"> <li>• Speech disorders</li> <li>• Delays in physical development</li> <li>• Failure to thrive (without an organic cause)</li> <li>• Bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms and inner thighs.</li> <li>• Fractures of the skull, jaw, nose and limbs, especially those not consistent with the explanation offered or with the type of injury probable/possible at the child's age and development</li> <li>• Cuts and grazes to the mouth, lips, gums, eye area, ears, and external genitalia</li> <li>• Multiple injuries, old and new</li> <li>• Internal injuries</li> </ul>	<ul style="list-style-type: none"> <li>• Overly compliant, shy, withdrawn, passive and uncommunicative</li> <li>• Extremely demanding, aggressive, attention seeking behaviour</li> <li>• Anti-social, destructive behaviour</li> <li>• Low tolerance or frustration</li> <li>• Showing wariness or distrust of adults</li> <li>• Demonstrated fear of parents and of going home</li> <li>• Becoming very passive and compliant</li> <li>• Depression</li> <li>• Anxiety</li> <li>• Criminal activity</li> </ul>

## Neglect

Neglect includes a failure to provide the child or young person with an adequate standard of nutrition, medical care, clothing shelter or supervision to the extent where the health or development of the child is significantly impaired or placed at serious risk. A child is neglected if they are left uncared for over long periods of time or abandoned. Two types of neglect are discussed below.

### Serious Neglect

Serious neglect includes situations where a parent has consistently failed to meet the child's basic needs for food, shelter, hygiene or adequate supervision to the extent that the consequences for the child are severe. For example where:

- the child's home environment is filthy or hazardous in the extreme and poses a threat to the child's immediate safety or development and is characterised by the presence of animal or human faeces or urine, decomposing food, syringes or other dangerous paraphernalia
- the child is provided with consistently insufficient or inadequate food or nourishment for the child's healthy development
- the child has a serious medical condition for which the parent has consistently failed to obtain treatment or dispense prescribed medication
- the parent consistently leaves the child unattended, exposed to or in the care of strangers who may harm the child.

## Medical Neglect

Neglect of medical care refers to a situation where a parent's refusal of, or failure to seek, treatment or agree to a certain medical procedure leads to an unacceptable deprivation of the child's basic rights to life or health.

### Neglect – Possible indicators

Physical Indicators	Behavioural Indicators
<ul style="list-style-type: none"> <li>• Consistently dirty and unwashed</li> <li>• Consistently inappropriately dressed for weather conditions</li> <li>• Consistently without adequate supervision and at risk of injury or harm</li> <li>• Consistently hungry, tired and listless, falling asleep in class</li> <li>• Unattended health problems and lack of routine medical care</li> <li>• Inadequate shelter and unsafe or unsanitary conditions</li> <li>• Abandonment by parents</li> <li>• Failure to thrive</li> </ul>	<ul style="list-style-type: none"> <li>• Begging or stealing food</li> <li>• Gorging when food is available</li> <li>• Inability to eat when extremely hungry</li> <li>• Alienated from peers; withdrawn, listless, pale, and thin</li> <li>• Aggressive behaviour</li> <li>• Delinquent acts, for example, vandalism, drug and alcohol abuse</li> <li>• Little positive interaction with parent/caregiver</li> <li>• Appearing miserable or irritable</li> <li>• Poor socialising habits</li> <li>• Poor evidence of bonding, little stranger anxiety</li> <li>• Indiscriminate with affection</li> <li>• Poor, irregular or non-attendance at school or kindergarten/child care</li> <li>• Staying at school long hours</li> <li>• Self –destructive</li> <li>• Dropping out of school</li> <li>• Taking on an adult role of caring for parent</li> </ul>

## APPENDIX TWO: RESPONDING TO INCIDENTS, DISCLOSURES AND SUSPICIONS OF CHILD ABUSE

### FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

#### YOU MUST TAKE ACTION

As a school staff member, you play a critical role in protecting children in your care.

- You **must** act, by following the 4 critical actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.
- You **must** act if you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).
- You **must** use the Responding to Suspected Child Abuse template to keep clear and comprehensive notes.

\* A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action

#### ACTION 1: RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to ACTION 2.

If a child is at immediate risk of harm you must ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- **calling 000 for urgent medical and/or police assistance** to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

#### ACTION 2: REPORTING TO AUTHORITIES

As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE SCHOOL: VICTORIA POLICE

You must report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police.

You **must also** report **internally** to: School Principal and/ or school chairperson

IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE FAMILY OR COMMUNITY:  
DHHS CHILD PROTECTION

You **must** report to DHHS Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

VICTORIA POLICE

You **must also** report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You **must also** report **internally** to: School Principal and/or chairperson

## **ACTION 3: CONTACTING PARENTS/CARERS**

Your Principal **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- **not to contact** the parents/carers (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parents/carers to be contacted)
- **to contact** the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

## **ACTION 4: PROVIDING ONGOING SUPPORT**

Your school **must** provide support for children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professionals. This is an essential part of your duty of care requirements.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals etc.

You **must** follow the Four Critical Actions every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities

If you believe that a child is not subject to abuse, but you still hold **significant concerns** for their wellbeing you must still act.

This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DHHS Child Protection or Victoria Police.

## **CONTACT**

### **DHHS CHILD PROTECTION**

North Division Intake Unit: 1300 664 9777

After hours, weekends, public holidays 13 12 78

### **CHILD FIRST**

1800 260 338

### **VICTORIA POLICE**

000

### **INDEPENDENT SCHOOLS VICTORIA**

(03) 98257200

## APPENDIX THREE: LEGISLATION

1. **Crimes Act 1958 (Vic.)** Three new criminal offences have been introduced under the *Crimes Act 1958 (Vic.)*: **failure to disclose offence**, which requires adults to report to police a reasonable belief that a sexual offence has been committed against a child **failure to protect offence**, which applies to people within organisations who knew of a risk of child sexual abuse by someone in the organisation and had the authority to reduce or remove the risk, but failed to do so **grooming offence**, which targets communication with a child or their parents with the intent of committing child sexual abuse.
2. **Failure to disclose 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 under section 327 of the *Crimes Act 1958 (Victoria)* and applies to **all adults** in Victoria, not just professionals who work with children. The obligation is to disclose that information to the police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.
3. **Failure to protect** Any staff member in a position of authority who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer, sport coach or visitor) poses a risk of sexual abuse to a child **under 16** who is in the care or supervision of the organisation must take all reasonable steps to reduce or remove that risk. Failure to take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation is a criminal offence contained in **section 49C (2) of the Crimes Act (Victoria)**.
4. **Grooming**  
The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in *section 49B (2) of the Crimes Act 1958 (Victoria)*. The offence applies to communication with children **under 16**. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.

## RELEVANT LEGISLATION AND REGULATIONS:

- Ministerial Order 870
- Children, Youth and Families Act 2005
- Child Wellbeing and Safety Act 2005 (Vic)
- Education and Training Reform Act 2006
- Crimes Act 1958 (Vic)
- Working with Children Act 2005
- Family Violence Protection Act 2008
- Victorian Institute of Teaching Act 2001
- Protecting the Safety and Wellbeing of Children and Young People: – A joint protocol of the Department of Health and Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools

## 5.0 ASSOCIATED POLICIES AND PROCEDURES:

This policy should be read in conjunction with the other policies and procedures of Victory Christian College concerned with Child Safety:

- Child Protection – Failure to Disclose Policy
- Child Protection – Failure to Protect Policy
- Bullying and Harassment Policy
- Child Safety Policy
- Child Safety Code of Conduct
- Child Protection Student Fact Sheet