



*“Working Together for a Better Future”*

# **CHILD PROTECTION, DUTY OF CARE**

## **AND REPORTING POLICY**

### **RATIONALE:**

Wallan Primary School is committed to the safety and wellbeing of children and has zero tolerance for child abuse both during and outside school activities.

Wallan Primary School is committed to providing an environment where children are safe and feel safe, and where students have input about decisions that affect them.

Teaching staff at Wallan Primary School are mandated to report to the Department of Health and Human Services (DHHS) if they believe, on reasonable grounds that a child or young person is in need of protection or if there are significant concerns for the safety or wellbeing of a young person.

### **BELIEF:**

Wallan Primary School believes that staff have a duty of care to protect the safety, health and wellbeing of all children. Children at Wallan Primary School have the right to feel safe and to be provided with environments where there is zero tolerance of abuse, neglect or unsafe situations.

Wallan Primary School must protect all children from child abuse or unsafe situations, manage the risk of child abuse and unsafe situations, provide support and respond to all incidents or allegations.

### **PURPOSE:**

- To define the roles and responsibilities of school staff in the safety, wellbeing and protection of children.
- To identify and manage risks which may impact on student wellbeing and safety.
- To ensure all staff follow supervision and duty of care expectations.
- To ensure that a strong Personal Learning curriculum is in place.
- To be inclusive of the needs of all children, particularly students who are vulnerable due to age, family circumstances, abilities, or indigenous or linguistic background.
- To clarify the Mandatory Reporting process.

### **DUTY OF CARE AND RISK MANAGEMENT**

- Whenever a teacher-student relationship exists, “a teacher is to take such measures as are reasonable in the circumstances to protect a student under the teacher’s charge from risks of injury that the teacher should reasonably have foreseen.” (*Richards v State of Victoria*).
- Specific responsibilities will be clearly allocated to staff members to undertake student supervision, as determined by the needs of the school, to protect students from reasonably foreseeable risks of injury including hazards that are known, could have been foreseen and prevented.

**Principals are responsible for:**

- identifying and managing risks which affect or may impact their responsibilities.
- ensuring that risk strategies and processes are in place.
- promoting the application of risk management including providing appropriate risk management training.
- aligning resource allocation, decision making and corporate governance with risk management.
- monitoring and reviewing identified risks in a systematic and timely manner.
- ensuring appropriate records of assessed risks are maintained.
- ensuring sufficient teachers are available for school supervision such as before and after school, recess and lunchtime, incursions, excursions.
- ensuring supervising teachers are not called away for other duties without alternate supervision being arranged.

**Principals and teachers are expected to take all reasonable steps to reduce risk, including:**

- provision of suitable and safe premises and adequate supervision.
- implementation of strategies to prevent bullying.
- ensuring that medical assistance is provided to a sick or injured student.
- the management of employee recruitment, conduct and performance.
- ensuring that teaching staff have current VIT registration and ensure that all non-teaching staff and volunteers have a current Working with Children's Check.

**All precautions will be taken to prevent injuries from occurring. This will involve consideration of the following factors:**

- the probability that the harm would occur if care were not taken.
- the likely seriousness of the harm.
- the burden of taking precautions to avoid the risk of harm.
- the social utility of the activity that creates the risk of harm.
- arranging for student supervision according to school needs.
- ensuring staff are aware of their responsibilities to supervise students during school times as well as before and after school.

**Parents and guardians are responsible for:**

- the care and supervision of students travelling to and from school and outside of school supervision hours.
- supporting Wallan Primary School's policies, processes and curriculum.

**CHILD ABUSE**

- Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing.
- Types of child abuse include physical, sexual, emotional, neglect, medical neglect, family violence, human trafficking (including forced marriage), sexual exploitation (including pornography and prostitution).
- If a staff member has concerns about the safety, health and wellbeing of children in their care they should take immediate action.

**Staff will:**

- identify indicators that a child or young person may be in need of protection and make a Mandatory Report to Department of Health and Human Services (DHHS) Child Protection.
- comply with reporting obligations under child protection law and criminal law and fulfil their duty of care.
- Mandatory reporters who believe, on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, is displaying sexually abusive behaviours or have significant

concerns for the wellbeing of a child or young person, must report their concerns to Department of Health and Human Services (DHHS) Child Protection, Child First or Victoria Police.

- Staff should also discuss their concerns with the Principal or a member of the school leadership team.
- Teaching staff and “Before and After School Program” staff are mandated to report.
- Education Support staff are not mandated to report.
- Any staff member who **forms a reasonable belief** that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police. 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 DHHS Child Protection.
- The offence applies to **all adults** in Victoria, not just professionals who work with children.
- School staff can discharge this Duty of Care by taking action which includes the following:
  - reporting their concerns to the DHHS Child Protection or another appropriate agency (as identified above).
  - notifying the Principal or a member of the school leadership team of their concerns and the reasons for those concerns.
- Any staff member in a position of authority who becomes aware that an adult associated with Wallan Primary School poses a risk of sexual abuse to a child, 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.
- A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof.  
This might be when:
  - a child states that they have been physically or sexually abused.
  - a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves).
  - someone who knows a child states that the child has been physically or sexually abused.
  - professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused.
  - signs of abuse lead to a belief that the child has been physically or sexually abused.
- A report should be made to DHHS Child Protection in circumstances where the child is engaging in risk-taking behaviour or if there is a risk of it occurring, there is a risk to an unborn child, a child or young person is exhibiting sexually-abusive behaviours, or there are indications that a child is being groomed.

All staff will complete annual online PD modules for “Mandatory Reporting.”

Members of the school community will refer to the Student Engagement Guidelines for code of conduct for staff, families and students.

#### **PROCESS OF MAKING A REPORT TO DHHS, CHILD PROTECTION, CHILD FIRST OR VICTORIA POLICE:**

- In case of emergency or if a child is in immediate danger contact Triple Zero (000).
- If staff have concerns or form a 'reasonable belief' or a 'belief on reasonable grounds', relating to the immediate safety of a child, they must contact the Principal, Assistant Principal or member of the Executive Team, **immediately**.
- The individual staff member should then make their own assessment about whether they should make a report about the child or young person and to whom the report should be made.
- See Policy for guidance on
- When making a report to DHHS Child Protection or the Police, the Principal or Assistant Principal will support the staff member to do this by assisting them to gather the following information:
  - appropriate contact numbers
  - full name, date of birth, and residential address of the child or young person
  - details of the concerns and the reasons for those concerns

- the individual staff member's involvement with the child and young person
  - details of any other agencies who may be involved with the child or young person
  - detailed records including conversations, names, times and dates
  - See appendix 1
- 
- The identity of the reporter must remain confidential unless the reporter chooses to tell the child or young person that they have made a report, or unless a court tribunal decides otherwise.
  - DHHS Child Protection and/or Victoria Police will notify the Principal or a member of the leadership team if they intend to interview the child or young person on the school premises. The Principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person and school staff must arrange to have a supportive adult present with the child or young person.

**Current version of this policy**

This policy will be regularly reviewed and updated to take account of the new laws and technology and the changing school environment when required.

Last DET update:

**Endorsed by School Council: 2022**

# **MANDATORY REPORTING PROCEDURE:**

Name and position of person making report:

Date & Time:

Student Name:

Date of Birth:

Events, observations or conversations which lead to you forming a belief that the student is at risk:

Action taken by school:

Action taken by Child Protection if known:

\*When making a call to Child Protection, you will be asked details about the student, their family and their contact details. It is highly recommended that you make the call in the presence of either the Principal or Assistant Principal so these details can be easily accessible.