



Catholic College Sale CHILD PROTECTION POLICY

(Ratified February 2015)

1. Purpose

- 1.1 As a Catholic Community we are committed to the care and wellbeing of each and every student. This policy, "Reporting cases of suspected Child Abuse" supports the Pastoral Care Policy by providing guidelines for staff who may have concerns that a student may be in need of protection from physical injury or sexual abuse.
- 1.2 Schools and teachers have a key responsibility in the prevention and reporting of child abuse and neglect. Our school policy and practices must reflect the need to meet the mandatory reporting requirements of the *Children's, Youth and Families Act (2005)* as well as meet the school's duty of care obligations to students.
- 1.3 In July 2003, teachers were mandated to report suspected child physical or sexual abuse or neglect to the Department Of Human Services Child Protection. A mandatory report is made when there is a –
- *reasonable belief* that a child is in need of protection because of an apparent risk to the child, or a disclosure by a child or others or a
 - *reasonable belief* that a child is suffering physical injury or sexual abuse, and that their family cannot or will not protect them.
- 1.4 This policy relates to the Teachers and to the Principal, all of whom are mandated by the legislation of the *Children's, Youth and Families Act (2005)*. Staff members who are not mandated are asked to be familiar with this policy and if they become aware of any concerns about the welfare of a student they should bring those concerns to the attention of either the Deputy Principal Staff and Students, Campus Director or the House Leader or Year Level Leader of the student in question.
- 1.5 New legislation, the *Children's, Youth and Families Act (2005)*, was introduced to broaden options for support for children and families. The main purpose of the act is to:
- a) Provide for community services to support children and families; and
 - b) Provide for the protection of children.
- 1.6 Throughout this policy where Teachers are named, it shall refer to Teachers and Principal, who is a teacher.

2. Student Wellbeing Committee

- 2.1 Determine Policy Development, oversight and review
- 2.2 Committee members –
 Chris Randell – Principal
 Julie Mortimer – Deputy Principal Students and Staff
 Mary McNally – Student Counsellor
 Evelyn Swiety – Student Counsellor
 Jayne Holland – Administration Manager/Risk and Compliance Officer
 Jacinta Werner – Teacher (to be appointed for a period of two years)
 Rocky Toma – Teacher (to be appointed for a period of two years)
- 2.3 The Committee will meet at least once per term (additional meetings will be scheduled if required)
- 2.4 Meeting dates 2014 – 11th November 2014
- 2.5 Tasks/responsibilities

- 2.5.2 Organisation of appropriate staff training
- 2.5.3 Provision of advice to the Principal regarding specific issues and cases

- 2.6 Resources provided - Professional development, allocation of time for meetings, administration assistance
- 2.7 Barriers to operation – time management

3. Student Wellbeing Officers

- 3.1 Names and roles of SWO:
 - Chris Randell – Principal
 - Julie Mortimer – Deputy Principal Students and Staff
 - Mary McNally – Student Counsellor
 - Evelyn Swiety – Student Counsellor
 - Jayne Holland – Administration Manager/Risk and Compliance Officer
 - Jacinta Werner – Teacher (to be appointed for a period of two years)
 - Rocky Toma – Teacher (to be appointed for a period of two years)

The SWO's role:

- is well known to everyone associated with the College (staff, students, parents, volunteers) as the contact person for child protection matters;
 - helps to plan, organise and deliver staff training;
 - provides students with advice and support for their safety;
 - raises staff awareness on child protection issues, and disseminates information and advice;
 - informs the Principal of any reported incident or suspicion of abuse, and provides advice on recommended action;
 - monitors the implementation of the local Child Protection Policy.
- 3.2 Preparation of SWO to undertake this role – Approaching nominated individuals, outlining the role for the position and forming the committee.
- 3.3 Training undertaken by SWO – some members within their current role have already undertaken suitable professional development, other members will require future training for this role. All members will undertake further professional development regarding changes to the Child Protection Policy and updated compliance requirements.
- 3.4 Proposed future training – covered in 3.3
- 3.5 Strategies to make SWO's known and accessible through the College enrolment process, staff induction process, staff handbook, educating students through the Pastoral Care Program, staff meetings and College newsletter.
- 3.6 Strategies to keep Principal informed – provision of minutes from regular meetings. Refer to Appendix A (flowchart for Responding to Suspicions, Reports and/or Allegations of Abuse of Children in Schools.
- 3.7 All documentation will be stored in a lockable cabinet.

4. Definitions

- 4.1 **Student Wellbeing Committee:** The SWC is responsible for:
 - Oversight and review of Policies and Procedures relating to the wellbeing of students regarding child protection issues
 - Appointment of Student Wellbeing Officers
 - Organisation of appropriate training of SWO's
 - Awareness raising within the College community of the SWO's
 - Provision of advice to the Principal regarding specific issue and cases.
- 4.2 **Student Wellbeing Officers:** SWO's are a point of contact for students, parents and staff in areas pertaining to child protection issues. These officers are appointed in

addition to the existing pastoral structure.

- 4.3 Forming a Belief:** Proof is not required that abuse has occurred or is likely to occur. A belief based on reasonable grounds is sufficient. A belief is considered to be more than a suspicion. It is the role of the Department Of Human Services Child Protection to determine whether that belief should be investigated.
- 4.4 Reasonable Grounds:** Reasonable grounds can be thought of as a mechanism used for forming the belief. These include:
- A child tells the teacher they have been abused.
 - Someone else tells the teacher (perhaps a relative, friend, neighbour or sibling of the child) that a child has been abused or is at risk of abuse.
 - A child tells the teacher that they know someone who has been abused (often a child is referring to themselves)
 - The teacher's own observations of a particular child's behaviour/injuries or their knowledge of children generally leads them to suspect that abuse is occurring.
- 4.5 Indicators of Child Abuse / Neglect:** There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse and neglect exists. However, the repeated occurrence of an indicator or the occurrence of several indicators together, should alert teachers to the possibility of child abuse or neglect. It is the role of the teacher to be able and willing to recognise children and young people who appear to be abused or neglected or at risk, and to act decisively on their behalf as soon as possible.
- 4.6 Physical abuse:** Physical abuse refers to a situation in which a child suffers, or is likely to suffer, significant harm from an injury inflicted by the child's parent/carer. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. Physical indicators include bruises or welts, burns, scalds, sprains, bites, cuts, lacerations or abrasions.
- 4.7 Sexual Abuse:** Child sexual abuse includes those situations where:
- A parent/carer, family member or care giver involves the child in sexual activity.
 - A child is unable to give informed consent because of their stage of development.
 - A parent/carer or care giver is not able to protect the child from that abuse.
- Sexual abuse is not always identified through physical indicators being present or obvious. A child or young person may disclose sexual abuse to a trusted teacher. Such disclosures should always be taken seriously. Sexual abuse includes exploitation such as pornography or prostitution.
- 4.8 Emotional abuse:** Emotional abuse is when a child is repeatedly rejected or subjected to threats, hostility or persistent coldness. The child might be called derogatory names, humiliated, ignored over a long period of time, or isolated from relationships with peers over a long period of time. There are few physical indicators of emotional abuse; however, it can cause delays in physical, emotional and mental development. Possible behavioural indicators include extremely low self esteem, complaint, passive, withdrawn, tearful, depression, aggressive, demanding, high anxiety, self destructive behaviour, unexplained change to academic performance.
- 4.9 Neglect:** Neglect includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to such an extent that a child's health and development are impaired or placed at serious risk. A child is neglected if they are left uncared for over long periods of time or abandoned. Physical indicators include constant hunger, failure to thrive, poor hygiene, inappropriate dress for climate conditions, and consistent lack of supervision. Behavioural indicators include stealing food, extending stays at school, constant fatigue, alcohol and drug abuse, frequent absenteeism, isolation from their peers group.

5. General Policy

5.1 Reporting (see Appendix A)

a) Since the introduction of the *Children's, Youth and family Act 2005*, Teachers and Principals now have two options for accessing support for students and their families. Where a Teacher has formed a reasonable belief that the child is in need of protection from physical or sexual abuse or has significant concerns about the general wellbeing of a child, then they can either make a mandatory report to Department Of Human Services Child Protection or a referral to *Child FIRST*. The difference between these two options is the level of immediate risk to the child.

NOTE: It is required before making any report to inform the principal or delegate of your intention to report and the circumstances that lead to the forming of this belief. It is further strongly advised that you seek advice from the SWC before proceeding to ensure that all appropriate steps are followed.

b) **Mandatory Report.** Department Of Human Services Child Protection is the Victorian Government agency that protects children at risk of significant harm. The Department of Human Services Child Protection has statutory powers and can use these to protect a child. A Teacher must make a report to the Department Of Human Services Child Protection if they believe on reasonable grounds that a child is in need of protection from sexual abuse or physical injury. This is called mandatory reporting. Teachers are required by law to make a report to The Department Of Human Services Child Protection.

c) **Child FIRST referral** Child FIRST referral would be made when the Teacher forms the belief that a child is not in any immediate risk or where their belief is that the abuse is not physical or sexual. Child FIRST aims to assess the most appropriate service to help a child of concern and their family. Child FIRST does not have statutory powers to protect a child, but can make referrals to family services or other services, including The Department Of Human Services, that can help the family or child.

d) In most instances concerns for the wellbeing of the child should be discussed with the child's parents. If this is not possible due to concerns regarding safety of the child or an inadequate response from the family, then a referral would be made to Child FIRST. Child FIRST can provide the family with ongoing support in the areas of parenting, serious family conflict, social or economic disadvantage or pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement.

e) Both of the above options (i.e. a Mandatory report or a Child FIRST report) should be discussed with the Principal, Deputy Principal Students and Staff, or Student Counsellor before any referral is made. The Principal is to be informed prior to a mandatory report being made.

f) Legislation in the *Children's Youth and families Act 2005* allows a registered school Teacher and Principal to share relevant information about a vulnerable child in specified circumstances without needing to be concerned about legal or professional consequence provided that the information is shared as authorised and in good faith. In this way, the Teacher is acting honestly and reasonably, and in the belief that their actions will achieve an appropriate protection and support of the child and their family.

5.2 Consent of a child of their parents to disclose information to Child FIRST or Department of Human Services Child Protection

a) Where appropriate, the teacher should gain consent from a child or their parents to disclose information to Child FIRST or to The Department Of Human Services Child Protection whenever possible, provided that doing so does not place the child, the Teacher or another person at risk of further harm. It is not necessary to seek consent if the Teacher has significant concerns for a child's wellbeing, or a reasonable belief

that the child is in need of protection, or where the Teacher is unable to contact a parent, or where it is clear from previous contacts that consent would not be given.

b) If safety or protective issues exist then Teachers do not require the permission of parent/carers to make a mandatory report, or a referral to Child FIRST nor are they required to tell parents or carers that they have done so. Teachers making reports to the Department of Human Services Child Protection, the Victoria Police and Child FIRST are specifically protected against legal, professional and civil actions by the *Children's Youth and Families Act (2005)* provided they are "acting in good faith" and the interest of the child.

c) There is no definite age at which the consent of children should be sought. It depends on the maturity of the child and the child's understanding of the particular issues involved. Children over the age of 12 are generally considered increasingly able to give consent on many issues. The Teacher should therefore try to determine the views and wishes of a child where this is possible.

5.3 The Two Types of Report

Mandatory Reporting

Once a Teacher has formed a belief or a disclosure of sexual or physical abuse has been made, a report must be made to the Department of Human Services Child Protection as soon as practicable. Seeking assistance or advice should not cause undue delay in making a report, and a report should be made on the same day as a belief is formed or a disclosure has been made.

To discharge their mandated responsibility a Teacher or Principal must either make a report personally or be satisfied that the report has been made to the Department of Human Services Child Protection. Teachers are required to discuss any concerns about the safety and wellbeing of students with the Principal, the Deputy Principal Student and Staff or Student Counsellor. If the Principal, Deputy Principal or Student Counsellor does not wish to make a mandatory report, this does not discharge the Teacher's obligation to do so. If the Teacher's concerns about the safety and wellbeing of a student continue, even after consultation with the Principal or Deputy Principal, that teacher is still legally obliged to make a mandatory report about their concerns. A Teacher holding a belief must act, regardless of the Principal's or Deputy Principal's belief, and should ensure that they keep notes of any advice given and reports made.

While it is solely the person who has formed the belief's responsibility to make the mandatory report or ensure that it is made, it is also important that the Principal be fully informed about what has happened.

Referral to Child FIRST

A referral to Child FIRST may be a more appropriate way of dealing with children who are not at risk of immediate harm and have longer term problems. Child FIRST can offer appropriate support services, where families are having difficulties that may impact upon a child's safety, stability or development. Child FIRST will make a decision as to what to do with the information given in the referral. This may include consulting with other professionals, arranging appropriate support services, referring to Department Of Human Services Child Protection or deciding that the family does not need any assistance at the present time. The identity of the person making a report remains confidential unless the reporting person has given consent for disclosure. If Child FIRST decides to refer to Department Of Human Services Child Protection, the Teacher's identity will be disclosed, but Department Of Human Services Child Protection cannot disclose to anyone else without the Teacher's written consent.

The Principal is to be notified if a referral is to be made with Child FIRST.

5.4 Information required for making a report

Teachers, or any member of the school staff, should have the following information available before calling the Department of Human Services Child Protection.

- Name of family and child/ren;
- Family's address;
- Language and date of birth of the child;
- Reporter's involvement with the family;
- Any other agencies or workers involved;
- Any concerns about workers' safety;
- Best time to find parents/carers at home;
- If the family know the report has been made;

The person making the mandatory report or referral to Child FIRST will have their identity kept confidential by the Department of Human Services unless consent is given for their identity to be being disclosed.

5.5 Criminal prosecution for failure to make a mandatory report

Failure to make a mandatory report can lead to criminal prosecution of the Teacher.

A Teacher has a duty of care to protect a student from harm that is reasonably foreseeable. A breach of this duty of care may lead to legal action being taken against the individual Teacher or Teachers concerned. A breach of this duty of care will be established if a Teacher failed to take adequate and timely protective measures after having acquired actual knowledge or a belief that there is risk of the child being sexually or physically abused.

5.6 Confidentiality

A report to the Department of Human services Child Protection or Child FIRST should remain confidential. Only those people with a "need to know" to ensure the safety and wellbeing of students and staff should be informed. When a Teacher feels a genuine need to discuss with another person the possibility of making a mandatory report involving the sexual or physical abuse of a student, then the person chosen should have a legal, social or moral duty or interest to receive the information such as another Teacher, Principal, Deputy Principal, Student Counsellor, DHS or police.

5.7 Sharing of information

A Teacher is authorised by the *Children's Youth and Families Act (2005)* to share information about a child with the Department of Human Service child Protection or Child FIRST in order to protect that child's safety and wellbeing. The teacher is also able to share information as otherwise authorised by privacy law, where authorised by the *Information Privacy Act 2000*. If a Teacher is not authorised by the *Children's Youth and Families Act 2005* to share information, that Teacher may only disclose information in line with privacy legislation. The Teacher should seek advice from the Principal or Deputy Principal Students and Staff. In most instances the Teacher will be able to discuss their concerns with the child and family, and any information sharing can occur with their consent.

5.8 Keeping notes

Teachers and Principals should keep working notes of any concerns they may have had about a child or children. These concerns should be clearly documented representing a chronology of events including action taken and further considerations. These notes can be used to provide information to Department Of Human Services Child Protection workers or Victoria Police investigating an allegation and may be used as evidence in subsequent court proceedings.

5.9 Investigating or Inquiry

The role of investigating an allegation of child abuse or neglect rests solely with the Department Of Human Services Child Protection or Victorian Police. Schools are not to investigate any allegation and should only inquire into an allegation or a concern sufficiently to form a belief that the allegation or concerns may require further action. Under no circumstances should a staff member undertake a physical examination of a student in order to investigate a concern about abuse.

5.10 Providing information to Victoria Police

Teachers and Principal are required to provide Victoria Police with information and assistance during any investigation into adult or child sexual assault and physical assault. During or after an investigation, police may ask Teachers or Principal for a statement relating to a mandatory report and the subsequent criminal investigation. Teachers and Principal are not required to provide a statement to Victoria Police relating to the reasons or beliefs leading to a mandatory report.

5.11 Interviews with students

If a child is going to be interviewed without a parent/carer present at the request of the Victorian Police or the Department of Human Services Child Protection, the Principal, Teacher or other school based nominee must act in "loco parentis". In other words, act as a supportive adult to protect the child's interest and provide support during the interview.

The Principal, or Acting Principal, is to be notified before a child is to be interviewed by the Department of Human Services Child Protection or the Police.

The Principal or nominee should request departmental identification before allowing access to interview a child.

Teachers should ensure that they keep accurate and comprehensive notes as they may be required to give evidence about the interview if court proceedings ensue.

The principal is required to balance the rights of the student and the parents/carers with the obligation to assist the Victorian Police in the exercise of their duty.

5.12 Evaluation & Review

This policy is to be reviewed every year by the student counsellors. The Principal approves each redraft.

5.13 References

Victorian Government Department of Human Services "Providing support to vulnerable children and families": An information sharing guide for registered school teachers and principals in Victoria: Feb 2007

Schools of the future section 4.6.2.1 – Child abuse and neglect including allegations of student sexual assault.

Appendix A

CATHOLIC COLLEGE SALE

Responding to Suspicions, Reports and/or Allegations of Abuse of Children Catholic College Sale

