Procedural Intention

Borinya, Wangaratta Community Partnership is committed to the creation of a safe, just and respectful environment that supports wellness for all members of the school community. In this, there is a moral obligation and shared responsibility to protect the most vulnerable members of the community.

Borinya, Wangaratta Community Partnership believes that protecting children against sexual abuse is a community wide responsibility. Schools have particular moral and legal responsibilities to ensure children are safe in their care and to actively and intentionally work to eliminate all forms of abusive behaviours towards children. There are also particular moral and legal obligations for those in authority to prevent, reduce and minimise child abuse and exploitation in all forms.

Aims

The Mandatory Reporting Procedures aims:

- To provide clear guidelines as to what is reportable.
- To outline a staff member’s responsibilities for Mandatory Reporting of suspected abuse.
- To provide clear guidelines for the recommended school procedure for reporting.
- To provide a school protocol for an interview with the child by protective services.
- To provide Professional Development so that all staff are made aware of:
  - the forms of abuse;
  - duties and responsibilities under the Child, Youth and Families Act (CYFA) 2005
  - the procedures to take in reporting and supporting the child who has suffered or is likely to suffer, significant harm as a result of physical injury or sexual abuse where the child’s parents have not protected, or are unable or unwilling to protect the child.
- To ensure that all actions taken are in the best interests of the child.

Definition of Terms

Staff

At Borinya staff includes teachers, the principal, classroom assistants, office administrators and wellbeing staff. While teachers and principals are required by law to report, other staff members may also report to DHHS Child Protection if they form a reasonable belief that a
child is in need of protection. This document outlines the process to use in doing so. That is, a discussion must take place outlining the issues of concern with their supervising teachers/Principal.

**Child**

In relation to Mandatory Reporting the Child Youth and Families Act 2005 (s. 3) defines a child as a person who is under the age of 17 years or, if a protection order, a child protection order or an interim order continues in force in respect of him or her, a person who is under the age of 18 years.

A child in need of therapeutic treatment is defined in the Children Youth and Families Act 2005 (s.244) as over the age of 10 and under the age of 15 and has exhibited sexually abusive behaviours.

**Student**

Any young person enrolled at Borinya for their education either in core programs or through VET certificates.

**Mandatory Reporting**

In Victoria, mandated reporters are:

- Teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic)
- Principals of government and non-government schools
- Registered medical practitioners
- Nurses
- All members of the police force

Staff members must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds that a child is in need of protection from significant harm as a result of physical injury or sexual abuse, and the child’s parents are unable or unwilling to protect the child.

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 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 their own belief were included in the report made by the other staff member. This is best coordinated by the Principal or designated Principal at Borinya.

**Reasonable belief**

A 'belief on reasonable grounds' is formed if a reasonable person in the same position would have formed the belief on the same grounds. (s. 184(4), CYFA)

For example, there may be reasonable grounds when:

- a child states that they have been physically or sexually abused
- a child 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 states that the child has been physically or sexually abused
• professional observations of the child’s behaviour or development leads the mandated professional to form a belief that the child has been abused or is likely to be abused
• signs of physical or sexual abuse leads to a belief that the child has been abused.

**Physical abuse**
Physical abuse consists of any non-accidental form or injury or serious physical harm inflicted on a child or young person by any person. Physical abuse can include beating, shaking, burning and assault with implements. Physical abuse can also include female genital mutilation (FGM). (See Appendix for *Recognising Abuse or Neglect*)

**Sexual abuse**
Sexual abuse occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity, including physical (See Appendix for *Recognising Abuse or Neglect*)

**Child Protection**
The Department of Health & Human Services (DHHS) has a statutory responsibility under the CYFA to provide child protection services for all children in Victoria under the age of 17 years or, when a protection order is in place, children under the age of 18 years. CP provides services to children, and their families in order to protect children from significant harm within their families. There are a number of services that CP can offer and fund to support those families.

**Child First**
There are 24 Child and Family Information, Referral and Support Teams (Child FIRSTs) across the state. Each Child FIRST provides a central referral point to a range of community-based family services and other supports within each of the Child FIRST catchment areas. Child FIRST ensures that vulnerable children and their families are linked effectively into relevant services and may be the best way of connecting children and families to the services they need.

**Responsibilities For Mandatory Reporting of Suspected Abuse:**
The Act places the responsibility to notify DHHS on the teacher who has ‘formed a belief’. This belief may be formed in consultation with a classroom assistant, wellbeing officer or from a conversation with a young person or parent/carer. The teacher may engage another to act on his or her behalf in making the report, such as the Principal or delegated Principal.
If another person has already notified the DHHS, the teacher does not have to notify personally, if he/she can demonstrate that all of the following have been fulfilled:

a. an honest belief that another has already notified the DHHS,

b. that the notification concerns the same reasonable grounds on which the teacher formed their own belief concerning student abuse, and

c. it is reasonable in the circumstances for the teacher to believe that the notification has been made.

**NOTE:** The role of investigating an allegation of child abuse rests solely with Child Protection and/or Victoria Police. The role and responsibilities of school staff in supporting children who are involved with Child Protection may include acting as a support person for students, attending Child Protection case plan meetings, observing and monitoring students’ behaviour, and liaising with professionals, as deemed by the Principal.

**School staff must respect confidentiality when dealing with a case of suspected child abuse and neglect,** and may discuss case details and the identity of the child and their family and with those involved in managing the situation.

**NOTE:** School staff do not require the permission of parents, carers or guardians to make a report to Child Protection, nor are they required to tell them that they have done so. It is the responsibility of Child Protection to advise the parents, carers or guardians of the interview at the earliest possible opportunity.

**School Procedures For Reporting**

- This policy is communicated to staff each year, and during induction of new staff.

- Staff must undertake training each year on mandatory via the eLearning module. Evidence of this will be maintained each year. Evidence of this is retained each year for each staff member (certificate of completion to be stored in the staff member’s file).

- In the event that a teacher or other staff members forming a view that a child may be at risk of harm, that staff member is obliged to ensure an appropriate report is made. Staff must advise the Principal that a report is to be made or has been made, or to seek support in making the report.

- Staff making a mandated report should keep appropriate records, including times and dates, of what had led to that report and the report itself.

- The staff member making a report are also encouraged to advise the Wellbeing Officer that the report has been made.

a. The staff member forms a belief on reasonable grounds that a student is in need of protection from physical or sexual abuse. (See Appendix)

b. If, in forming their belief, the staff member feels the need to question the student, this questioning should be minimal and not prolonged. It is not the staff member’s place to conduct an investigation.

c. The staff member consults with the Principal, talking hypothetically, if preferred.
d. The parent(s)/guardian(s) may be notified by the Principal if appropriate.
e. The staff member, or the Principal acting on the staff member’s behalf, notifies the DHHS.
f. The staff member informs the Principal of the pending notification, maintaining confidentiality.
g. A record of the notification is lodged by the staff member or the Principal and kept as a record.
h. The Principal ensures appropriate ongoing support (counselling, pastoral care, etc) is provided for the student and the family.

**Confidentiality** is provided for reporters in the CYFA (ss. 190 and 191), and prevents the disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with the legislation except in very specific circumstances.

**Protocol for Child Protection request for child interview**

In following up a Child Protection Report, a worker from CP may contact the school requesting to speak to a student. In such an instance the protocol is as follows:

a. do not immediately agree that the worker meet with the child;
b. inform the Principal of the request;
c. ask the student if he/she is willing to speak to the worker, explaining that a staff member or appropriate student advocate/support person will be present at the interview in order to support the student;
d. if the student agrees, contact the worker and set the time; if the student refuses, inform the worker.

**Further support or Information can be gained from:**

1. Department of Health & Human Services Child Protection
2. Child FIRST (Family Information Referral and Support Team
3. Victoria Police Sexual Offences and Child Abuse (SOCA) Unit for advice on sexual assault
4. Catholic Education Office, Sandhurst Diocese or Department of Education and Early Childhood Development
5. Children, Youth and Families Act (Vic) 2005
7. *Managing The Risk of Child Abuse in Schools Ministerial Order No. 870*

**Related Documentation**

These procedures should be read in conjunction with the other policies and procedures of Borinya, Wangaratta Community Partnership concerned with Child Safety, Child Protection and Pastoral Wellbeing:

- Charter of Sandhurst School Improvement (CoSSI)
- Care, Safety and Wellbeing Policy
- Child Safety Policy

*Child Protection - Mandatory Reporting Procedures*

*June 14, 2016*
Procedural Authorisation
Borinya Staff have ratified these procedures on June 14, 2016

Review of these procedures
These procedures will be reviewed every year by the staff.

Review Date: June 2017
Appendix - Recognizing abuse and neglect

Behavioural or physical signs that assist in the recognition of child abuse are known as indicators. A professional working with children may observe a whole range of indicators or a single indicator that leads them to believe that abuse is occurring. One single indicator can be as significant as the presence of a range of indicators.

A student's behaviour is likely to be affected if they are under stress. There can be many causes of stress, including child abuse, and it is important to find out specifically what is causing the stress you observe.

In any case, there is no clear formula regarding assessment of behavioural indicators, and therefore professionals need to exercise their judgment in making a notification of child abuse.

1  Physical Abuse -

1.1 Physical indicators:
- Bruises, burns, sprains, dislocations, bites, cuts.
- Fractured bones.
- Poisoning.
- Internal injuries.
- Female genital mutilation.

1.2 Possible behavioural indicators:
- Showing wariness or distrust of adults.
- Wearing long sleeved clothes on hot days (to hide bruising or other injuries).
- Demonstrating fear of parents and of going home.
- Becoming fearful when other children cry or shout.
- Being excessively friendly to strangers.
- Being very passive and compliant.
- Child telling someone that physical abuse has occurred.

2.  Sexual Abuse -

2.1 Physical indicators: Sexual abuse is not usually identified through physical indicators. Often the first sign is when a student tells a trusted person that they have been sexually abused. However, the presence of sexually transmitted diseases, pregnancy, vaginal or anal bleeding or discharge may indicate sexual abuse.

2.2 Possible behavioural indicators:
- Student telling someone that sexual abuse has occurred.
- Complaining of headaches or stomach pains.
- Experiencing problems with school work.
- Displaying sexual behaviour or knowledge which is unusual for the student's age.
- Experiencing difficulties in sleeping.
- Showing behaviour such as frequent rocking, sucking and biting.
- Having difficulties in relating to adults and peers.

3. **Emotional Abuse**

3.1 Physical indicators: There are few physical indicators, although emotional abuse may cause delay in physical, emotional or mental development. Some students may complain of headaches, stomach pains.

3.2 Possible behavioural indicators:
- Displaying low self esteem.
- Tending to be withdrawn, passive, tearful.
- Displaying aggressive or demanding behaviour.
- Being highly anxious.
- Acting like a much younger child, for example, soiling or wetting pants.
- Displaying difficulties in relating to adults and peers.