Protecting Children

Protocol between
Child Protection,
Department of Human Services
and Victorian Schools
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As the Minister for Community Services, it gives me great pleasure to bring to you Protecting Children: Protocol between Child Protection, Department of Human Services and Victorian Schools. This is the first time the protocol has been reviewed since the introduction of mandatory reporting—and the first time it has been extended to include all Victorian schools.

The purpose of the protocol is to enhance the working relationship between Victorian schools and the Child Protection Service. It clarifies the procedures and provides improved decision making guidelines for teachers, principals and support staff. In keeping with the Government’s broader information strategy, the protocol promotes a wide-ranging approach to protecting children. This includes prevention, early intervention and referral to other services that can provide assistance for families, as well as clear guidelines about when to notify Child Protection.

Many teachers and Child Protection workers made contributions throughout the development of the protocol, and I am confident that many of the issues of concern have been addressed because of their input.

I especially thank the Child Protection and Education Consultative Committee, comprising members of government schools, independent schools and Catholic schools, as well as education unions, principal associations and Child Protection. Everyone has worked well together—concerns have been shared openly and solutions to issues have been formulated in a thoughtful and respectful way. This has been an example of true partnership in action.

Keeping children safe from harm requires a vigilant and informed community that is confident in making judgments and assertive in taking actions. It is essential that both teachers and Child Protection workers are able to understand the role each plays in protecting children. Respect for each other’s professions comes with a fuller understanding of the complexities and constraints that each face in their day-to-day work. This protocol provides a basic framework for respectful communication, and its implementation will continue the positive work that I know is underway in all regions.

Hon Christine Campbell MP
Minister for Community Services
Endorsement

In accordance with the principles outlined in these protocols, we, the undersigned, on behalf of our respective departments and organisations, agree to these protocols to act as guidelines for our staff and membership schools to ensure the cooperative framework necessary for the effective intervention for children in need of protection.

Pam White
Director, Community Care

Michael White
Director, Office of School Education

Reverend Thomas Doyle
Executive Director,
Catholic Education Commission of Victoria

Fiona Ogilvy-O’Donnell
Chief Executive Officer,
Association of Independent Schools Victoria
1 Introduction

This protocol has been established to facilitate contact between the Department of Human Services and Victorian Schools to ensure that an effective response to protecting children from harm is provided.

The protocol is designed to assist cooperation, clarify procedures and improve decision making, by providing guidance for principals, teachers and Child Protection workers.

The protocol states the statutory and non-statutory roles and responsibilities of the Child Protection Service and schools, and the roles and responsibilities of each part to the other.

1.1 Principles Underlying the Protocol

1.1.1 A Shared Responsibility
Protecting children from harm is a shared responsibility between the family, the general community, community agencies, professionals working with children, police and government. Each has a significant role to play in ensuring the safety and wellbeing of children and young people, and in helping prevent harm from occurring.

1.1.2 When does Child Protection Need to Intervene?
Most children and young people are effectively protected and cared for within their own families. However, there are also other situations that arise, for instance, when a child or young person has been harmed or is at risk of harm, but the parent or caregiver is able to protect the child from further risk. There may also be sufficient supports and/or services in place to assist the family to protect the child.

It is only when parents or caregivers are unable or unwilling to protect their children from significant harm, or when the services in place do not adequately support the family, that the Child Protection Service needs to intervene.

1.1.3 Early Identification
Early identification and effective intervention can lessen the initial and long-term effects of child abuse and promote recovery of the children and families concerned. Intervention is most effective when there is open and respectful communication, clearly identified procedures and the child or young person’s needs come first.
1.2 The Relationship between the Child Protection Service and Schools

1.2.1 Legislation

The Department of Human Services has a statutory responsibility according to the provisions of the *Children and Young Persons Act 1989* in relation to the Child Protection Service for all children in Victoria under the age of 17 years.

1.2.2 The Important Role of Schools

Schools have an important role to play in supporting children and their families and in protecting students. Because teachers are in close daily contact with students, they are well placed to observe when a child or young person appears to be at risk of harm. As well as being in a unique position to notice the warning signs, a teacher may also be the only adult to whom a student can turn when help is needed. In addition, there are children who are involved with the Child Protection Service for varying periods of their school lives. In situations where the Child Protection Service and schools are providing services to a child and their family, consultation needs to occur at all key decision making points.

It is because of schools’ central role in children’s lives that teachers and principals have been mandated under Section 64 (1C) of the *Children and Young Persons Act 1989* to report cases of physical and sexual abuse. The mandatory reporting requirements are described in greater detail in Section 5, below.
2 The Role of the Child Protection Service

The Child Protection Service works to ensure that children are protected from significant harm when their parent or caregiver is unable or unwilling to provide that protection.

2.1 A Family Focus

Child Protection provides services to children and their families in order to protect children from significant harm resulting from abuse and neglect within their families. A broad range of services are provided or funded by the Department of Human Services, and these aim to strengthen families so that children and young people can develop within a safe physical and emotional environment.

Services are based on the principle that normally, the best protection for children is within the family. Where a child or young person is assessed as being at risk within the family, Child Protection will, in the first instance and in accordance with the law, take every reasonable step to enable the child or young person to remain in the care of their family by strengthening the family’s capacity to protect them. In some cases, this may lead to the removal of the perpetrator.

2.2 Intervention Measures

Where, even with support, a child or young person is not safe within the family, the Child Protection Service will intervene to remove the child or young person and bring the matter before the Children’s Court. Until the parents are able to resume their custodial responsibilities, adequate care and protection will be provided, as determined by the Children’s Court.

Where the resumption of care by the parents is not possible, the Child Protection Service will work towards an alternative permanent family care arrangement, or an independent living arrangement, depending on the age and circumstances of the young person.

A brief overview of the possible stages of intervention following a notification is described in Appendix 3.
3 The Role of Schools

The role of schools concerning the general welfare of students is outlined in detail in a range of school policies and procedures. This protocol is intended to be complementary to the other policies and procedures.

3.1 Guidelines and Procedures for Teachers

School policies and procedures stipulate for teachers, how to fulfil their duty of care towards children and young people in their school.

3.1.1 Documents that Describe Teachers’ Roles

The guidelines in relation to the role of teachers in responding to children and young people who are in need of protection are described in the following documents:

<table>
<thead>
<tr>
<th>The present document</th>
<th>Protecting Children—Protocol between Child Protection, Department of Human Services and Victorian Schools, Department of Human Services 2001</th>
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<tbody>
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<td>The Act</td>
<td>The Children and Young Persons Act 1989</td>
</tr>
<tr>
<td>Training materials</td>
<td>For example, Safe from Harm: the role of professionals in protecting children and young people, Department of Human Services, May 2001</td>
</tr>
<tr>
<td>References</td>
<td>For example, Responding to Child Abuse, Department of Human Services Jan, 2002</td>
</tr>
</tbody>
</table>
3.2 Teachers’ Roles

Responding to children and young people may involve recognising the signs of abuse, providing early intervention programs, making referrals to health or welfare services, or reporting to the Child Protection Service. These roles are expanded more fully in the following sections.

The roles and responsibilities for teachers in supporting children or young people who are involved with the Child Protection Service may include some of the following:

<table>
<thead>
<tr>
<th>Support</th>
<th>Acting as a support person in interviews with the student.</th>
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<tbody>
<tr>
<td>Information</td>
<td>Providing information to Child Protection when they have received a notification on a student from another source.</td>
</tr>
<tr>
<td>Case conference</td>
<td>Attending a case conference that could assist in determining the most appropriate investigation outcome.</td>
</tr>
<tr>
<td>Case planning</td>
<td>Participating in case planning meetings in relation to a student.</td>
</tr>
<tr>
<td>Monitoring the child</td>
<td>Continuing to monitor a student’s behaviour in relation to concerns.</td>
</tr>
<tr>
<td>Monitoring conditions</td>
<td>Observing or monitoring the conditions on a protective court order in relation to access or contact with a parent.</td>
</tr>
<tr>
<td>Liaison</td>
<td>Liaising with other professionals and Child Protection workers in relation to student’s wellbeing.</td>
</tr>
<tr>
<td>Report writing</td>
<td>Providing written reports for case planning meetings or court in relation to students’ wellbeing or progress.</td>
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</table>
4 When is a Child in Need of Protection?

Most children and young people are adequately cared for and nurtured by their family. It is only when the parents or caregivers are unable or unwilling to protect their children against significant harm that the Child Protection Service needs to be involved.

4.1 Legal Definition of a Child in Need of Protection

The terms ‘abuse’, ‘neglect’ and ‘maltreatment’ are generic terms used in the community to describe why a child might need protection. The legal definition of a child in need of protection is provided by Section 63 of the Children and Young Persons Act 1989.

For the purpose of this Act a child is in need of protection if any of the following grounds exist:

(a) The child has been abandoned by his or her parent and after reasonable inquiries:
   i) the parents cannot be found; and
   ii) no other suitable person can be found who is willing and able to care for the child;

(b) The child’s parents are dead or incapacitated and there is no other suitable person willing or able to care for the child;

(c) The child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child’s parents have not protected, or are unlikely to protect, the child from harm of that type;

(d) The child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child’s parents have not protected, or are unlikely to protect, the child from harm of that type;

(e) The child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child’s emotional and intellectual development is, or is likely to be, significantly damaged and the child’s parents have not protected, or are unlikely to protect, the child from harm of that type;

(f) The child’s physical development or health has been, or is likely to be, significantly harmed and the child’s parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care or effective medical, surgical or other remedial care.
4.1.1 The Dual Focus on Harm and Inability or Unwillingness to Protect

It is important to note that it is the dual focus on harm and inability or unwillingness to protect, which enables the Child Protection Service to be involved. Interpretation of the parent’s capacity and willingness to protect is made with regard to the degree of community support and services available to assist the parent in this responsibility.

When a teacher has concerns about a child or young person’s safety and wellbeing, they will need to make a judgment of the situation, guided by their professional and legal responsibilities, to determine their response.

4.1.2 Range of Responses

Responding to concerns could take the form of a range of measures, which include implementing preventive programs, engaging relevant services or reporting to the Child Protection Service. (Refer to the guide in Appendix 2: Responding to Concerns about Safety and Wellbeing: A Guide for Teachers.)

The range of measures employed will depend on:
- The degree of severity of the situation.
- The risk of harm to the child.
- The capability and willingness of the parents to protect the child from harm.

4.2 Forming a Professional Judgment

There are no clear-cut, black-and-white rules about how to respond to children who may need protection, as every situation is different. Making objective observations and forming a professional judgment will be based on:
- Warning signs (or indicators) of harm or potential harm that have been observed or inferred from information (refer to Appendix 1: Indicators of Harm).
- Knowledge of child and adolescent development.
- Knowledge of any support currently being received by the family.
- Consultation with colleagues and other professionals.
- Professional obligations and duty-of-care responsibilities.
- Established protocols.
- Individual school (or employer) processes.
- Legal requirements, such as mandatory reporting (refer to Section 5).
4.3 Engaging Other Services

Where a teacher is unsure about a situation, they may want to discuss their concerns with other school based personnel, such as the school principal, other teachers involved with the child and their family, the student welfare coordinator and/or pastoral care staff.

If there is a belief that the concerns observed require a family services response, rather than Child Protection intervention, or where a notified case has been closed, a referral to an appropriate child and family support agency may be the best course of action.

Teachers should refer to the service directories specific to their school sector, region, and local school community. These directories include services that relate to the full range of health, emotional and developmental needs that children and young people have. To assist with this process of referral schools should contact their school’s student support services.
5 Mandatory Reporting Legislation

Notifications of a child in need of protection are made under Section 64 of the Children and Young Persons Act 1989.

Under Victorian law, a ‘child’ is regarded as being under 17 years of age.

5.1 Voluntary (non-Mandated) Notification

Section 64 (1) allows that any person who believes, on reasonable grounds, that a child is in need of protection may notify a protective intervener of that belief and of the reasonable grounds for it. This means that any person is voluntarily able to make a notification to the Child Protection Service when they believe a child is in need of protection and the child’s parents are unable or unwilling to protect the child. Under this part of the Act, notifications are made out of moral reasons, rather than because the law has compelled someone to do so.

5.2 Who is Legally Mandated?

5.2.1 Teachers and Principals

Section 64 1(A) of the Children and Young Persons Act 1989 compels teachers and principals to report cases where they believe that a child 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.

Teachers and principals are mandated.

The Children and Young Persons Act 1989 defines teachers and principals as:

1(C)

(d) a person registered as a teacher under Part III of the Education Act 1958 or permitted to teach under that Part (including by virtue of section 44(4) and (5) of that Act);

(da) a person appointed to an office in the teaching service under the Teaching Services Act 1981 or employed under Division 4 of Part II of that Act;

(db) a person employed under section 15B(1)(a)(i) of the Education Act 1958;

(e) the head teacher or principal of a State school within the meaning of the Education Act 1958 or of a school registered under Part III of that Act.
The Education Act 1958 defines teachers as:

…assistant, student teacher, teacher on special staff, student in training, and every person who forms part of the educational staff of the school; Any person employed to a teaching position, is included.

5.2.2 Student Welfare, Pastoral Care and Ancillary Staff

Student welfare staff, chaplains and pastoral care staff employed to a teaching position are mandated.

Where schools have engaged staff to undertake a range of support services, for example, educational psychologists and social workers, and they are not appointed to a teaching position, then they are not legally mandated.

However, these staff or consultants would have a duty of care to take action if they were concerned about a student, which may include making a notification to the Child Protection Service. Individual school policies need to be in place to identify the procedures for how to deal with these matters internally, and this is likely to include informing a principal or their nominee.

5.2.3 School Nurses and Doctors

Nurses registered under the Nurses Act 1993 and doctors registered under the Medical Practice Act 1994 are mandated.

Where nurses or doctors are employed in a school, or provide services to a school, they are legally compelled to take action if they are concerned about a student, which may include making a notification to the Child Protection Service. Individual school policies need to be in place to identify the procedures for how to deal with these matters internally.

5.2.4 Kindergarten Teachers

Kindergarten teachers employed under the Education Act 1958 or the Teaching Service Act 1981 to a teaching position are mandated.

Kindergarten teachers employed under the Children’s Services Act 1996 are not mandated. However, they would have a duty of care to take action if they are concerned about a student, which may include making a notification to the Child Protection Service.

Individual school policies need to be in place to identify the procedures for how to deal with these matters internally, and this is likely to include informing a principal or their nominee.
5.2.5 Members of School Council, Parents and Volunteers

Parents and other community volunteers on school council, and other people in volunteer positions are not mandated.

5.3 Requirements under the Mandatory Reporting Legislation

5.3.1 Forming a Belief

The notion of ‘forming a belief’ can be described as an inclination to accept, rather than reject the proposition that a child has been abused.

‘Reasonable grounds’ can be thought of as the behaviours, observations, facts and information that lead a person to ‘forming a belief’.

Notifiers do not need to prove that abuse has taken place; they need only have reasonable grounds for forming their belief.

5.3.2 Reporting a Belief

The legislation requires a teacher to report their belief, when this belief is formed in the course of practising their profession.

The report must be made immediately. The professional is required to report each time they become aware of any further reasonable grounds for the belief.

The mandated professional must make the report as soon as is practicable after forming the belief. In the case where two or more mandated professionals, for example a teacher and principal, or a teacher and a nurse, have formed a belief about the same child, only one person needs to make a report, although it is the responsibility of the person not making the report to ensure that the report is made.

Most school policies and procedures request that teachers discuss their concerns with a principal or other designated person. Often during these discussions, other protective action, such as a referral to a health or welfare service, is undertaken and the parties are satisfied that this is the correct course of action rather than making a notification to the Child Protection Service. If, however, following that discussion, a teacher is still concerned about a child’s safety and continues to hold the belief that a child is in need of further protection, then that teacher is legally obliged to report to the Child Protection Service.

In cases where one teacher or principal directs another teacher not to make a report, and the teacher continues to hold the belief that a child is in need of protection, then that teacher is legally obliged to make a report to the Child Protection Service.
5.4 Reasonable Grounds
The Children and Young Persons Act 1989 Section 64 (1B) describes reasonable grounds as:

- matters of which a person becomes aware;
- any opinions based on those matters.

There may be reasonable grounds 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).
- A relative, friend, acquaintance or sibling of the child, states that the child has been physically or sexually abused.
- Professional observations of the child’s behaviour or development leads the mandated professional to form a belief that the child has been abused.
- Signs of physical or sexual abuse leads to a belief the child has been abused.

5.5 Reporting in Good Faith
If a notification is made in good faith, then the notifier cannot be held legally liable, regardless of the outcome of the notification, as stated in Section 64 (3):

A notification made under sub-section (1) or (1A)—

- does not for any purpose constitute unprofessional conduct or a breach of professional ethics on the part of the person by whom it is made;
- if made in good faith, does not make the person by whom it is made subject to any liability in respect of it.

5.6 Confidentiality for the Notifier
It is specifically prohibited under Section 67 of the Children and Young Persons Act 1989 to disclose the identification of a person who has made a notification to the Child Protection Service. All notifiers to the Child Protection Service are protected under this section, regardless of whether or not they are mandated notifiers.

In accordance with the legislation, the identity of a notifier will remain confidential, unless:
- The notifier chooses to inform the child and/or family of the notification.
- The notifier consents in writing to their identity as the notifier being disclosed.
- The court decides that it needs this information in order to ensure the safety and wellbeing of the child.
- The court decides that in the interests of justice the evidence needs to be given.
It is not general practice for the Children’s Court to seek information regarding identification of the notifier.

At times the source of the notification becomes obvious to the family because of the nature of the concerns raised by Child Protection workers, and this should be discussed at the time of the notification.

Sometimes it may be possible for the notifier to discuss the notification with the family, as this can be a helpful strategy in engaging the family in a resolution of their difficulties, and may in fact reduce their hostility. In other circumstances, this is not possible, or would further endanger a child’s safety if the parent had prior knowledge that a report was being made. If there are concerns that there may be repercussions for a teacher or other notifier from a family, it is advisable to plan a strategy with colleagues, the principal or the Child Protection Service.

5.7 Failure to Notify

There is provision under the Children and Young Persons Act (Section 64 (1A)) to charge a mandated professional for failure to report a ‘belief based on reasonable grounds that a child is in need of protection’ because of physical or sexual abuse.

However, it is in the spirit of the legislation, and the policy of the Child Protection Service, to encourage people to notify, rather than compel and punish them by law. This is achieved through professional education and the provision of information. It is always better to consult with colleagues or a Child Protection worker when there are concerns that a child is being abused.
6 Making a Notification to the Child Protection Service

To make a notification about a child or young person who is in need of protection from harm, contact the local Child Protection Service office as soon as possible.

6.1 Details to Supply when Making a Notification

The Child Protection Service will ask for the following information:

<table>
<thead>
<tr>
<th>Details</th>
<th>The child or young person’s name, age and address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indicators of harm</td>
<td>The reason for believing that the injury or behaviour is the result of abuse or neglect</td>
</tr>
<tr>
<td>Reason for reporting</td>
<td>The reason the call is being made at this point in time</td>
</tr>
<tr>
<td>Safety assessment</td>
<td>Assessment of immediate danger to the child or children (information may be sought on the whereabouts of the alleged abuser/s)</td>
</tr>
<tr>
<td>Description</td>
<td>Description of the injury or behaviour observed</td>
</tr>
<tr>
<td>Child’s whereabouts</td>
<td>The current whereabouts of the child or young person</td>
</tr>
<tr>
<td>Other services</td>
<td>Knowledge of other services involved with the family</td>
</tr>
<tr>
<td>Family information</td>
<td>Any other information about the family</td>
</tr>
<tr>
<td>Cultural characteristics</td>
<td>Any specific cultural or other details, which will help the child, for example, Aboriginality, interpreter or disability needs</td>
</tr>
</tbody>
</table>

A notification should still be made, even if the notifier does not have all the necessary information.

The notifier does not have to prove that there is significant harm, but needs to be able to articulate the ‘reasonable grounds’ for their concern.

The notifier does not need permission from the parents to notify, nor is it necessary to tell the child, young person or family.

Even if a supervisor/principal is against reporting, the individual still has a legal duty to do so if they continue to hold the belief that a child is at risk. Individual teachers or other staff do not need permission from the school to report, but the school’s procedural guidelines are intended to have a coordinated and comprehensive approach.

If, at the end of discussions with colleagues, there is uncertainty about making a notification, contact the local Child Protection Services office to discuss the concerns.
6.2 Feedback from the Child Protection Service

6.2.1 Keeping Parties Informed

Upon receipt of a notification, a Child Protection worker will first determine whether the child or young person’s described circumstances fall within the legal definition of ‘a child in need of protection’ (Section 63). If the notification is not accepted, the Child Protection worker needs to give reasons as to why this is the case, and provide advice to the notifier in relation to other services available to the child and family. Following the acceptance of a notification for further investigation, the Child Protection Service needs to inform the notifier of the process of the investigation as soon as is practicable.

Intake workers must take into account that it is important for teachers to be kept informed of the progress of the case, so that appropriate ongoing support can be provided for the student concerned.

6.2.2 Response Time

Where a case is deemed urgent, investigations will occur within 48 hours. A response to the school should occur during this time or shortly after. However, if a case is deemed not to be urgent, the investigative process can take up to 14 days.

When a principal or staff member has not had feedback within an agreed time period, or after 14 days, then the notifier or principal should contact the Child Protection Intake Manager in the region.

The prioritising of cases for investigation is constantly changing. This is because new notifications are reported all the time, and the planning and intervention process usually involves discussions with, and coordination of, a number of people.
7 School Procedures

Many schools have their own procedures in place to support their staff through the various decision making and assessment stages, as well as protocols for managing their response to ongoing Child Protection issues. Guidelines for establishing these procedures are set out in each of the sectors’ policy guidelines.

When teachers wish to make a report independently of the school’s internal procedures, and also wish to remain anonymous, then they need to discuss this with the intake worker at the time of notification in order to clarify ongoing liaison.

7.1 Liaison with Child Protection Services

It is often recommended that a principal or nominee take on the responsibility of a nominated liaison person with Child Protection. The internal procedures need to acknowledge that individual teachers are legally obliged to report to Child Protection if they have formed a belief that a child is at significant risk—regardless of the opinions or recommendations of the principal or nominee.

The principal or nominee will be the point of contact by Child Protection workers when discussing case matters, setting up case planning meetings or arranging interviews with students on school property.

Where the child or young person is being placed under a court order, which the Child Protection Service supervises, the allocated Child Protection worker will liaise with school personnel as appropriate regarding the school’s ongoing contribution to the support of the child or young person and the management of the case.

7.2 Further Reports

In situations in which the investigation of the Child Protection Service results in action being taken in the Children’s Court to protect the child or young person, school personnel may be required to prepare a report for the court and/or give evidence. Under such circumstances the principal or nominee should coordinate the school’s response, and the general procedures for teacher replacement will apply.
7.3 Confidentiality

Teachers must respect confidentiality when dealing with a case of suspected child abuse and neglect, and must only discuss case details and the identity of the child or young person and their family with those with a bona fide involvement in the management of the situation.

In cases where students have moved to another school, professional judgment needs to be exercised as to what information needs to be passed on to the new school. This will be guided by usual procedures for passing on information about a student’s general welfare or special needs, and the role the school has in any ongoing protective case plans.
8 Interviews of Students on School Premises

It is usual practice for parents or caregivers to be involved as early as possible in any follow-up to a notification. However, where the Child Protection Service receives a notification in which it appears that a child or young person is at immediate or significant risk of harm, Child Protection workers may wish to interview the child or young person at school prior to informing their parents or caregivers.

Child Protection workers will direct all such requests to the principal or nominee. Principals or nominees should facilitate all such interviews, regardless of whether the school is the source of notification or not. The principal or nominee will request Departmental identification of Child Protection workers before allowing access.

8.1 Support Persons

Children should be advised of their right to have a supportive adult present during interviews. If the child is too young to understand the significance, one should be provided on their behalf.

Where it is determined that it is in the interests of the child to have a supportive adult present during interviews, a principal, teacher, or other appropriate school-based person may fill this role. Teachers should be aware that if they attend such interviews as supportive adults for the child they may be required to give evidence about the interview if court proceedings ensue. Therefore, it may be of assistance to staff members and others who act in the role of supportive adult to make some notes regarding the interview.

8.2 Notifying Parents or Caregivers

It is the responsibility of the Child Protection Service to advise the parents or caregivers of the interview at the earliest possible opportunity. This should occur either prior to or at the time of the child arriving home.
9 The Relationship between the Child Protection Service, the Victoria Police and Schools

9.1 Reporting Responsibilities

In accordance with the protocol between Victoria Police and Child Protection, the Child Protection Service is required to report to the Victoria Police all notifications of sexual abuse, physical abuse and serious neglect to a child or young person.

9.2 Legal Responsibilities

Victoria Police is the body responsible for dealing with criminal matters that arise in child abuse and child neglect cases. Not all cases will lead to a criminal investigation by the Victoria Police, however, in some cases, the protective investigation will require the cooperation of the school, Child Protection and the Victoria Police.
10 Alleged Child Abuse or Neglect of Students by Education Personnel

10.1 Legal Responsibilities

When child abuse or neglect occurs in settings outside the family, it requires a criminal investigation by Victoria Police. It does not require a Child Protection intervention—unless the parents are unable or unwilling to protect the child or young person from further abuse.

If the Child Protection Service receives information alleging that a teacher or other education personnel are abusing students, that information will be promptly referred to Victoria Police for action.
Appendix 1: Indicators of Harm

Some of the indicators listed in the following tables are only identifiable through medical examinations. Please note that teachers are not to undertake any physical examinations in order to clarify their beliefs.

### Physical Harm—Possible Indicators

<table>
<thead>
<tr>
<th>Physical Indicators</th>
<th>Behavioural Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bruises or welts on facial areas and other areas of the body, including back, bottom, legs, arms, and inner thighs. Any bruises or welts in unusual configurations, or those that look like the object used to make the injury, for example, fingerprints or handprints, buckles, iron, teeth.</td>
<td>The child states that an injury has been inflicted by someone else (caregiver or other), or offers an inconsistent or unlikely explanation or ‘can’t remember’ the cause of injury.</td>
</tr>
<tr>
<td>Burns that show the shape of the object used to make them, such as an iron, grill, cigarette; or burns from boiling water, oil or flames.</td>
<td>Unusual fear of physical contact with adults (for example, flinches if unexpectedly touched).</td>
</tr>
<tr>
<td>Fractures of the skull, jaw, nose and limbs, especially those not consistent with the explanation offered or with the type of injury probable/possible at the child’s age and development.</td>
<td>Wearing clothes unsuitable for weather conditions, (such as long-sleeved tops) to hide injuries.</td>
</tr>
<tr>
<td>Cuts and grazes to the mouth, lips, gums, eye area, ears, external genitalia.</td>
<td>Wariness or fear of a parent/caregiver; reluctance to go home.</td>
</tr>
<tr>
<td>Human bite marks.</td>
<td>None or little emotion when hurt.</td>
</tr>
<tr>
<td>Bald patches where hair has been pulled out.</td>
<td>Little or no fear when threatened.</td>
</tr>
<tr>
<td>Multiple injuries, old and new.</td>
<td>Habitual absences from school without explanations (the parent may be keeping child away until signs of injury have disappeared).</td>
</tr>
<tr>
<td>Poisoning.</td>
<td>Overly compliant, shy, withdrawn, passive and uncommunicative.</td>
</tr>
<tr>
<td>Internal injuries.</td>
<td>Fearfulness when other children cry or shout.</td>
</tr>
<tr>
<td></td>
<td>Unusually nervous or hyperactive, aggressive, disruptive and destructive to self and/or others.</td>
</tr>
<tr>
<td></td>
<td>Excessively friendly with strangers.</td>
</tr>
<tr>
<td></td>
<td>Regressive behaviour, such as bed wetting or soiling.</td>
</tr>
<tr>
<td></td>
<td>Poor sleeping patterns, fear of dark, nightmares.</td>
</tr>
<tr>
<td></td>
<td>Sadness and frequent crying.</td>
</tr>
<tr>
<td></td>
<td>Drug or alcohol misuse.</td>
</tr>
<tr>
<td></td>
<td>Poor memory and concentration.</td>
</tr>
<tr>
<td></td>
<td>Suicide attempts.</td>
</tr>
</tbody>
</table>
Sexual Harm—Possible Indicators

Sexual abuse is more likely to be identified through the child or young person disclosing to someone that they have been abused, rather than by physical indicators. Most of the following physical indicators would only be observed through a medical examination.

<table>
<thead>
<tr>
<th>Physical Indicators</th>
<th>Behavioural Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Injury to the genital or rectal area, such as bruising or bleeding.</td>
<td>The child tells of abuse.</td>
</tr>
<tr>
<td>Vaginal or anal bleeding or discharge.</td>
<td>Persistent and age-inappropriate sexual activity, including excessive masturbation, masturbation with objects; rubbing genitals against adults; playing games that act out a sexually abusive event.</td>
</tr>
<tr>
<td>Discomfort in urinating or defecating.</td>
<td>Drawings or descriptions in stories that are sexually explicit and not age appropriate.</td>
</tr>
<tr>
<td>Presence of foreign bodies in vagina and/or rectum.</td>
<td>A fear of home, a specific place, a particular adult; excessive fear of men or of women.</td>
</tr>
<tr>
<td>Inflammation and infection of genital area.</td>
<td>Poor or deteriorating relationships with adults and peers.</td>
</tr>
<tr>
<td>Sexually transmitted diseases.</td>
<td>Poor self-care/personal hygiene.</td>
</tr>
<tr>
<td>Pregnancy, especially in very young adolescents.</td>
<td>Arriving early at school and leaving late.</td>
</tr>
<tr>
<td>Bruising and other injury to breasts, buttocks and thighs.</td>
<td>Complaining of headaches, stomach pains or nausea without physiological basis.</td>
</tr>
<tr>
<td>Anxiety related illnesses, such as anorexia or bulimia.</td>
<td>Frequent rocking, sucking and biting.</td>
</tr>
<tr>
<td>Frequent urinary tract infections.</td>
<td>Sleeping difficulties.</td>
</tr>
<tr>
<td></td>
<td>Reluctance to participate in physical or recreational activities.</td>
</tr>
<tr>
<td></td>
<td>Regressive behaviour, such as bedwetting or speech loss.</td>
</tr>
<tr>
<td></td>
<td>Sudden accumulation of money or gifts.</td>
</tr>
<tr>
<td></td>
<td>Truancy or running away from home.</td>
</tr>
<tr>
<td></td>
<td>Delinquent or aggressive behaviour.</td>
</tr>
<tr>
<td></td>
<td>Depression.</td>
</tr>
<tr>
<td></td>
<td>Self-injurious behaviour, including drug/alcohol abuse, prostitution, self-mutilation, attempted suicide.</td>
</tr>
<tr>
<td></td>
<td>Sudden decline in academic performance, poor memory and concentration.</td>
</tr>
<tr>
<td></td>
<td>Wearing of provocative clothing, or layers of clothes to hide injuries.</td>
</tr>
<tr>
<td></td>
<td>Promiscuity.</td>
</tr>
</tbody>
</table>
### Emotional Harm—Possible Indicators

Psychological or emotional abuse may occur with or without other forms of abuse. If a young person grows up in a climate of rejection and criticism, they can incorporate a negative self-image, which impedes development and prevents their full potential from being reached. They may develop personality or behavioural disorders, or become an adult filled with self doubt and internalised rage, unable to form sustained and intimate relationships. There are few physical indicators, although emotional abuse may cause delays in emotional, mental or even physical development.

<table>
<thead>
<tr>
<th>Physical Indicators</th>
<th>Behavioural Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Speech disorders.</td>
<td>Overly compliant, passive and undemanding behaviour.</td>
</tr>
<tr>
<td>Delays in physical development.</td>
<td>Extremely demanding, aggressive, attention-seeking behaviour.</td>
</tr>
<tr>
<td>Failure to thrive (without an organic</td>
<td>Antisocial, destructive behaviour.</td>
</tr>
<tr>
<td>cause).</td>
<td>Low tolerance of frustration.</td>
</tr>
<tr>
<td></td>
<td>Poor self-image.</td>
</tr>
<tr>
<td></td>
<td>Unexplained mood swings.</td>
</tr>
<tr>
<td></td>
<td>Behaviours that are not age appropriate, for example, overly adult (parenting other</td>
</tr>
<tr>
<td></td>
<td>children), or overly infantile (thumb sucking, rocking, wetting or soiling).</td>
</tr>
<tr>
<td></td>
<td>Mental or emotional development lags.</td>
</tr>
<tr>
<td></td>
<td>Fear of failure, overly high standards, excessive neatness and cleanliness.</td>
</tr>
<tr>
<td></td>
<td>Depression, suicidal.</td>
</tr>
<tr>
<td></td>
<td>Running away.</td>
</tr>
<tr>
<td></td>
<td>Violent drawings or writing.</td>
</tr>
<tr>
<td></td>
<td>Contact with other children forbidden.</td>
</tr>
</tbody>
</table>
Neglect—Possible Indicators

Neglect includes all instances where a person has failed to take adequate precautions to ensure the child’s safety and provide food, clothing and shelter for the child. Many cases of neglect require a welfare and family support response rather than a protective response, however, in cases where neglect has resulted in physical injury or emotional harm or health impairment, it should be considered as abuse.

<table>
<thead>
<tr>
<th>Physical Indicators</th>
<th>Behavioural Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consistently dirty and unwashed.</td>
<td>Begging or stealing food.</td>
</tr>
<tr>
<td>Consistently inappropriately dressed for weather conditions.</td>
<td>Gorging when food is available.</td>
</tr>
<tr>
<td>Consistently without adequate supervision and at risk of injury or harm.</td>
<td>Inability to eat when extremely hungry.</td>
</tr>
<tr>
<td>Consistently hungry, tired and listless, falling asleep in class.</td>
<td>Alienated from peers; withdrawn, listless, pale, thin.</td>
</tr>
<tr>
<td>Unattended health problems and lack of routine medical care.</td>
<td>Aggressive behaviour.</td>
</tr>
<tr>
<td>Inadequate shelter and unsafe or unsanitary conditions.</td>
<td>Delinquent acts, for example, vandalism, drug and alcohol abuse.</td>
</tr>
<tr>
<td>Abandonment by parents.</td>
<td>Little positive interaction with parent/caregiver.</td>
</tr>
<tr>
<td>Failure to thrive.</td>
<td>Appearing miserable or irritable.</td>
</tr>
<tr>
<td></td>
<td>Poor socialising habits.</td>
</tr>
<tr>
<td></td>
<td>Poor evidence of bonding, little stranger anxiety.</td>
</tr>
<tr>
<td></td>
<td>Indiscriminate with affection.</td>
</tr>
<tr>
<td></td>
<td>Poor or irregular school attendance.</td>
</tr>
<tr>
<td></td>
<td>Staying at school long hours.</td>
</tr>
<tr>
<td></td>
<td>Self-destructive.</td>
</tr>
<tr>
<td></td>
<td>Dropping out of school.</td>
</tr>
<tr>
<td></td>
<td>Taking on adult role of caring for parent.</td>
</tr>
</tbody>
</table>
## Responding to Concerns About Safety and Wellbeing: A Guide for Teachers

<table>
<thead>
<tr>
<th>Step 1</th>
<th>Responding to concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>You are concerned about a child because you have:</td>
<td></td>
</tr>
<tr>
<td>• Received a disclosure from a child.</td>
<td></td>
</tr>
<tr>
<td>• You have observed warning signs.</td>
<td></td>
</tr>
</tbody>
</table>

If the concerns are of serious physical injury or sexual abuse—

**Then**

Go to **Step 5**.

Otherwise—

Go to **Step 2**.

• Record your observations.
• Consult notes/records.
• Consult with colleagues.

### Step 2: Gathering information

You need to consider doing some or all of the following:

• Follow school protocols.
• Speak with the child if appropriate.
• Speak with the parents if appropriate.
• Consult with other support agencies.
• Attend or call a case meeting.

Are you wondering if your concerns need to be reported to Child Protection?

### Step 3: Forming a belief

Ask yourself:

Am I **more** likely to believe there is significant harm for the child, or **less** likely to believe there is significant harm for the child?

**More**

If your answer is you are **more** likely to believe there is significant harm.

Go to **Step 4**.

**Less**

If your answer is you are **less** likely to believe there is significant harm.

Continue to monitor and support child as in **Step 2**.

### Step 4: Contacting other Services Protection

Ask yourself:

Are there services involved that are supporting the child and family?

Am I able to discuss my concerns with the service providers?

**Yes**

If, after your discussions, you are satisfied that the services are addressing your concerns, then continue to monitor and support the child as in **Step 2**.

**No**, or can’t find out—

Go to **Step 5**.

If you are in **doubt** about the child’s safety and the parent’s ability to protect the child—

Go to **Step 5**.

### Step 5: Notifying Child

See separate contact list for local office phone numbers.

• After hours call 131 278.
• Allow a minimum of 30 minutes.
• Have notes ready with your observations and child and family details.
• Consider the level of immediate danger to child.
Appendix 3: Child Protection Service Procedures

The Children and Young Persons Act 1989 provides the legal framework for action by the Child Protection Service. The main principles underpinning the Act are that the protection and welfare of the child or young person are of paramount consideration and, generally, the best protection for children and young people is within their own family.

There are a number of stages in the protective intervention process that require different courses of action. A teacher or school may be involved with the Child Protection Service at any point in the protective intervention process, as outlined below.

Intake

Upon receipt of a notification, a Child Protection worker will first determine whether the child or young person’s described circumstances fall within the legal definition of ‘a child in need of protection’ (Section 63).

This process requires a detailed examination of the information and a realistic appraisal of the potential consequences of intervention and non-intervention. The primary responsibility is to assess the risks to the child or young person and to determine the level of urgency. If the notification is not accepted, the Child Protection worker needs to give reasons as to why this is the case, and provide advice to the notifier in relation to other services available to the child and family.

Case Conferences

At times, a case conference meeting may be held at the intake stage. This is to determine whether or not a notification requires further action, and who should take any action. The meeting usually takes place with professionals and Child Protection representatives, although the family can be invited where appropriate.

The purpose of a case conference is to:
- Clarify the seriousness of the protective concerns.
- Share information and knowledge about the child and family.
- Determine if the protective concerns will be managed by existing community supports or if further investigation by the Child Protection service is required.
In situations in which a protective investigation has been completed, case conferences may be used to coordinate ongoing responsibilities and review case management plans.

Where a notification has been received regarding a school-aged child or young person, a representative of the school will usually be invited to participate in a case conference. The school principal or nominee will be the point of contact for all such invitations. If a representative of the school is unable to attend, relevant information will be provided to the Child Protection Service prior to the case conference, and feedback provided to the school after the case conference by the Child Protection Service.

**Investigation**

In relation to the investigation of significant harm, the Child Protection worker must establish contact with the family and child or young person, in order to:

- Investigate the allegations and determine if, in fact, abuse or neglect has occurred.
- Initiate, if necessary, any immediate remedial action.
- Develop a plan to protect the child or young person and to address the problems culminating in the abuse or neglect.

Child sexual abuse and physical abuse are criminal offences. The police have prime responsibility for investigating criminal offences by perpetrators relating to the sexual or serious physical abuse of children. A criminal investigation can be activated either by a Sexual Offences and Child Abuse Unit (SOCA Unit) or by the Criminal Investigation Bureau (CIB) wherever reasonable grounds exist for believing that a child has been sexually or seriously physically abused. Their response will be undertaken in the best interest of the child, and will take account of the need for medical, counselling and treatment referrals.

The police must report to the Child Protection Service all allegations and situations of physical abuse, sexual abuse, emotional abuse and neglect, where protective issues are likely to be involved.

Where possible, the Child Protection Service and the Police will reduce duplication through joint investigation into child abuse allegations. Liaison will occur with the Child Protection Service, and other agencies to ensure effective management of both the criminal and protective issues. (Refer to section 10: Interviews of Students on School Premises by Protective Workers).
Substantiation

At the completion of the Initial Investigation, the Child Protection worker, in consultation with a Senior Child Protection worker, needs to determine whether or not the child or young person has suffered, or is likely to suffer, significant harm, and if the child’s parents have not protected the child from such harm.

Where significant harm has been substantiated, it is the responsibility of the Child Protection Service to undertake a protective planning process for the child and their family to:

- Define legislative mandate.
- Define protective issues.
- Gather and share relevant information.
- Consider possible options.
- Determine a protective plan to ensure the child’s safety.

Children’s Court Action

In a small number of cases, when it is established that there is an unacceptable level of harm to the child or young person, and the parents are unwilling or unable to protect the child, a Protection Application will be issued that will initiate a formal process through the Children’s Court.

If the Children’s Court is satisfied that the child or young person is in need of protection, it may make one of the following orders:

- Interim Protection Order
- Undertaking
- Supervision Order
- Custody to Third Party Order
- Supervised Custody to Third Party
- Custody to Secretary Order
- Guardianship Order.

On all orders, except Guardianship, the parent retains guardianship responsibility. The type of order made will be related to the severity of the protective concerns and whether or not there is a need for ongoing statutory intervention to protect the child.
Case Planning

Where a protective order has been made, the Child Protection Service is required under the Children and Young Persons Act to prepare a case plan to address the protective concerns and the issues that lead to court action.

The purpose of case planning is to:

- Identify the key changes necessary to enable the child to live safely and have their individual needs met.
- Identify the activities and tasks necessary to bring about the key changes.
- Identify those responsible for the specific activities and tasks.
- Ensure that intervention is targeted and tied to timelines.
Appendix 4: Contact Details

Regional Offices
If you are making a notification to Child Protection, please use the Intake Unit numbers.

For all other enquiries please contact the appropriate regional office.

**Metropolitan Regions**

**Eastern**
Intake Unit 1300 360 391
Box Hill (03) 9843 6000

**Northern**
Intake Unit (03) 9471 1644
Fitzroy (03) 9412 5333
Glenroy (03) 9304 0799
Preston (03) 9479 6222

**Southern**
Intake Unit 1300 655 795
Cheltenham (03) 9581 2222
Dandenong (03) 9213 2111
Frankston (03) 9784 3100

**Western**
Intake Unit 1300 369 536
Footscray (03) 9275 7000

**Grampians**
Intake Unit 1800 000 551
Ballarat (03) 5333 6669
Horsham (03) 5381 9777
Stawell (03) 5358 4374

**Hume**
Intake Unit 1800 000 227
Benalla (03) 5761 1222
Seymour (03) 5793 6400
Shepparton (03) 5832 1500
Wangaratta (03) 5722 0555
Wodonga (03) 6055 7777

**Loddon Mallee**
Intake Unit 1800 675 598
Bendigo (03) 5430 2333
Mildura (03) 5022 3111
Swan Hill (03) 5032 0100

**Barwon-South West**
Intake Unit 1800 075 599
Geelong (03) 5226 4540
Portland (03) 5523 1600
Warrnambool (03) 5561 9444

**Gippsland**
Intake Unit 1800 020 202
Bairnsdale (03) 5152 6244 or (03) 5150 4500
Leongatha (03) 5662 4311
Morwell (03) 5128 9400
Sale (03) 5144 4166
Warragul (03) 5624 0600

**Child Protection Crisis Line**
Phone 131 278 for emergency child protection matters outside of normal business hours.
Protecting Children

Protocol Between
Child Protection,
Department of Human Services
and Victorian Schools