



EDUCATING *the* WHOLE CHILD

Child Protection Guidelines and Reporting Protocols.

All children have a right to feel safe and to be safe. As teachers, we have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse or neglect. Under the National Framework for Protecting Australia's Children (2009), protecting children is everyone's responsibility: parents, communities, governments and business all have a role to play. When a school staff member forms a belief that a child has been harmed or is at risk of being harmed, they must take action that is timely, respectful and coordinated. For some staff members this is mandatory.

Ballarat Steiner School and Kindergarten Aims:

- To ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.
- To ensure that all children are treated with dignity and respect and are provided with a safe environment.
- Safety, a basic human right, is a pre-requisite for the School to be able to carry out its mission to educate.
- This policy provides staff with a consistent set of procedures to follow when making a notification of suspected abuse. The intent of the policy is to clarify the actions to be taken in relation to maintaining the highest duty of care to our children.

Ballarat Steiner School and Kindergarten Responsibilities:

The School has a responsibility to:

- Protect children
- Provide a secure, safe environment where children can be safe and feel safe
- Intervene on behalf of children
- Actively work towards empowering children
- Ensure the principles of care, protection and safety are implemented

The dignity of the human person is fundamental to Steiner teaching. Children's development is dependent on the quality of care provided by the significant adults in their lives.

1. Legal Responsibilities:

- a) Under sections 28 and 31 of the Children, Youth and Families Act 2005 (CYFA) (Vic), any person can make a report to the Department of Human Services or to family services such as Child FIRST and Child Protection. However, section 182 of the Act lists registered teachers, (as well as students in training to become teachers), registered nurses and principals as professionals who are legally obliged to notify protective services if they form a belief, based on

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

- b) Teachers, school registered nurses and/or principals, as mandated notifiers, can face criminal prosecution for failing to notify a belief, based on reasonable grounds, of suspected abuse as an offence under the Children, Youth and Families Act 2005 (Vic.) and lead to criminal prosecution.
- c) As a mandated notifier, teachers and principals are not legally responsible to notify protective services if you form a reasonable belief that a child is in need of protection in your private life or when working in a capacity that is not related to teaching.
- d) As a mandated notifier you are both legally and professionally protected. You cannot be successfully sued or subjected to any legal liability, nor can you be disciplined for unprofessional conduct by your professional body.
- a) Under the Act your identity as a notifier remains confidential unless:
 - you choose to inform the child and / or the child's parents or guardians of the notification your self
 - you consent in writing to you identity as the notifier being disclosed by family services
 - the court decides that it needs the information provided in your report in order to ensure the safety and wellbeing of the child
 - the court decides that it is satisfied that the interests of justice require that the evidence be given.

For the courts to order disclosure of a notifiers identity requires exceptional circumstances and is not normal practise.

2. Procedure:

- b) If it is suspected, with reasonable belief, that a child is in need of immediate protection or you have received a disclosure from a child about abuse or neglect or you have been made aware of possible harm via your involvement in the community external to your professional role; then a report must be made without delay. Seeking advice or assistance should not delay the reporting process. Every attempt must be made to file the report on the same day as the belief is formed.
- c) You are required to notify Department of Human Services each time you become aware of any further reasonable grounds for your belief.
- d) You do not have to be able to prove that the child has been abused to notify the Department of Human Services.

To make a report please ring the Ballarat - Grampians Region Department of Human Services on 03 5333 6530.

- e) If there is uncertainty about the need for a mandatory report to Child Protection Services, the teacher/person should ring the Department of Human Services on 1800 675 598 for advice. Ballarat Region is Grampians and the contact is Melissa McInerney. Her direct number is 03 5333 6530.
- f) Principals and teachers can share information and make a referral to the Department of Human Services when they have significant concern for a child's wellbeing, but do not believe that the child needs protection.

- g) Individual teachers should make observations and keep notes of the concerns that exist that have led them to form the belief that the report is necessary.
- h) You can discuss your concerns with the Education Facilitator and College of Teachers. If the Facilitator or other teachers do not share your belief that a child is in need of protection, you must still notify the Department of Human Services of your belief. However, the Facilitator should be informed of the notification.
- i) It is your responsibility to report your belief, it is not the responsibility of the Education Facilitator. However, if you are one of a group of mandated notifiers who share the belief, then only one nominated notifier needs to make the report. You must be satisfied that the report is made without delay and that all of the reasonable grounds are included in the notification.
- j) School staff must respect confidentiality when dealing with a case of suspected child abuse and neglect, and may discuss case details and the identity of the child or the young person and their family only with those involved in managing the situation. When a child or young person has moved to another school, professional judgement should be exercised as to what information needs to be passed on.
- k) Where possible, you should seek consent from the child or the child's parents or guardians before sending in your report to the Department of Human Services. However consent is not required nor, should be sought, if you believe that it will put you or the child at risk.
- l) You do not have to be able to prove that the child has been abused to notify the Department of Human Services.
- m) You must notify the Department of Human Services each time you become aware of further reasonable grounds for your belief.
- n) All reports, telephone conversations, information sheets and other information will be filed in the locked Administration filing cabinet and remain strictly confidential.
- o) If there is an allegation of abuse by a staff member or visitor at a school, the matter must be immediately reported directly to Victoria Police for investigation by telephoning the emergency number 000.
- p) Non-mandated staff
 - While non-mandated staff are not legally obliged to make a report to the Department, they are still morally responsible to show duty of care to students if they have a belief that a student has been abused or is at risk of abuse.
 - If they have formed a reasonable belief they must discuss this with the Education Facilitator only and maintain confidentiality from the school community.

4. Follow Up:

- a) If, following a report, a family approaches the school, it is recommended that any interview or discussion be conducted with a minimum of two school staff members present. The focus of such a meeting should be on the welfare of the child, not on justifying the actions of the teacher/s involved. This meeting must be documented.
- b) Support for the reporting teacher/s and the student who is cause for concern and anyone else affected will be arranged by the Education Facilitator. Support should continue to be provided as necessary, as

the role of the teacher with the student and Child Protection Services may be ongoing.

5. Induction:

New staff will be informed of, and receive training in, mandatory reporting responsibilities and procedures as part of their induction. This training will cover the formation of reasonable belief as well as clear definitions of abuse. Similarly, all staff will be re-familiarised with the policy at the curriculum day occurring on the first day of the school calendar year.

6. Definitions:

Child Abuse: Any maltreatment that damages the child's physical, mental, emotional or psychological health or that places the child's physical, mental, emotional or psychological development in jeopardy.

Reasonable Grounds:

1. When a child says he or she has been abused
2. The observations of a child's behaviour or injuries lead school personnel to suspect that abuse is occurring.

Children: People under 18 years of age. Students older than 18, who are enrolled in schools, are not covered by the legal mandate. However, the duty of care provision under which teachers operate would require that these students be afforded the same protection as children under 18 years of age.

Mandated Notifiers: Any person who is registered as a teacher under the Education and Training Reform Act 2006, or any person who has been granted permission to teach under that Act, including Principals or member of the school leadership team, is mandated to make a report to Child Protection.

Confidentiality: Refers to the restriction of discussion of a child's circumstances to those agencies and school personnel directly involved with helping the child. A key feature of the Children, Youth and Families Act 2005 is that mandated notifiers are able to share information, without legal or professional consequences, with family services such as Child FIRST and Child Protection to help protect vulnerable children.

Note: The role of investigating an allegation of child abuse rests solely with the Department of Human Services and/or Victoria Police.

Current Education Facilitator 2011: Gareth Jones
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Current Administration Facilitator 2011: Louise Cheslett
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After Hours Child Protection Emergency Services: 131 278

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The Management Team
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