



## Policy Statement

### Child Safe Obligations

Lyndhurst Secondary College adheres to the Child Safe Standards. Our commitment to child safety is underpinned by the belief that children have the right to be safe and protected whilst in the school environment. Lyndhurst Secondary College champions child safety and has a zero tolerance of child abuse.

All Lyndhurst Secondary College personnel are required to comply with the Child Safe Standards. This includes all staff (both teaching and educational support staff), contractors, volunteers and any other member of the school community involved in child-related work. All personnel have a moral and legal obligation and a duty of care to protect any child under their care from foreseeable harm (not just staff who are classified as mandatory reporters).

All personnel must respond to any reasonable suspicion that a child has been, or is at risk of being, abused (including physical, sexual, emotional, psychological, neglect or exposure to family violence).

The Child Safe Code of Conduct summarises all obligations relating to the Child Safe Standards. All Lyndhurst Secondary College personnel must comply with the Child Safe Code of Conduct.

### Mandatory Reporting Obligations

Any person who is registered as a teacher under the *Education and Training Reform Act 2006*, or any person who has been granted permission to teach under that Act, including principals, is mandated to make a report to Child Protection. Mandated staff members must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person 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.

The following professionals are prescribed as mandatory reporters under section 182 of the CYFA:

- Primary and secondary school teachers and principals (including students in training to become teachers)
- Registered medical practitioners (including psychiatrists)
- Nurses (including school nurses)
- Police.

### **Forming a belief on reasonable grounds**

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 abused
- a child or young person states that they know someone who has been 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 abused
- a child shows signs of being abused
- 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.

### **Reporting a belief**

Lyndhurst Secondary College requires all school personnel to immediately report their belief that a child has been abused or is at risk of abuse to a member of the Principal Class or Wellbeing team, who will advise personnel of the actions required.

A report must be made as soon as practicable after forming the belief and on each occasion on which they become aware of any further reasonable grounds for the belief.

Lyndhurst Secondary College personnel are required to discuss any concerns about the safety and wellbeing of students with a member of Principal Class or a member of the Wellbeing team. If a Principal Class member, or member of the Wellbeing or Leadership team does not wish to make a report, this does not discharge the person's obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the person's concerns continue, even after consultation with the Principal or member of the Wellbeing or Leadership team, that person is still legally obliged to make a report of their concerns.

If one member of the school personnel has a different view from another member of the school personnel about making a report and they continue to hold the belief that a child is in need of protection, that person is obliged to make a report to Child Protection.

There may be times when two or more people, for example a teacher and a principal, have formed a belief about the same child or young person on the same occasion. In this situation it is sufficient for only one of the people to make a report. The other person 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 person.

All personnel must maintain documentation of all actions taken relating to forming a belief of child abuse and making a report.

Staff **do not require** the permission of parents, carers or guardians to make a report to Child Protection. Staff should not inform parents, carers or guardians that they have made a report to Child Protection or Victoria Police until advised that they are able to do so by Child Protection or Victoria Police.

In most circumstances, Child Protection will inform the reporter of the outcome of the report. When the report is classified by Child Protection as a Wellbeing Report, Child Protection will, in turn, make a referral to Child FIRST.

**Note: The role of investigating an allegation of child abuse rests solely with Child Protection and/or Victoria Police.**

### **Protecting the identity of the reporter**

Confidentiality is provided for reporters under the Child Youth and Families Act (2005). The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances.

The identity of a reporter must remain confidential unless:

- the reporter chooses to inform the child, young person or family of the report
- the reporter consents in writing to their identity being disclosed
- a court or tribunal decides that it is 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 attend court to provide evidence.

Information provided during a protective investigation may be used in a court report if the risks to the child or young person require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

If Child Protection decides that the report is about a significant concern for the wellbeing of a child, they may refer the report to a community-based child and family service and disclose the identity of the reporter to that service. However, the CYFA provides that neither Child Protection, nor the community-based child and family service may disclose the reporter's identity to any other person without the reporter's consent.

### **Professional protection for reporters**

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 with respect to the report.

This means that a person who makes a report in accordance with the legislation will not be held liable for the eventual outcome of any investigation of the report.

## **Failure to report**

Breaches of the Child Safe Policy or the Child Safe Code of Conduct will result in appropriate action being taken. Such action, depending upon the breach, may include a formal discussion with Principal Class, formal action following advice from Conduct and Ethics and/or Victorian Police intervention as a result of a criminal action.

Failure to report or take action in relation to child sexual abuse can now constitute a criminal offence.

**Failure to disclose:** This offence applies to all adults who form a reasonable belief that another adult may have committed a sexual offence against a child (under 16 years of age) and fails to report this information to Victoria Police.

**Failure to protect:** This offence applies to a person in a position of authority within an organisation who:

- a) knows of a substantial risk that a child (under 16 years of age), under the care, supervision or authority of the organisation will become a victim of a sexual offence committed by an adult associated with the organisation and,
- b) negligently fails to remove or reduce the risk of harm.

A failure by mandated professionals and staff members to report a reasonable belief that a child is in need of protection from significant harm as a result of abuse may result in the person being prosecuted and a court imposing a fine under the CYFA.

## **Confidentiality**

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 or the young person and their family only with those involved in managing the situation.

When a child or young person has moved to another school, professional judgement should be exercised as to what information needs to be passed on. This will be guided by usual procedures for passing on information about a child's general wellbeing or special needs, and the role of the school in any ongoing care plans.

## **Interviews at Victorian schools**

Child Protection may conduct interviews of children and young people at school without parental knowledge or consent. However, a child will only be interviewed at a Victorian school in exceptional circumstances and if it is in the child's best interests to proceed in this manner. Child Protection will notify the school of any intention to interview a child or young person. This may occur regardless of whether the school is the source of the report to Child Protection.

When Child Protection practitioners arrive at the school, the Principal or their nominee should ask to see their identification before allowing Child Protection to have access to the child or young person.

Children and young people should be advised of their right to have a supportive adult present during interviews. If a child is too young to understand the significance of the interview, a staff member should make arrangements for a supportive adult to attend with the child.

A Principal or their delegate may be identified as a support person for the child or young person during the interview. A Principal or their delegate may act as an independent person when the child or young person is to be interviewed, unless they believe that doing so will create a conflict of interest. Independent persons must refrain from providing their opinions or accounts of events during interviews.

It is the responsibility of Child Protection to advise the parents, carers or guardians of the interview at the earliest possible opportunity. This should occur either before, or by the time the child arrives home.

### **Ensuring that a Child Protection interview takes place**

The school does not have the power to prevent parents, carers or guardians from removing their children from the school and should not attempt to prevent the parents, carers or guardians from collecting the child. If a parent, carer or guardian removes a child before a planned interview has taken place, the principal and/or their nominee should contact Child Protection or Victoria Police immediately.

### **Staff Training**

All Lyndhurst Secondary College personnel will be informed of their obligations under the Child Safe Standards as part of their induction and then through refresher Professional Learning sessions.

Staff who are mandated reporters will be informed of Mandatory Reporting requirements as part of their initial induction to the school and will be provided with supporting documentation in their staff handbook.

Staff will carry out a refresher course on Mandatory Reporting via the DET eLearning module.

### **Key Stake holders/persons affected**

School Community

### **Person/Group Responsible for Policy Review**

Principal Class, Wellbeing Committee

### **Review Cycle**

1 year  
Last reviewed: August 2017  
Next review: August 2018

### **Associated Processes**

#### **Associated Policies**

Child Safe Policy  
Child Safe Code of Conduct