Child Protection and Mandatory Reporting of Child Abuse Policy

1. Rationale

Noble Park English Language School is committed to fulfilling its duty of care to all students and specifically,students under the age of 16 in relation to the Crimes Act 1958 (Vic), which was amended in 2014 toinclude offences of: (i) failing to disclose a sexual offence; (ii) grooming for sexual conduct; and (iii)failing to protect a child from sexual offence. Refer to Child Protection Policy

<http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection>

The Child Protection Victoria publication “Reporting Child Abuse” (August 1993) defines child abuse asan act by parents or care-givers which endangers a child or young person’s physical or emotional healthor development. In Victoria, a child or young person is a person under 17 years of age.

1.1 Definitions and Offences

1. Failure to Disclose

Reporting child sexual abuse is a community-wide responsibility. The failure to disclose an offence imposes a clear legal duty upon all adults aged 18 and over to report information about child sexual abuse to police.

Under section 327 of the Crimes Act, any person (including any staff member) of or over the age of

18 years who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 years of age must disclose that information to police, as soon as it is practicable to do so. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to Department of Health and Human Services (DHHS) Child Protection. The offence applies to all adults in Victoria, not just professionals who work with children.

1. Grooming

Section 49B of the Crimes Act relates to the offence of “Grooming for sexual conduct with a child under the age of 16 years.” The offence targets predatory conduct designed to facilitate later sexual activity. The offence can be committed by any person aged 18 years or over.

The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time. The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child’s engagement in or involvement in sexual conduct, whether with the groomer or another adult.

Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.

1. Failure to Protect Offence

Section 49C of the Crimes Act will make it a criminal offence in Victoria for a person in authority to fail to protect a child under the age of 16 from criminal sexual abuse. This applies where there is substantial risk that a child under the care, supervision or authority of an organisation (including schools) will become a victim of a sexual offence by an adult associated with the school. The person in a position of authority may be guilty of an offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

1. The definition of child abuse includes:

* *Physical injury which results from abuse or neglect*. When a child receives an injury from a parent or care-giver which may be inflicted intentionally or by the inadvertent consequence of physical punishment or physically aggressive treatment of a child. Physical injury may also result from neglect by a parent or care-giver.
* *Sexual abuse.* When an adult or someone bigger and/or older than the child uses power or authority over the child to involve the child in sexual activity. Physical force is sometimes involved.
* *Emotional abuse.* When a child is repeatedly rejected or frightened by threats. This may involve name calling, being put down or continual coolness from the parent or care-giver to the extent that it affects the child’s physical and emotional growth and development.
* *Neglect.* The failure to provide the child with the basic necessities of life, such as food, clothing, shelter and supervision, to the extent that a child’s health and development are placed at risk.

1. Legislative and Training Requirements

The Children and Young Persons (Further Amendment) Act (CYFA) 1993 requires teachers and principals to report cases where they believe, based on reasonable grounds, that a child (i.e. under 17 years of age) is in need of protection because the child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse and the child’s parents have not protected, or are unlikely to protect, the child from such harm.

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 [Protecting Children – Mandatory Reporting and Other Obligations eLearning module](http://www.elearn.com.au/det/protectingchildren/schools/) (the module) is an essential professional learning resource that assists schools to protect the safety and wellbeing of children and young people.

The module provides detailed information for identifying and responding to child abuse, and includes case studies and practical scenarios to assist staff fulfil their reporting obligations.

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.

1. Guidelines
   1. Who is to be mandated?

The Principal, Assistant Principals and all staff at Noble Park English Language School are mandated professionals.

Staff at Noble Park English Language School is mandated to complete *Protecting Children – Mandatory Reporting and Other Obligations* elearning module every year.

* 1. Reasonable grounds for reporting child abuse are when:
* a child states that they have been abused.
* a child states that they know someone who has been abused (sometimes the child may be talking about themselves).
* someone who knows a child states that the child has been abused.
* professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been abused or is likely to be abused.
* signs of abuse lead to a belief that the child has been abused.

1. What Indemnity Does Mandated Individuals Have?

In accordance with the Act, mandatory reporting is not a breach of professional etiquette, ethics or conduct. Anonymity of the notifier is preserved unless the notifier gives written consent to disclose their identity.

However, staff should be aware that, if the report becomes the subject of a Protection Application to the Children’s Court, you may be required to give evidence (voluntary or by subpoena) to the Court.

In these circumstances, it is sometimes difficult to keep the identity of the notifier confidential.

1. What If A Mistake Is Made?

Civil action cannot be taken against you if a report is made in good faith i.e. if you hold an honest belief that the child was abused. This does not mean that you are required to believe beyond doubt that the abuse or neglect has occurred. Your belief may only be a belief based on reasonable grounds.

1. School Procedures

**Once a reasonable belief has been formed over any of the above offences,**

**Step 1**

**Staff member informs the Principal** or a nominated person within the school who will be chosen for his/her ability to manage the reports in a caring, confidential manner and provide support to the reporting teacher.

Staff should make observations and keep note of the concerns that exist which have led them to form a belief that a report may be necessary.

**Step 2**

Consultation between the staff member, Wellbeing Coordinator and Principal.

**Step 3**

The Principal, with the reporting staff member, will report to the Police and/or Child Protection Services on the basis of the internal findings. This official notification ends legal mandatory.

It is important that the process be well documented in school records to protect individual members of staff making the report. The notifier has the right to monitor steps with Depart of Health and Human Services (DHHS).

**Step 4**

It should then be decided who else, if anyone, should be informed. Since the need for confidentiality should be remembered at all times, only if the welfare of the child is affected should the matter be discussed with anyone else.

**Step 5**

As a wide range of people may be affected, support for the student, Principal and reporting staff will be provided either within the school or though the provision of counselling services.

1. How to make a report to DHS Child Protection?

The booklet, “Responding to Child Abuse” (see link below) published by Department of Human

Services, outlines the process to follow when making a report. The location and phone numbers of

Metropolitan and Rural Regions of Child Protection Victoria are listed at the back of the book.

Information about the 24 hour 7 days a week Child Protection Crisis Line is also included. This number is 1300 655 795 (Business Hours) or 131 278 (After Hours).

<http://www.dhs.vic.gov.au/__data/assets/pdf_file/0008/618983/CYF_responding-to-child-abuse.pdf>

1. Review Cycle and Evaluation

This policy was last reviewed in **May 2018** and is scheduled for review in **May 2021**.