

CHILD SAFETY

Ballarat High School complies with Ministerial Order No. 870 – Child Safe Standards. The school's Commitment to Child Safety statement, Child Safe Environment Policy and Child Safe Code of Conduct are available on the school website (www.ballaraths.vic.edu.au)

MANDATORY REPORTING

Teachers and Principals are mandated under the Children Youth and Families Act 2005, as mandatory reporters. As such, we must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds, that a child or young person is in need of protection from significant harm, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child. It is a criminal offence not to report in these circumstances.

According to the Children, Youth and Families Act, any person who believes on reasonable grounds, that a child is in need of protection, may report their concerns to Child Protection.

FAILURE TO DISCLOSE

All adults who form a reasonable belief that another adult may have committed a sexual offence against a child under 16 years of age are required to report this information to the Victoria Police. Failure to do so constitutes a criminal offence.

FAILURE TO PROTECT

Any person in a position of authority within an organisation who knows of a substantial risk that a child under the age of 16 under the care, supervision or authority of the organisation will become a victim of a sexual offence committed by an adult associated with the organisation, and negligently fails to remove or reduce the risk of harm will have committed a criminal offence (within schools this includes Principals and Assistant Principals)

Forming a belief on reasonable grounds

A person may form a belief on reasonable grounds, that a child is in need of protection after becoming aware that a child or young person's health, safety or wellbeing is at risk, and the child's parents are unwilling or unable to protect the child.

There may be reasonable grounds for forming such a belief if:

- A child or young person states that they have been physically or sexually abused
- A child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- Someone (who knows the child or young person) states that the child or young person has been physically or sexually abused
- A child shows signs of being physically or sexually abused
- The staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability, that is impacting on the child or young person's safety, stability or development
- The staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision

- A child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child

Reporting a belief

Staff members, whether mandated or not, must report their belief to a member of the Student Wellbeing Team, or an Assistant Principal as soon as practicable after forming the belief, and on each occasion, on which they become aware of any further grounds for the belief.

The Student Wellbeing team member or Assistant Principal will provide guidance and support as to how to report the matter to Child Protection and/or Victoria Police, and what information will be required.

If one member of staff holds a different view from another about making a report, and the staff member continues to hold the belief that a child is in need of protection, that person is obliged to make a report to Child Protection and/or Victoria Police.

In some circumstances the Principal and/or leadership team may advise staff not to proceed with reporting suspected abuse. Regardless of this, if staff hold a reasonable belief that a child has been or is at risk of being abused, they must still make a report to Child Protection and/or Victoria Police. If staff fail to report they may not discharge their duty of care and in some circumstances they may be subject to criminal charges.

Protecting the identity of the reporter

Confidentiality is provided for reporters under the Child, Youth and Families Act (CYFA). The Act prevents the disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with the legislation, except in specific circumstances.

The identity of the reporter must remain confidential unless:

- The reporter chooses to inform the child, young person or family of the report
- The reporter consents in writing to their identity being disclosed
- A court or tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child
- A court or tribunal decides that, in the interests of justice, the reporter is required to attend court to provide evidence.

Information provided during a protective investigation may be used in a court report, if the risks to the child or young person require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

If Child Protection decides that a report is about a significant concern for the wellbeing of a child, they may refer the report to a community based child and family service, and disclose the identity of the reporter to that service. However the CYFA provides that neither Child Protection or the community based child and family service, may disclose the reporter's identity to any other person without the reporter's consent.

Professional protection for reporters

If a report is made in good faith:

- It does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter

- The reporter cannot be held legally liable in respect of the report

This means that a person who makes a report in accordance with the legislation, will not be held liable for the eventual outcome of any investigation of the report.

Failure to report

A failure by staff members to report a reasonable belief that a child is in need of protections from significant harm, may result in the person being prosecuted under the CYFA or the Failure to Disclose/Failure to Protect provisions.

Making a report to Child Protection

The CYFA allows for two types of reports to be made in relation to significant concerns for the safety or wellbeing of a child – a report to Child Protection or a referral to Child FIRST.

A report to Child Protection should be considered if, after taking into account all of the available information, the staff member forms a view that the child or young person is in need of protection because:

- The harm or risk of harm has a serious impact on the child's immediate safety, stability or development,
- The harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability or development
- The child's parents cannot or will not protect the child or young person from harm

Staff members may form a professional judgement or belief, in the course of their professional duties based on:

- Warning signs or indicators of harm that have been observed or inferred from information about the child
- Legal requirements such as mandatory reporting
- Knowledge of child and adolescent development
- Consultation with colleagues and other professionals
- Professional obligations and duty of care responsibilities
- Established protocols
- Internal policies and procedures within the school

Child Protection may seek further clarification from the school, once a report has been made to determine whether further action is required.

In most circumstances, Child Protection will inform the reporter of the outcome of the report. When the report is classified by Child Protection as a wellbeing report, Child Protection will refer the matter to Child FIRST.

Staff Professional Development

Staff will be informed of Mandatory reporting requirements as part of their initial induction to the school, and will be expected to complete online professional development in this area on an annual basis.

REPORTABLE CONDUCT

Principals are required to notify the DET Employee Conduct Branch if they form a 'reasonable belief' that a Department employee, contractor, volunteer, allied health practitioner or school council employee has engaged in 'reportable conduct' or 'misconduct that may involve reportable conduct'.

There is an allegation of 'reportable conduct' where a person has a 'reasonable belief' that there has been:

- a sexual offence (even prior to criminal proceedings commencing), sexual misconduct or physical violence committed against, with or in the presence of a child;
- behaviour causing significant emotional or psychological harm to a child;
- significant neglect of a child; or
- 'misconduct' involving any of the above.

This does not apply to behavior between students/children.

After reporting a reportable conduct allegation to the Employee Conduct Branch, the Principal must take action to manage and (if appropriate) investigate any reportable conduct allegations, in accordance with relevant Department processes.

The Employee Conduct Branch will then report any reportable allegations to the CCYP, on behalf of the Department.