



Child Protection & Reporting Policy

Philosophical basis

Birmingham Primary School is committed to the prevention of child abuse and the protection of children. This commitment means that the interests and welfare of our students are our prime consideration when any decision is made about suspected cases of abuse or neglect.

Policy statement

The purpose of this policy is to explain the roles and responsibilities of school staff to protect the safety and wellbeing of our students to enable staff to identify, respond to, and report a student who may be in need of protection.

This policy is underpinned by the *Department of Education and Training's PROTECT: Identifying and responding to all forms of abuse in Victorian schools*

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schoolsguide.aspx>

Key legislation

Children, Youth and Families Act 2005 (CYFA 2005)

Ministerial Order No. 870 – Child Safe Standards

Duty of care

All staff at Birmingham Primary School have a duty of care to take reasonable steps to protect children under our care. Section 183 of the *CYFA 2005* states that **any** adult who believes on reasonable grounds that a child is in need of protection may report their concerns to *Department of Health and Human Services (DHHS) Child Protection*.

Birmingham Primary School requires all school staff to report child welfare concerns.

Failure to disclose offence

Any adult who forms a reasonable belief that a child under the age of 16 years has been sexually abused by another adult must report this belief to the police. Failure to do so is a criminal offence.

Mandatory reporting

Within our school, all VIT registered teachers and principals, and all staff who have been given permission to teach by VIT, are considered to be mandatory reporters under section 182 of the *CYFA 2005*.

All mandatory reporters **must** make a report to either the *DHHS Child Protection* or the police a belief on reasonable grounds that:

- a child has or is likely to suffer significant harm as a result of **physical or sexual abuse** and
- the child's parent/s are unable or unwilling to protect the child

Failure to report on these grounds is a criminal offence.

Forming a belief on reasonable grounds

Grounds for forming a belief include:

- a child stating that they have been sexually or physically abused
- a child stating that they know someone who has been sexually or physically abused (the child may be talking about themselves)
- someone who knows the child states that the child has been sexually or physically abused
- the staff member has detected physical or behavioural indicators of sexual or physical abuse (see pp. 10-14 of *Protect: Identifying and responding to all forms of abuse in Victorian schools*)

Responsibilities of reporters

All school staff must:

- report their belief as soon as practicable
- report all new beliefs, even if *DHHS Child Protection* has been or is currently involved with the child
- document incidents, disclosures and allegations of child abuse. The *Responding to suspected abuse: Template* should be used
http://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf

Where two or more staff members form a belief, only one staff member is required to report to *DHHS Child Protection*, however the other staff member must ensure a report has been made.

If a principal or member of the school leadership team does not make a mandatory report, this does not discharge the teacher's obligation to do so if they continue to form a belief.

Responding to a disclosure of abuse

Do's	Don'ts
Talk to the child in private	Ask the child to remove clothing to view injuries
Listen carefully	Panic or show negative emotion
Stay calm – the child should think you have dealt with this before	Make judgmental comments about the perpetrator in front of the child
Use reassuring statements: Thanks for telling me You're really brave It's not your fault I believe you	Ask leading questions – they could have significant implications in a court case and could traumatise the child further
Use GENTLE open ended questioning: Who What Where How When	Ask 'why' questions – these can imply blame or require the child to justify the situation
Use neutral comments: Sounds like things are tough for you and mum at the moment	Use terms such as 'scary', 'terrible'
Tell the child what you will do next	Make promises you can't keep
	Press for more details – teacher should never interrogate or investigate

Reporting pathways

School staff are encouraged to consult with and seek advice from the principal/leadership team prior to making a report

Police	DHHS Child Protection	Child FIRST
Abuse occurs within the school	Abuse occurs within the family AND	Significant concerns about the child's wellbeing, care or development
Suspected grooming	Risk of significant harm (all physical/sexual abuse) AND	Family or parenting concerns
Child is at immediate risk of harm	Parent/s or caregivers unable/unwilling to protect the child	Immediate safety not compromised
	NOTE: New protocol also states that abuse from within the community must be reported to Child Protection	Family are willing to engage

Confidentiality

Confidentiality for school staff who report child abuse is provided by the CYFA 2005 unless the reporter chooses to inform the child or their family of the report, the reporter consents in writing to have their identity disclosed, or a court or tribunal requests the identity of the reporter.

Protection for reporters

School staff who make a report in good faith will not be held legally liable for the outcome of any investigation of the report.

Notifying parents/caregivers of a report

School staff are not required to notify parents/caregivers that a report has been made. Advice must be first sought from *DHHS Child Protection* or the police. School staff do not have the authority to prevent parents/caregivers from removing their child from the school. If a parent/caregiver collects their child prior to an interview, school staff must notify *DHHS Child Protection* or the police immediately.

Other requirements of school staff

- Maintain confidentiality and comply with the privacy and information sharing guidelines as outlined in pp. 43-44 of *Protect: Identifying and responding to all forms of abuse in Victorian schools*
- A staff member may be asked to be the child's support person during an interview with *DHHS Child Protection/police*
- Provide support for the child by implementing trauma strategies in the classroom
- Enlist the support of internal and external supports such as the school psychologist, where appropriate

Staff training

Birmingham Primary School is committed to increasing staff awareness of how to prevent, recognise and respond to child maltreatment. As part of their initial induction into our school, staff will be informed of child protection requirements and policies. Ongoing staff are required to complete the online Mandatory Reporting eLearning Module annually, and this may be complemented with face-to-face training where appropriate.

Privacy

Birmingham Primary School collects, uses and discloses information about particular children and their families in accordance with Victorian privacy laws. The principles regulating the collection, use and storage of information is included in the school's Privacy Policy.

Policy review

This policy will be reviewed annually to ensure ongoing relevance and continuous improvement. The school community will be invited to provide input.

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