**Rationale**

Cockatoo Primary School follows a clear process for responding to and reporting suspected child abuse. ( see child Abuse – Four Critical Actions )

​​​​​As a school staff mem​ber, it is critical to be able to recognise the physical or behavioural signs of child abuse. In many circumstances they may be the only indication that a child is subject to abuse.

You may be the best-placed or only adult in a position to identify and respond to suspected abuse. When identifying child abuse, it is critical to remember that:

* the trauma associated with child abuse can significantly impact upon the wellbeing and development of a child
* all concerns about the safety and wellbeing of a child, or the conduct of a staff member, contractor or volunteer must be acted upon as soon as practicable.

**Purpose of this policy**

To ensure Department staff are aware of their reporting obligations and the potential consequences of making a report.

**​Recognising different types of child abuse**

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert staff to the possibility of child abuse and neglect. Types of child abuse include:

* physical abuse
* sexual abuse
* emotional abuse
* neglect
* medical neglect
* family violence
* human trafficking (including forced marriage)
* sexual exploitation (including pornography and prostitution).

For more detailed information about identifying signs of child abuse, see the Department's web portal [PROTECT: Identifying Signs of Child Abuse](http://www.education.vic.gov.au/about/programs/health/protect/Pages/schidentify.aspx)

The following table indicates who should be contacted when there is a concern that a child or a young person has been, is being, or is at risk of being abused.

|  |  |  |
| --- | --- | --- |
| **Type of reporting** | **​Reporter** | **​Report to** |
| **​Mandatory** | ​Mandatory reporters | * ​DHHS Child Protection |
| **​Failure to disclose** | All adults | * ​DHHS Child Protection * Victoria Police |
| **​Failure to protect** | ​Adults in a position of authority  In a school, this will include Principals, Assistant Principals and Campus Principals. | * ​DHHS Child Protection * Victoria Police |
| **​Child in need of protection** | ​Any person | * ​DHHS Child Protection * Victoria Police |
| **​Child in need of therapeutic treatment** | Any person​ | * ​DHHS Child Protection |
| **Significant concerns for the wellbeing of a child** | ​Any person | * DHHS Child Protection * Child FIRST |

There are Four Critical Actions that schools should take where a staff members forms a reasonable belief that a child is a victim of child abuse, see: [The Four Critical Actions: Responding to Incidents, Disclosures and Suspicions of Child Abuse.](http://www.education.vic.gov.au/about/programs/health/protect/Pages/schcritical.aspx)

**Potential consequences of making a report**

|  |  |
| --- | --- |
| **​Consequence** | **​Description** |
| ​  Confidentiality | ​The identity of a reporter must remain confidential unless:   * the reporter chooses to inform the child, young person or parent of the report * the reporter consents in writing to their identity being disclosed * a Court or Tribunal decides that it necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child * a Court or Tribunal decides that, in the interests of justice, the reporter is required to provide evidence |
| ​  Professional protection | ​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 |
| ​  Interviews | ​DHHS Child Protection and/or Victoria Police   * may conduct interviews of children and young people at the school without the parent’s knowledge or consent. Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child or young person to proceed in this manner * will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises   When officers from DHHS Child Protection or Victoria Police come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person  When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.For more information on these requests and school responsibilities, see: [Police and DHHS Interviews.](http://www.education.vic.gov.au/school/principals/spag/safety/Pages/interviews.aspx) |
| ​  Support for the child or young person | ​The roles and responsibilities of staff members in supporting children and young people who are involved with DHHS Child Protection may include the following:   * acting as a support person for the child or young person * attending DHHS Child Protection case planning meetings * observing and monitoring the child or young person’s behaviour * liaising with professionals. |
| Requests for information | ​DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person. In certain circumstances,  DHHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection.  For more information see: [Requests for Information About Students](http://www.education.vic.gov.au/school/principals/spag/safety/Pages/requestinfo.aspx) |
| Witness Summons | ​If DHHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings, see: [Subpoenas and Witness Summonses](http://www.education.vic.gov.au/school/principals/spag/governance/Pages/subpoenas.aspx) |

**Escalation mechanisms**

Where a school staff member continues to have protective concerns about a child or young person after DHHS Child Protection has closed the case, the school may need to escalate their concerns.

In these cases, schools can escalate the matter by doing the following:

* using DHHS Child Protection’s complaints management process. This process can be used to report urgent and important issues about an individual child or young person, as well as systemic issues about the provision of services
* principal of a Victorian Government school can also escalate their concerns to their regional Area Executive Director. The Area Executive Director can then share this information with their counterpart at the DHHS Child Protection.

To ensure that reports to DHHS Child Protection contain the necessary information for an intake worker to assess a report, schools should ensure all school staff use the PROTECT Reporting Template when recording a incident, disclosure or suspicion of child abuse.

**Reporting and other legal obligations**

All school staff members have a moral and legal obligation and a Duty of Care to protect any child under their care from foreseeable harm.

**Providing support to staff members**

Allegations and instances of student sexual offending can cause trauma and significantly impact on the mental health and wellbeing of school community members.

If you need to talk to someone, it is recommended that you speak to your school leadership team about arranging appropriate support. You can also talk to your GP or another allied health professional.

Government school staff can also contact the Employee Assistance Program on 1300 361 008.

**NOTE:** You, must comply with – Child Abuse – Four Critical Actions

If a child discloses an incident of abuse to you

* Try and separate them from the other children discretely and listen to them carefully.
* Let the child use their own words to explain what has occurred.
* Reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
* Explain to them that this information may need to be shared with others, such as with their parent/carer, specific people in our school, or the police.
* Do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
* Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
* Provide them with an incident report form to complete, or complete it together, if you think the child is able to do this.
* As soon as possible after the disclosure, record the information using the child’s words and report the disclosure to the child safety officers, police or child protection.
* Ensure the disclosure is recorded accurately, and that the record is stored securely.

If a parent/carer says their child has been abused at Cockatoo Primary School or raises a concern

* Remain Calm
* Be empathetic to feelings and validate concerns
* Explain that our school has processes to ensure all abuse allegations are taken very seriously.
* Ask about the wellbeing of the child.
* Allow the parent/carer to talk through the incident in their own words.
* Advise the parent/carer that you will take notes during the discussion to capture all details.
* Explain to them the information may need to be repeated to authorities or others, such as the Child Safety Officers, the police or child protection.
* Do not make promises at this early stage, except that you will do your best to keep the child safe.
* Provide them with an incident report form to complete, or complete it together.
* Ask them what action they would like to take and advise them of what the immediate next steps will be.
* Ensure the report is recorded accurately, and that the record is stored securely.

There is awareness that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. We will be sensitive to these issues and meet people’s needs where possible, such as having an interpreter present (who could be a friend or family member).

If an allegation of abuse involves an Aboriginal child, we will ensure a culturally appropriate response. We may need to engage with parents of Aboriginal children, local

Aboriginal communities or an Aboriginal community controlled organisations to review policies and procedures.

Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters. Advice on [communicating with people with a disability](http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities) can be found on the Department of Health andHumanServiceswebsite <[www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities](http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities)>.

**CHILD PROTECTION:**

A report to DHHS Child Protection should be made in any of the following circumstances:

• Physical abuse **(mandatory reporters must report**)

• Sexual abuse **(mandatory reporters must report**)

• Emotional abuse

• Neglect

• Medical neglect

• Family violence

• Human trafficking (including forced marriage)

• Sexual exploitation (including pornography and prostitution

A report should also be made to DHHS Child Protection in circumstance where, for example:

• The child is engaging in risk-taking behaviour

• Female genital mutilation has occurred, or there is risk of it occurring

• There is risk to an unborn child

• A child or young person is exhibiting sexually-abusive behaviours

• There are indicators that a child is being groomed

**Child in need of protection:**

**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:

• The child has been abandoned and there is no other suitable person who is willing and able to care for the child.

• 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.

• The child has suffered or likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child.

• The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child.

• 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.

**Child displaying sexually abusive behaviours and in need of therapeutic treatment:**

**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 behaviours.

**MAKING A REPORT:**

• **You must follow the school’s Four Critical Actions.**

**In brief:**

• Keep comprehensive notes that are dated and include information about what has led to your concerns, the source of this information and the actions taken as a result of the concerns.

• **Discuss any concerns with the Principal** or Child Safety Officer.

• Complete the form **DHHS Child Protection/Police/Child FIRST**

• Make a report to the relevant agency (DHHS or Victoria Police or Child First)

**Child FIRST:**

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 or

Development

**Factors for consideration:**

What specifically has happened to the child that has caused your concerns and what is the

impact on their safety, stability, health, wellbeing and development?

• How vulnerable is the child?

• Is there a history or pattern of significant concerns with this child or other children in the family?

• Are the parents aware of the concerns, capable and willing to take action to ensure the child’s

safety and stability, and promote their health, wellbeing, and development?

• Are the parents able and willing to use support services to promote the child’s safety,

stability, wellbeing and development.

**Making a report**

See [Child Protection - Reporting Obligations](http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotectobligation.aspx) for more detailed information on the legal reporting obligations of all school and Department staff.

**If you believe a child is at immediate risk of abuse phone 000**.

**Legal responsibilities**

While the child safe standards focus on organisations, every adult who reasonably believes that a child has been abused, whether at Cockatoo Primary School or not, has an obligation to report that belief to authorities.

The **failure to disclose** criminal offence requires all adults (aged 18 and over) who hold a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 to disclose that information to police (unless they have a reasonable excuse not to, for example because they fear for their safety or the safety of another).

More information about [failure to disclose](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence) is available on the Department of Justice and Regulation website <[www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence)>

While failure to disclose only covers child sexual abuse, all adults should report other forms of child abuse to authorities. Failure to disclose does not change mandatory reporting responsibilities.

More information about [mandatory reporting](http://www.cpmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting%3e.) is available in the *Child protection manual* <[www.cpmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting](http://www.cpmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting)>.

The **failure to protect** criminal offence (commenced on 1 July 2015) applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently failed to do so.

**Mandatory reporters** (doctors, nurses, midwives, teachers (including early childhood teachers), principals and police) must report to child protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse, and the child’s parents have not protected, or are unlikely to protect, the childfrom harm of that type.

See the Department of Health and Human Services website for information about [how to make a report to child protection](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first)<[www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first)>.

**Principal:** Darrelyn Boucher

This policy was last updated in July 2018 and is scheduled for review in July 2020 or conduct a review after a potential risk or report occurs in the school.