

CHILD PROTECTION AND MANDATORY REPORTING POLICY AND PROCEDURE

Relevant to:	All Staff
Developed by:	Management Team
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Related Documents:	Child Risk, Pastoral Care, Student Attendance Policies and Procedures

OVERVIEW

The protection of children is everyone's responsibility. The Tasmanian community has expressed its intentions for the protection of children through the Department of Health and Human Services; *Children, Young Persons and Their Families Act 1997, (2013) and the Child and Youth Safe Organisations Act (2023)*.

RATIONALE

Tamar Valley Steiner School seeks to inform staff of their obligations under relevant legislation, including the requirement to hold a current Registration to Work with Vulnerable People (Tasmania).

POLICY

Tamar Valley Steiner School, including any affiliated programs or services, is committed to providing a safe and supportive learning environment for all students, holding firmly to the understanding and belief that all children have a right to be protected from harm.

Mandatory reporting describes the legal obligation of certain professionals and community members to report suspected incidences of child abuse.

Section 14(1) of the *Children, Young Persons and Their Families Act 1997* outlines those persons who are mandated to report. This includes, but is not limited to:

- A principal ;
- A teacher in any educational institution (including a kindergarten);
- A person who provides child care, or a child care service, for fee or reward;
- A person concerned in the management of an approved education and care service, within the meaning of the Education and Care Services National Law (Tasmania), or a child care service licensed under the *Child Care Act 2017*;
- Any other person who is employed or engaged as an employee for, of or in, or who is a volunteer for or in education and child care.

These people are called *mandated reporters*.

An individual must ensure that their legal responsibilities are met, irrespective of the action taken by others.

Note: In Tasmania, the definition of abuse includes neglect.

PROCEDURE

As mandated reporters (under the *Children, Young Persons and Their Families Act 1997*) teachers, educators and others associated with the provision of education and care at Tamar Valley Steiner School must ensure that they report any knowledge, belief or suspicion that a child has suffered, or is at risk of, abuse.

This report should be made to Strong Families, Safe Kids Services on 1800 000 123

The requirement to notify overrides any confidentiality requirements that may otherwise govern a person's behaviour in this regard. Any person making a report may request confidentiality. This means the reporter cannot be identified if and when Strong Families, Safe Kids Services communicate with the persons reported. Should the matter escalate to a police charge the reporter may however be identified.

What is reportable?

Where a teacher, educator or person involved in the operation of the school has reasonable grounds for suspecting abuse, they hold a legal obligation to report their concerns to Strong Families, Safe Kids Services.

Any instance or suspicion of where a child is at risk (or potential risk) of neglect, physical abuse, sexual abuse, domestic violence, psychological harm and/or emotional injury to the extent that the child has suffered, or is likely to suffer harm, detrimental to their well-being or development. These are all reportable offences.

What are reasonable grounds for suspecting abuse?

- A student tells you they have suffered non-accidental physical injury, neglect, sexual abuse and/or severe emotional abuse.
- Someone tells you a student has been abused.
- Your observations lead you to believe that the student has suffered non-accidental physical injury, neglect, sexual abuse and/or severe emotional abuse.
- You have serious concerns regarding the wellbeing of a student.

All mandated reporters hold a legal and moral responsibility to report any concerns regarding a student or other child who may be at risk of abuse.

Indicators of Abuse

One indicator in isolation may not indicate abuse or neglect. Each indicator needs to be considered in the context of the student's personal circumstances. Furthermore, abuse may occur in the absence of any of these demonstrable risk indicators. The following is not an exhaustive list of indicators but may be useful to staff:

<u>PHYSICAL ABUSE</u>	
Physical Indicators:	• Bruises • Burns • Hair missing in tufts • Lacerations and abrasions (especially to the eyes, lips gums and mouth) • Missing or loosened teeth • Self-mutilation\Welts
Behavioural Indicators:	• Fear of adults • Frequent absences, with or without explanation from parents/ caregivers • Guarded or evasive answers to questions about the cause of obvious injury • Injuries that are not consistent with a child's explanation of them • Disclosure of abuse directly to an adult or indirectly to a friend • Fear of going home
<u>EMOTIONAL ABUSE</u>	
Physical Indicators:	• Depression • Eating disorders (anorexia or bulimia) • Lethargy or fatigue • Symptoms of stress • Evidence of drug abuse or dependence • Wetting, soiling, smearing • Psychosomatic complaints
Behavioural Indicators:	• Aggressive or delinquent behaviour • Attempted suicide • Excessively compliant or passive behaviour • Excessive shyness or withdrawal • Low self-esteem • Fire setting • Truancy or school avoidance • Deliberate harming of animals - Poor peer relationships
<u>SEXUAL ABUSE</u>	
Physical Indicators	• Bruises or bleeding from external genitalia, vagina or anal regions • Blood stained underwear • Pregnancy or fear of pregnancy • Signs of pain, itching or discomfort in the genital area • Urinary tract infections

Behavioural Indicators	• Disclosure of involvement in sexual activity directly to an adult, indirectly to a friend or in a disguised way; e.g. "I know a person who..." Inappropriate expressions of affection • Inappropriate interest in sexual matters • Evidence of sexual themes in artwork, stories or play • Possession of pornographic materials • Promiscuity or sexual behaviour towards others • Use of sexual language inappropriate for a child's age • Reluctance to change clothes in front of others • Wearing inappropriate clothing • Fear states, eg. Anxiety, depression, obsessively neat, socially withdrawn, or overly compliant behaviour • Poor peer relationships • Inability to concentrate in school
NEGLECT	
Physical Indicators:	• Abandonment • Poor hygiene • Lack of adequate or suitable clothing • Inadequate nutrition • Lack of medical or dental care • Constant fatigue • Developmental delays • Untreated sore, boils or lice • Lack of adequate supervision
Behavioural Indicators:	• Falling asleep in school • Poor school attendance or alternatively always attends school even when sick • Poor academic performance • Steals or begs for food or eats from bins • Dull, apathetic appearance • Uses drugs or alcohol • Early arrival at school or reluctance to leave

REPORTING THE CONCERN

Any observations and/or disclosures must be documented in a confidential manner. Any person can and should make a report to Strong families, Safe Kids services as per the procedural section (above). If the person needs support prior to making a report, the concern can be discussed, in the first instance, with the Principal. The concern does not need to be discussed with the Principal prior to reporting.

It is vital to remember that confidentiality is of paramount importance and that the disclosure of this information should only be with those in the school and Strong Families, Safe Kids Services

In either case, whether the concern is reporting independent of the Principal or with their support, the people reporting will take appropriate action to ensure a report is made to the appropriate authorities. These reporting procedures may include:

- Given that all individual mandated reporters must report any concerns regarding a student or other child who may be at risk of abuse, **all** individual teachers and educators must ensure that a report has been made regardless of whether they consult the Principal or not.
- The Principal will report, or support and ensure that the reporting staff member has reported, any knowledge, beliefs or suspicions to Strong Families, Safe Kids.
- The report may include a statement of the observations, information, opinions and other grounds on which the belief, suspicion or knowledge is based.
- The Principal will maintain a written record of this communication and subsequent communications including evidence, observations, discussions or actions.
- Strong Families, Safe Kids will notify the reporter of any further action required, including how to proceed.
- If the reporter is not the Principal, the reporter will keep the Principal informed of the outcome of the report, and any subsequent communications.
- The Principal may request an undertaking from Strong Families, Safe Kids to keep them informed of the progress of the report and the safety of the student, within the bounds of confidentiality.

After a Report Has Been Made

Tamar Valley Steiner School and any affiliated programs and services will implement appropriate guidance given from Strong Families, Safe Kids, Tasmania Police or other relevant authorities. Staff will continue to observe, supervise and record any relevant information. The Principal will continue to liaise with Strong Families, Safe Kids to ensure the provision of ongoing support for those involved.

If following a report, a family member or other person approaches the school to discuss any aspect of the report, it is recommended that any interview is conducted with a minimum of two Executive members present (e.g. The Principal and one other person) to provide support and transparency. Confidentiality regarding the report and any associated matters must be maintained at all times. No aspect of the report must be discussed with another party, unless directed to do so by Strong Families, Safe Kids or Tasmania Police. It is important to remember that the focus of the meeting should be the health and welfare of the student.

Staff Response to a Disclosure of Abuse or Neglect

There may be times when a student makes a disclosure of abuse. In these circumstances, staff must be mindful **not** to:

- Express judgement or blame the student;
- Promise confidentiality;
- Get angry, upset or show shock;
- Say “forget it”, “you’ll get over it” or other similar statements;

- Engage in general discussion with staff, parents or any persons outside our School community regarding the disclosure.

To further support the student, staff may:

- Use ‘protective interrupting’ (where a student begins to disclose in class or other public area) by:
 - acknowledging that you have heard them;
 - being supportive and gently indicating that they might tell you about it in a more private situation; and
 - Quietly arranging to see them as soon as possible, in a situation away from other students.
 - Establish clear limits on confidentiality Define what this means. For example “ I’m not going to tell your uncle John that you told me about this but.....”
 - Listen attentively;
 - Allow students to tell the event in their own words; **DO NOT** ask for details, put words in students’ mouths, give a lecture about right and wrong or conduct an investigation (other agencies have this responsibility);
 - Be supportive and understanding;
 - Accept what is said – only the minimum of information is required;
 - Be calm, non-judgmental and empathetic to the student’s feelings;
 - Acknowledge the courage required to take this step;
 - Reassure the student that it is right to tell, that they are believed and that they are not to blame;
 - Offer the student the option of relevant support, including interviews;
 - Reassure the student of ongoing support;
 - Explain what may happen next, (e.g. notifying the Principal ~~School Chair~~; contacting Strong Families, Safe Kids);
 - Where possible, remain with student until necessary steps have been taken to support their safety and security.

Staff must be aware that a disclosure may generate strong feelings of shock, anger and helplessness in them. Counselling support for staff will also be available as required.

Prevention of Harm within the School Environment

- a) The School will have in place an assessment process to ensure that all people working or volunteering with children within the school environment are fit and proper persons to work with students. This will include, but is not limited to, each person holding a current Working with Vulnerable People Check (Tasmania).
- b) All staff and volunteers must adhere to the School’s Code of Conduct for Employees.
- c) Induction and in-service processes will ensure that all staff members, volunteers and students on practicum placement are conversant with relevant policies, related procedures and legislative requirements.

Note: Under section 14 of the Children, Young Persons and Their Families Act 1997, the requirement to inform the Secretary of the Department of Health and Human Services is taken as met where a mandated person informs Strong Families, Safe Kids Services of a belief, suspicion or knowledge of abuse as soon as practicable after the belief or suspicion was formed or of the gaining of the knowledge of abuse.

REQUIREMENTS OF THE REPORTABLE CONDUCT SCHEME

In addition to Mandatory reporting mechanisms, the Reportable Conduct Scheme under the Child and Youth Safe Organisations Act 2023 requires leaders of specific organisations to:

- notify the Independent Regulator upon becoming aware of conduct related to child abuse involving an adult worker (this is called reportable conduct), and
- conduct investigations (they may engage an investigator).

The definition of worker under the Act includes paid workers, volunteers and contractors.

The Reportable Conduct Scheme is about ensuring reportable conduct is investigated properly in a child-centred way. This is done through oversight by the Independent Regulator, who must receive:

- Within three business days: Leaders must report reportable conduct to the Independent Regulator in writing and provide basic details such as the worker's name. As soon as possible, leaders must start an investigation.
- Within 30 days: Leaders must provide an update including information about the allegation or conviction, whether any actions have been taken (for example, placing a limit on a worker's contact with children) and any written submissions.
- At the end of the investigation: Leaders must provide findings of the investigation, reasons for the findings and details of any actions that have been taken as a result.

Whilst the reporting obligation is on the school leader (Principal), the Independent Regulator can receive voluntary reports from anyone including children, parents and workers. If the Principal is made aware of a report against a worker in their organisation, they must also report to the Independent Regulator as part of their responsibility under the legislation.

The Reportable Conduct Scheme does not replace other reporting obligations which may include the police (if the alleged conduct is criminal) or the Registration to Work with Vulnerable People scheme

Legislation

In upholding the above, the following legislation and guidelines will be followed:

- Family Violence Act 2004 (TAS)

<https://www.legislation.tas.gov.au/view/html/inforce/current/act-2004-067>

- Children, Young Persons and their Families Act 1997 (TAS)

[View - Tasmanian Legislation Online](#)

- Children, Young Persons and Their Families Amendment Act 2013

<https://www.legislation.tas.gov.au/view/html/inforce/current/act-2013-064>

- Child and Youth Safe Organisations Act 2023 (TAS)

[View - Tasmanian Legislation Online](#)

- Registration to Work with Vulnerable People Act 2013 (TAS)

<https://www.legislation.tas.gov.au/view/html/inforce/current/act-2013-065>

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