

RESPONDING TO ABUSE AND NEGLECT (MANDATORY NOTIFICATION)

Under the *Children and Young People (Safety) Act 2017 (SA)*, the following persons who may be involved in a school are obliged by law to notify the Families SA Child Abuse Report Line (CARL) if they suspect on reasonable grounds that a child has been, or is being, abused or neglected and suspicion is formed in the course of the person's work (whether paid or voluntary) or in carrying out official duties:

- a teacher
- a registered or enrolled nurse
- any person who is an employee of a school, or volunteer in a school, who is engaged in the actual delivery of health, welfare, education, child care or residential services to children, *or*
- any person who holds a management position in the school, the duties of which include direct responsibility for, or has direct supervision of, the provision of these health, welfare, education, child care or residential services to children.

The purpose of this legal obligation is to protect children and young people from further harm.

KEY PRINCIPLES IN RESPONSE TO ALLEGATIONS

The following Key Principles should be followed in response to allegations of abuse:

- The safety and care of the child is paramount.
- Concerns are to be addressed expeditiously.
- Mandatory notification requirements are to be followed.
- The risk of appropriate behaviour in the future must be considered and addressed.
- Allegations are to be addressed fairly having regard to the interests of all involved.
- Responses by TVCS are to be guided by due consideration, not emotion.
- Recognition that TVCS has an ongoing duty of care responsibility to all students, not only the student(s) covered by the allegations.
- Details regarding alleged abuse will be kept confidential for the sake of the victim and alleged offender wherever possible. Exceptions will be when non-disclosure could pose a risk to the safety of other children or the Child Abuse Report Line or the Police have advised that disclosure is appropriate.

PROCEDURES IN RESPONSE TO ALLEGATIONS

If a student discloses an incident to a school employee or volunteer, the employee or volunteer should:

- reassure the child he/she is not to blame, and the School will do all it can to protect them
- not ask leading questions
- not push the child to give details of the abuse
- remain calm
- not give guarantees of confidentiality to the child
- make notes of the disclosure as soon as possible (Use the TVCS Incident Report Form)
- follow mandatory notification requirements and contact the Child Abuse Report Line (CARL telephone 131478)
- advise the Sub-School Coordinator and Principal as soon as possible. The Board Chair is to be advised, as appropriate
- keep the disclosure confidential.

If a school parent raises a concern, the school employee or volunteer should:

- accept the concerns as valid
- not comment on the likelihood of an incident having occurred
- advise the parent that the employee or volunteer is required to take further action
- follow mandatory notification requirements and contact Child Abuse Report Line on **131478**
- arrange a discussion with the appropriate Deputy/ Coordinator, Principal or Board Chair as soon as possible
- keep the disclosure confidential.

REPORTING

Reporting Details to the Child Abuse Line:

- The school will not undertake an investigation whilst the Child Abuse Report Line or the Police are investigating.
- If the Police or the Child Abuse Report Line are to interview a student, it is their responsibility to determine when a parent or guardian will be informed.
- If the Child Abuse Report Line wish to remove a child from school, an order from the Youth Court is required to be presented. The Principal will sight and read this document and make a copy for school records.
- The School may undertake an investigation if the Child Abuse Report Line or the Police are not going to conduct their own investigation or their action has concluded. The adult to whom the student confided will not be present at any interviews with the child.
- All reports and actions are to be documented and securely stored in a discrete file with the Principal, Deputy Principal or Board Chair.

Discussions with the Child Abuse Report Line should include:

- details of the victim, offender, ages, birth dates (if known), addresses, parents contact details, description of the abuse/offence (Incident Report should be prepared)
- what appropriate action the School needs to take
- whether an investigation will be conducted, by whom and how?;
- advising the parents/guardians of the child – who, how, when, where?
- when the alleged offender can be told – who, where, how?

WRITTEN REPORT

A written report of the incident should be made using the *TVCS Incident Report Form* and should include:

- the name of the person giving the report
- the name, gender and (if known) age of the student making the complaint
- details of the basis for the maker of the report becoming aware, or reasonably suspecting, that the student has been abused/harmed – sexually, emotionally, physically
- details of the actual or suspected abuse/harm
- particulars of the identity of the alleged perpetrator of the abuse/harm (if known)
- particulars of the identity of any other person who may be able to give information about the abuse/harm (if known).

All reports and actions are to be securely stored in a discrete file with the Principal, Deputy or Board Chair.

RELATED LEGISLATION, REGULATORY REQUIREMENTS AND GUIDELINES

Related Legislation and Regulatory Requirements	UN Conventions of the Rights of the Child Children's Protection Act 1993 (SA) Equal Opportunity Act 1984 (SA) Teacher Registration and Standards Act 2004 (SA) Education and Early Childhood Services (Registration and Standards) Act 2011
Cross sector Guidelines (SA)	Child Safe Environments: principles of good practice Protective Practices for staff in their interactions with children and young people Managing allegations of sexual misconduct in SA education and care settings Responding to problem sexual behaviour in children and young people Information Sharing Guidelines

Document Information

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FIGURE 1: SUMMARY FOR RESPONDING / REPORTING HARM AND / OR ABUSE

APPLIES TO:

- harm of any student of TVCS who is under 18 years at the time the harm was caused; and
- behaviour of a staff member that a student considers is inappropriate.

SUMMARY GUIDELINES FOR RESPONDING TO ALLEGATIONS OF STUDENT HARM:

