

Reporting of Abuse and Neglect Policy and Procedures – Victoria

Section	Welfare
Number	8k
Version	1
Page	1 of 9
Approved	ASC Board
Date	October 2016
Review	October 2019

1. Purpose

The Anglican Schools Commission (ASC) has developed this policy and procedures document to assist Principals, teachers and other school staff to deal appropriately with the reporting of child abuse and neglect (**the reporting of child sexual abuse is explained in the *Mandatory Reporting of Child Sexual Abuse or Physical Injury Policy and Procedures – Victoria***). All children have a right to be protected from harm and all school staff have a duty of care to students during school hours and at other times when staff/student relationships exist.

This policy is designed to be read in conjunction with the *Child Safe Policy - Victoria* and the *Mandatory Reporting of Child Sexual Abuse or Physical Injury Policy and Procedures – Victoria*.

2. Definitions

2.1 What is non-mandatory reporting?

Mandatory reporting legislation in Victoria requires specific people while engaged in official duties or professional practice, to report suspected child sexual abuse or physical injury to Child Protection if they form a belief, based on reasonable grounds that a child is in need of protection on the following grounds:

- The child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm or that type;
- The child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

Other forms of abuse such as physical, emotional, psychological and neglect are not covered by the mandatory reporting legislation so are considered non-mandatory. While there is no penalty if the report doesn't occur, all staff including non-teaching staff, should report emotional, psychological abuse or neglect.

2.2 Who is a 'child'?

A child is defined as a person who is under the age of 17 years or, in the absence of positive evidence of age, as a person who is apparently under 17 years of age.

2.3 Is a student aged 17 and over a 'child'?

Students aged 17 and over may attend school but are legally considered adults and as such the Department of Health and Human Services (DHHS) does not have a child protection mandate for them. They can be considered potentially vulnerable, however, and in need of specialist services and schools do owe a duty of care towards them. Schools should contact the Police when aware of any assault or crime against a young adult.

2.4 What is emotional abuse, family violence and neglect?

Emotional Abuse

Emotional child abuse occurs when a child is repeatedly rejected, isolated or frightened by threats, or by witnessing family violence.

It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person, to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health. Emotional abuse may occur with or without other forms of abuse.

Family Violence

Family violence is behaviour towards a family member that may include physical violence or threats of violence.

- Verbal abuse, including threats;
- Emotional or psychological abuse;
- Sexual abuse;
- Financial and social abuse.

A child's exposure to family violence constitutes child abuse. This exposure can be very harmful and may result in long-term physical, psychological and emotional trauma. Action must be taken to protect the child, and to mitigate or limit their trauma.

Neglect

Neglect includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health or physical development of the child is significantly impaired or placed at serious risk.

In some circumstances the neglect of a child can place the child's immediate safety and development at serious risk and may not immediately compromise the safety of the child, but is likely to result in longer term cumulative harm.

3. Indicators of Emotional Abuse, Family Violence and Neglect

The following list of indicators is not exhaustive but is a list of possible indicators.

A single indicator may not always provide conclusive evidence, however, a combination of several indicators should be treated very seriously. The examples of indicators listed may not necessarily be exclusive to a single category.

Indicators should be considered in the context of their consistency with the child's medical history, developmental stage, capabilities and characteristic behaviour or attitudes.

Absence of any indicators does not necessarily mean that a child has not been abused. Professional judgment should also be used when considering whether teachers believe that a child has been abused.

Emotional abuse

- Speech disorder (stuttering, selectively mute);
- The parent or caretaker constantly criticises, threatens, belittles, insults, or rejects the child or young person with no evidence of love, support, or guidance;
- The child/young person exhibits extremes in behaviour from overly aggressive to overly passive;
- Delayed physical, emotional, or intellectual development;
- Low tolerance or frustration;
- Compulsive lying and stealing;

- High levels of anxiety;
- Lack of trust in people;
- Feelings of worthlessness about life and themselves;
- Eating hungrily or hardly at all;
- Uncharacteristic seeking of attention or affection;
- Reluctance to go home;
- Rocking, sucking thumbs or self-harming behaviour;
- Fearfulness when approached by a person known to them.

Family violence

- Speech disorders
- Delayed in physical development
- Bruises, cuts or welts on facial areas;
- Internal injuries
- Violent/aggressive behaviour
- Depression and anxiety and suicidal thoughts;
- Bedwetting and sleeping disorders;
- 'acting out', such as cruelty to animals;
- Overly compliant, shy, withdrawn, passive and uncommunicative behaviour.

Neglect

- Signs of malnutrition, begging, stealing or hoarding food
- Poor hygiene: matted hair, dirty skin, or severe body odour
- Unattended physical or medical problems
- The child or young person states that no one is home to provide care (inadequate supervision, failure to ensure safety)
- Child or young person appears constantly tired
- Frequent lateness to school or absence from school
- Inappropriate clothing, especially inadequate clothing in winter
- Alcohol and/or drug abuse present in the household
- Frequent illness, low grade infections or sores
- Hunger.

4. Reporting Procedures for all School Staff

- 4.1 School staff have a duty of care to take the necessary action to ensure the child is protected from further harm but it is **not** their role to conduct a detailed investigation or to confront the suspected perpetrator or to intervene with the child's family. School staff do not have to prove that a child or young person has been harmed. This is the responsibility of specialist child protection workers and possibly the police.
- 4.2 School staff who have concerns that abuse or neglect are occurring must inform the Principal. They are to keep brief, written, dated notes of their suspicions or observations and give them to the Principal, who will store these confidential notes in a secure place. Anecdotal records and other written information must be regarded as confidential and used in a professional manner. They may be subject to a court order that the records be made available to the court and to other persons for the purpose of legal proceedings.
- 4.3 Any report should be made to the applicable agency as per the *Step by Step guide to making a report to Child Protection or Child FIRST* (Appendix B).

- 4.4 If a student starts to disclose in class or any other public area, the staff member should use the strategy of protective interrupting (see the *Child Safe Policy – Victoria* for further information).
- 4.5 If a student discloses to a staff member in private and tries to elicit a promise that the teacher will not tell anyone, it is important for the staff member to explain that he/she has concerns about the student's safety and will have to take action to ensure the student is protected from further abuse. This will include informing the Principal and Child Safe Officer. (For detailed information about dealing with a disclosure, see the *Child Safe Policy - Victoria*.)
- 4.6 Once direct disclosure has been made, the Principal **must** be informed.
- 4.7 Staff members must not engage in general staffroom discussion about a disclosure.
- 4.8 School staff who have access to information regarding suspected or disclosed child abuse or neglect have a clear obligation to observe appropriate confidentiality in relation to the entire matter, and an obligation to ensure that this information is secure.
- 4.9 Should allegations of abuse be made against the Principal, the staff member should not inform the Principal but must go directly to the Chair of the School Council.

5. Roles and Responsibilities of other parties in relation to child abuse and neglect

Note: the full list of Roles and Responsibilities in all aspects of Child Protection are covered in the Child Safe Policy and must be read in conjunction with this policy.

5.1 The Anglican Schools Commission

- 5.1.1 When a Principal is aware that a mandatory report has been made to DHHS Child Protection, the Principal or Chair of school council should inform the CEO of the Anglican Schools Commission as the official representative of the School Authority, and as part of the school's critical incident procedures.
- 5.1.2 The Anglican Schools Commission Office will:
 - If necessary, assist the Principal or her/his delegate when a case of child abuse or neglect is disclosed, or where there is belief, on reasonable grounds that abuse or neglect has occurred, to follow the procedures on notification of abuse or neglect to the appropriate child protection authority or service.
 - Assist the Principal in ensuring that members of staff and students of the school making the referral are offered appropriate support to adjust to any consequences of the referral.

5.2 The Principal

- 5.2.1 The Principal is responsible for all aspects of school management including assisting the teacher, child and relevant specialist authorities, if requested.
- 5.2.2 The Principal must ensure that the school's pastoral care and/or curriculum structures address the issue of child abuse and neglect and protective behaviours.
- 5.2.3 The Principal must ensure that all staff members receive appropriate training in the detection and reporting of child abuse and neglect.
- 5.2.4 Should any disclosure or concern of abuse relate to the behaviour of a staff member, the Principal must report the matter to the Victorian Institute of Teaching (VIT) and to the CEO of the ASC.

- 5.2.5 Should any disclosure or strong concern of abuse relate to the behaviour of a staff member, the Principal must report the matter to the Professional Standards Unit (PSU) of the Diocese of Melbourne and to the CEO of the ASC.
- 5.2.6 The Principal must retain records of all communication with DHHS Child Protection, Child FIRST, the Police, the PSU and the CEO of the ASC and the subsequent actions, of which he/she is privy. All records must be stored in a secure place to ensure confidentiality and kept separate from any other file on the student. There should be an indication on the student's general file that other confidential records are being kept separately without revealing the nature of those records.
- 5.2.7 The Principal, with the appropriate assistance, must undertake ongoing support for the staff member, the student and anyone else affected by this process or its outcomes. Confidentiality must be maintained.

5.3 Child FIRST

- 5.3.1 Child FIRST (Family Information, Referral and Support Team) is a community-based referral point into Family Services.
- 5.3.2 In addition to reporting suspected abuse to appropriate authorities, you should make a referral to Child FIRST if:
- you have a significant concern for a child's wellbeing;
 - your concerns have a low-to-moderate impact on the child;
 - the child's immediate safety is not compromised;
 - you/your school has discussed the referral with the family and they are supportive of it.

5.4 The Department for Health and Human Services - Child Protection

- 5.4.1 The Department of Health and Human Services (DHHS) is the government department with the statutory authority to investigate concerns relating to child sexual or physical abuse in Victoria.
- 5.4.2 The role of the DHHS Child Protection is to provide support where there are concerns that:
- have a serious impact on a child's safety, stability or development (including abandonment, death or incapacity, extreme risk-taking behaviour, or harm to an unborn child);
 - are persistent and entrenched and likely to have a serious impact on a child's safety, stability or development;
 - relate to a parent/s who cannot or will not protect the child from significant harm;
 - include a belief that the family is likely to be uncooperative in seeking assistance.
- 5.4.3 DHHS Child Protection may conduct interviews of children without parental knowledge or consent of the parent/carers, although this will only occur in exceptional circumstances and if it is in the child's best interests to proceed in this manner.

5.5 The Victoria Police

- 5.5.1 The Victoria Police may play a role in responding to allegations of suspected abuse if the child's immediate safety is compromised or the child is partaking in any risk taking activity that is illegal and extreme in nature, **when contacted by the school.** The Professional Standards Unit of the Diocese of Melbourne
- 5.5.2 The Professional Standards Unit (PSU) investigates reports of sexual misconduct and child abuse made against an employee of the Anglican Church and its incorporated bodies and unincorporated organisations.
- 5.5.3 School Principals must refer to the PSU any disclosures or strong concerns relating to the behaviour of staff members. The identity of the reporter must be protected at all times, in line with the Children, Youth and Families Act 2005.
- 5.5.4 The PSU will investigate the matter and make a recommendation to the school.

Questions and Concerns

Must I keep written records?

As a teacher you should keep brief written records of your observations including dates, the nature of the indicators and injuries, if any. Principals are also expected to keep written records of the notification. Student Services personnel should also keep records of their involvement in such cases (e.g. the school nurse should keep records of physical indicators, and the Chaplain and other Student Services personnel keep records of behavioural and family indicators). All these records must be treated as highly confidential and stored securely and separately from other student records.

Can the written records I keep be used in evidence?

Yes. If the investigating officers want to use the school's written records they must apply in writing to the Principal. All types of official records kept in these cases may be the subject of court orders that the records be made available to the court and to other persons for the purposes of legal proceedings. If the Principal or a teacher receives a subpoena, the CEO of the ASC must be notified and legal advice sought through the Anglican Schools Commission Office.

Is there a time limit on suspected offences? Am I expected to report an offence that happened, for example, five years ago?

There is generally no time limit on laying charges for offences relating to child abuse and neglect. That is a matter for the appropriate prosecuting authority. All suspected cases of child abuse and neglect should be reported, irrespective of when they may have occurred.

How soon after finding out about a case of child abuse or neglect am I expected to make a notification?

Mandatory Reporters are required to report directly to DHHS Child Protection. As soon as possible and if appropriate, any staff member who is a teacher should advise the Principal as soon as it is practicable to do so.

Can I be called to give evidence?

Yes, a staff member can be called to give evidence. The most likely time when a staff member (notifier) would be required to appear in court is when they have received a disclosure from a child, and this was the first time the child had disclosed the abuse.

What will happen if I have to go to court? What legal support will the Anglican Schools Commission provide?

If you are called to give evidence in a child protection case, you will not lose pay. Ensure that your Principal is informed if you are required to attend court. The Anglican Schools Commission office can arrange for legal support and advice on making statements. Ensure that you prepare yourself for the courtroom experience and arrange to communicate directly with your legal representative prior to the hearing.

Am I expected to report abuse if the perpetrator is a colleague or someone I know?

Yes. The identity of the perpetrator is irrelevant to the responsibility of teachers to report. The procedures outlined in this document apply, whoever the perpetrator is.

Does the offender have to be told who notified?

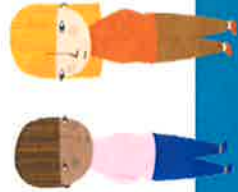
It is the policy of the Department for Health and Human Services and the Victoria Police not to reveal the identity of persons notifying child abuse and neglect. However, where a person who has notified an alleged offence is required to give evidence, their identity may be revealed in those proceedings. In extremely limited circumstances a court may also order that information which could identify the person who notified an alleged offence be disclosed. Any breaches of this policy should be reported to the Principal who in turn will advise the CEO of the Anglican Schools Commission.

It is important to note that the safety and welfare of the child is all important and that this is the primary concern of the school, the Anglican Schools Commission and the Department of Health and Human Services. Action will be taken to protect the child.

FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

PROTECT

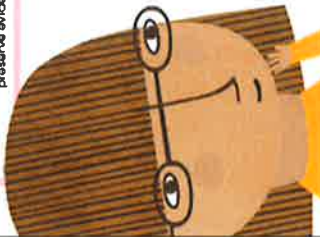


1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm, go to Action 2.

- If a child is at immediate risk of harm you must ensure their safety by:
- separating alleged victims and others involved
 - administering first aid
 - calling 900 for urgent medical and/or police assistance to respond to immediate health or safety concerns
 - identifying a contact person at the school for future liaison with Police.

Where necessary, you may also need to maintain the integrity of the potential crime scene and preserve evidence.



2 REPORTING TO AUTHORITIES

As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Q: Where does the source of suspected abuse come from?

WITHIN THE SCHOOL

VICTORIA POLICE

You must report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police.

- You must also report internally to:
- **GOVERNMENT SCHOOLS**
 - School Principal and/or leadership team
 - **EMPLOYEE CONDUCT BRANCH**
 - **DET Security Services Unit**

CATHOLIC SCHOOLS

- You must also report to:
- School Principal and/or leadership team
 - Diocesan education office

INDEPENDENT SCHOOLS

- School Principal and/or school chairperson

WITHIN THE FAMILY OR COMMUNITY

DHHS CHILD PROTECTION

You must report to DHHS Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

VICTORIA POLICE

You must also report all instances of suspected sexual abuse (including grooming) to Victoria Police.

GOVERNMENT SCHOOLS

You must also report to:

- School Principal and/or leadership team
- **DET Security Services Unit**

CATHOLIC SCHOOLS

You must also report to:

- School Principal and/or leadership team
- Diocesan education office

INDEPENDENT SCHOOLS

- You must also report to:
- School Principal and/or chairperson

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act. This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DHHS Child Protection or Victoria Police.

YOU MUST TAKE ACTION

As a school staff member, you play a critical role in protecting children in your care.

- You must act, by following the 4 critical actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.
- You must act if you form a suspicion/reasonable belief even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).
- You must use the Responding to Suspected Child Abuse template to keep clear and comprehensive notes.

*A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

3 CONTACTING PARENTS/CARERS

Your Principal must consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact the parent/carer (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or where the parent/carer and does not wish for their parent/carer to be contacted)
- to contact the parent/carer and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

4 PROVIDING ONGOING SUPPORT

Your school must provide support for children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professionals. This is an essential part of your duty of care requirements.

Strategies may include development of a safety plan, counselling or referral to wellbeing professionals.

You must follow the Four Critical Actions every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

CONTACT

- DHHS CHILD PROTECTION AREA**
 - North Division 1300 664 9777
 - South Division 1300 655 795
 - East Division 1300 360 391
 - West Division (Rural) 1800 075 599
 - West Division (Metro) 1300 664 9777
- AFTER HOURS**
 - After hours, weekends, public holidays 13 12 78
- CHILD FIRST**
 - www.dhsvic.gov.au
- VICTORIA POLICE**
 - 000 or your local police station
- DET SECURITY SERVICES UNIT**
 - (03) 9589 6266
- STUDENT INCIDENT AND RECOVERY UNIT**
 - (03) 9637 2624
- EMPLOYEE CONDUCT BRANCH**
 - (03) 9637 2596
- DIOCESAN OFFICE**
 - Diocese of Ballarat (03) 5322 0228
 - Ballarat (03) 5327 7185
 - Salis (03)5222 6800
 - Sandhurst (03) 5443 2377
- INDEPENDENT SCHOOLS**
 - VICTORIA
 - (03) 9825 7200

