



### PURPOSE

The purpose of this policy is to ensure all school staff are aware of their roles and responsibilities in protecting the safety and wellbeing of children and young people and are able to:

- Understand their various legal obligations to reporting and take other reasonable steps to discharge the duty of care that may be owed to the child or young person
- Identify indicators that a child or young person has been, is being, or is at risk of being abused
- Make a report about a child or young person who has been, is being, or is at risk of being abused.

### OBJECTIVE

To ensure that school staff understand their roles and responsibilities in ensuring the mental and emotional health and wellbeing of all students.

### SCOPE

This Policy applies to both Campuses of Portland Secondary College. The College's Child Protection – Reporting Obligations Policy is part of the suite of policies which are linked to the Child Safe Policy which mandates zero tolerance to child abuse.

School staff play a vital role in protecting children from harm and are well placed to observe signs or behaviours that may indicate risks of child abuse, neglect or exploitation.

The following professionals are considered mandatory reporters:

- 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 and all members of the police force

### POLICY

#### Obligation

Mandatory reporters must make a report to the Department of Health and Human Services (DHHS) (Child Protection) as soon as practicable, if, in the course of practising their profession or carrying out their duties they form reasonable belief that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child from that abuse.

A mandatory reporter who fails to comply with these reporting obligations may be committing a criminal offence.



### Failure to disclose

All adults, not just professionals who work with children, have a legal obligation to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16.

Failure to disclose the information may amount to a criminal offence unless you have a “reasonable excuse” or have an “exemption” from doing so.

### Failure to Protect

Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child-related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

The offence applies only to adults in a position of authority with an organisation such as the Principal or Assistant Principals.

### Type of Reporting

#### Child in need of protection

Any person can make a report to DHHS Child Protection if they believe on reasonable ground that a child is in need of protection for any of the following reasons:

- The child has suffered or is likely to suffer significant harm as a result of:
  - Physical injury and their parents are unable or unwilling to protect the child
  - Sexual abuse and their parents are unable or unwilling to protect the child
  - Emotional or psychological harm and their parents are unable or unwilling to protect the child.
  - The child has been abandoned and there is no other suitable person who is willing and able to care for the child
  - The child’s parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child
  - The child’s physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.

Department policy requires all staff who form a belief on reasonable grounds that a child or young person is in need of protection should discuss their concerns with the principal or a member of the school leadership team. The concerns should also be reported to DHHS Child Protection or Victoria Police.



### **Child in need of therapeutic treatment**

Any person who believes on reasonable grounds that a child over 10 but under 15 years of age has been exhibiting sexually abusive behaviours and may be in need of therapeutic treatment should make a report to DHHS Child Protection, the department also requires these concerns to be reported to Victoria Police. These concerns should also be discussed with the principal or a member of the leadership team.

Sexually abusive behaviours can be exhibited when a child uses their power, authority or status to engage another person in sexual activity that is unwanted, or where the other party is incapable of giving informed consent (such as other children who are younger or who have cognitive impairments).

### **Significant concerns for the wellbeing of a child**

Any person who has a significant concern for the wellbeing of a child should discuss these concerns with the principal or a member of the leadership team. They should also report these concerns to DHHS Child Protection, or refer the child and their family to Child FIRST.

A significant concern for the wellbeing of a child may arise, for instance, where any of the following factors may have a significant adverse impact on a child's care, welfare or development:

- Significant parenting problems
- Family conflict or family breakdown
- Pressure due to a family member's physical/mental illness, substance abuse, or disability
- Vulnerability due to youth, isolation or lack of support
- Significant social or economic disadvantage.

In addition to the mandatory reporting and other reporting obligations mentioned above, all school staff have duty of care obligations and obligations arising out of the Child Safe Standards.

### **Duty of Care**

All school staff have a duty of care to take reasonable steps to prevent reasonably foreseeable injury to children and young people under the care. This includes taking reasonable steps to protect their safety, health and wellbeing.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, reasonable steps may include (but are not necessarily limited to):

- Acting on concerns and suspicions of abuse as soon as practicable
- Seeking appropriate advice or consulting with other professionals or agencies when the school staff member is unsure of what steps to take
- Reporting the suspected child abuse to appropriate authorities such as Victoria Police and DHHS Child Protection
- Arranging counselling and/or other appropriate welfare support for the child



- Providing ongoing support to the child and young person – this may include attending DHHS Child Protection Case Planning meetings, and convening regular Student Support Group meetings
- Sharing information with other school based staff who will also be responsible for monitoring and providing ongoing support to the child or young person.

### Child Safe Standards

The Child Safe Standards are compulsory minimum standards for all Victorian early childhood services and schools to ensure they are well prepared to protect children from abuse and neglect. The Standards support all Victorian early childhood services and schools to embed a culture of no tolerance for child abuse but, where necessary, to respond appropriately to actual or suspected abuse.

### Training

Staff in schools who are:

- Mandated reporters MUST undertake the training once per calendar year
- Not mandated reporters are strongly encouraged to undertake the training once per calendar year.

### FURTHER INFORMATION AND RESOURCES

- School Policy and Advisory Guide:
  - [Duty of Care](#)
  - [Child Safe Standards](#)
  - [Child Safe Policy](#)

### REVIEW CYCLE

DATE	VERSION	RATIFIED BY	NEXT REVIEW
Oct 2018	2	Portland Secondary College School Council	Sept 2020