



LAMBERT SCHOOL

# Mandatory Reporting Policy

Lambert School follows all mandatory reporting requirements by both State and Federal Law. All staff have received training in the area of mandatory reporting, and it is included in a number of child safe policies. Reports of concern by teachers at Lambert School can be made anonymously and/or reported to the Principal and Deputy Principal.

## Mandatory reporters in Tasmania

While all people have a responsibility to notify of any child protection concerns, people in some professions are legally obligated to report their belief or suspicion that a child is at risk of abuse or neglect. These people are called mandatory reporters, and they play a very important role in protecting children. If you are a mandatory reporter, it is because you work in a job that places you in a position to be able to notice signs of abuse or neglect, and you can also have the employer support to develop a professional judgement about whether a child and their family needs extra help from community or government services. Teachers and all staff at Lambert School are mandatory reporters.

Under the Children, Young Persons and Their Families Act 1997 there are a number of specific professions that designate an employee as a mandatory reporter. These include all teachers and staff at Lambert School.

### As an employee who works with children:

- You play an important role in early identification of vulnerable families and can identify ways to support them
- You can work in partnership with a family
- You can access supervision and critical incident debriefing.

All people are encouraged to make a report if they “believe, or suspect, on reasonable grounds” that a child or young person has been abused or neglected or there is a reasonable likelihood of this occurring.

In 2009 the Act was amended to enable notifications to be recorded about unborn children, so that issues such as a mother's substance use, or the impact of family violence, can now be acted upon to link a mother in with voluntary support.

Another amendment to the Act was to enable community members and professionals to fulfil their obligations to notify of concerns by contacting either a Community-Based Intake Service and Child Protection Services.

**The Children, Young Persons and Their Families Act 1997 defines “abuse and neglect” as:**

- Sexual abuse
- Physical or emotional injury or other abuse to the extent that
  - the injured, abused or neglected person has suffered, or is likely to suffer, physical or psychological harm detrimental to the person’s well-being; or
  - the injured, abused or neglected person’s physical or psychological development is in jeopardy.

The Children, Young Persons and Their Families Act 1997 considers a child or young person ‘at risk’ if:

- The child has been, is being, or is likely to be, abused or neglected
- A threat to kill, abuse, or neglect the child has been made by a person in frequent contact with the child
- Their safety, psychological wellbeing or interests are affected or likely to be affected by family violence (an “affected child” within the meaning of the Family Violence Act 2004)
- The child’s guardians are unable or unwilling to maintain the child; unable or unwilling to exercise adequate supervision and control over the child; dead, have abandoned the child; or unable or unwilling to prevent the child from suffering abuse or neglect

**A report must be made on the grounds of:**

- For an unborn child, if the child (once born) is likely to suffer abuse or neglect; or is likely to require medical treatment or other intervention as a result of the behaviour of the mother, or another person with whom the mother resides or is likely to reside.
- Physical Abuse
- Non-accidental injury to a child/young person
- Physical abuse may result in a range of injuries:
  - Cuts, bruises, burns
  - Soft tissue injuries
  - Dislocations, fractures
  - Head injuries.
- Injuries can be caused by acts such as:
  - Excessive discipline
  - Severe beatings or shaking

- Inappropriate administration of drugs/alcohol or other poisonings
- Attempted suffocation/strangulation
- Deliberate denial of basic needs such as food, shelter or supervision (not to be confused with neglect).
- Neglect

## **Neglect**

Neglect occurs when a caregiver fails to provide for a child's physical and emotional needs to the severe and persistent extent that the child's health is at risk and their development impaired.

- A child's basic needs can include:
- Food, clothing and shelter
- Medical attention
- Supervision

Neglect mainly refers to harm occurring from acts of omission. The deliberate denial of a child needs is considered within the context of physical and emotional abuse.

## **Sexual Abuse**

Child sexual abuse refers to any sexual behaviour between a child and an adult or an older, bigger or more powerful person for that person's sexual gratification.

The range of sexual behaviours that are considered harmful to children is very broad. It includes:

- Any form of sexual touching (fondling genitals, buttocks, breasts, abdomen, thighs; any oral/genital contact, penile or digital penetration)
- Any form of sexual suggestion to children, including the showing of pornographic videos
- The use of children in the production of pornographic videos or films
- Exhibitionism
- Child prostitution
- Sexual Grooming

Sexual grooming is the process whereby a predator will gradually gain the trust of a child and the child's family, gradually isolate the child, and desensitise the child to physical contact so that sexually abusive behaviour can occur.

As a mandatory reporter, you may become aware of signs that a child is being groomed. The evidence of this can be subtle, gradual, and is rarely notified to Child Protection Service. However, as someone who works with children and families, you are in the best position to notice if anything is concerning. If you notice anything then it provides the opportunity to minimise harm or even prevent



sexual abuse from occurring. Reporting your concerns can result in matching information to other previous or current victimised children, building enough evidence to justify an intervention.

Sexual grooming is a process:

- Offenders can be respected community members in positions of authority.
- Offenders may visit or work in places where children are likely to go (school, shopping centres, playground, parks etc).
- Some offenders will strive to gain the trust of families and communities in order to gain access to children.
- Some offenders seek out the children of single mothers for the purpose of victimisation, and represent themselves as 'helpful'.
- Offenders may provide superficial care and attention to children who may be lacking this at home. Predators often target children with obvious vulnerabilities. A child who feels unloved and unpopular will soak up adult attention like a sponge. Children with family problems, who spend time alone and unsupervised, who lack confidence and self-esteem, and who are isolated from their peers are all likely targets. (These are vulnerabilities that you, as a mandatory reporter, may notice in the course of your job.)
- Grooming behaviours begin with seemingly appropriate acts towards children, such as showing interest in their hobbies.
- Grooming behaviours may evolve to include actions that lead the child to feel obligated to the adult, from minor acts such as purchasing toys through to using his or her influence to help the child do things like wag school, avoid punishments, or access alcohol/drugs (usually for older children).
- Some offenders seduce children through the introduction of secrecy in order to bind the victim and offender together, which can then lead to persuasion, intimidation and finally threats to gain compliance.
- Grooming will involve the adult gradually spending time alone with the child, and then introducing physical contact.
- Grooming may also include illegal behaviours, such as showing pornography to the child to persuade the child that sexual activity between adults and children is normal.
- Grooming can occur on the internet; offenders may pose as children in online message-sharing forums while learning details about potential victims and attempting to gain their trust. Sex offenders' ultimate goals typically include online sexual activity (in a chat room, for instance) or meeting the child in person to engage in sexual activity.

#### **Things that you, as a mandatory reporter, might notice:**

- The child mentions the presence of a helpful adult
- The child has new toys/lollies/mentions new activities that have been provided by this adult

- The child may describe having a very close and overly friendly relationship and close bond with this adult
- The child may indicate having secrets with this adult
- The child may be spending time alone with the adult
- The child may start describing activities where the adult is blurring physical boundaries, or activities that are obviously sexually abusive
- The child may show ambivalence and signs of anxiety about their relationship with the adult, as the adult moves on to subtle/overt intimidation and threats in order to maintain the child's compliance with the abuse

### **Emotional Abuse**

Emotional abuse involves chronic attitudes or behaviours directed at a child or young person, or the creation of an emotional environment, which is seriously detrimental to or impairs the child's social, emotional, cognitive, intellectual, psychological, behavioural and/or physical development resulting from behaviours of family members or other caregivers such as:

- Persistent hostility - caregivers may criticise the child, and usually refer to the child in negative terms.
- Rejection – the child may be excluded from the family, with other children clearly favoured over the child (child excluded from receiving a 'treat' when all other children are given one, child may have to live in a separate part of the house, child may be dressed differently or given different quality food)
- Scapegoating – blaming a child for everything that goes wrong over a period of time. This may be caregivers themselves making the child a scapegoat, or encouraging other family members to do so.
- Chronic attitudes or behaviours directed at a child or young person, or the creation of an emotional environment, which is seriously detrimental to or impairs the child's social, emotional, cognitive, intellectual, psychological, behavioural and/or physical development resulting from behaviours of family members or other caregivers such as:
  - Persistent hostility
  - Rejection
  - Scapegoating.

### **To Make a notification**

If you have concerns that a child or young person is being, or has been, abused or neglected, you can make a notification to either Gateway Services or Child Protection Services. You can contact either service to make a general enquiry, seek advice, and identify whether a notification is required.

In order for a Child Protection Services to respond effectively to a notification, there is a range of information that is required when making a notification. The more information provided the better and CPS will be able to make a decision about how best to help the child and family. However, if you don't have all of this information, don't feel that it prevents you from making a notification. You can discuss this when you call.

The kind of information that is useful (and some of it is necessary) when making a notification includes:

- Correct name of child, DOB, address, contact details, and household composition of the family.
- Source of harm: what type of abuse do you suspect and why?

Also consider the following:

- Where is the child right now?
- Special/ developmental needs
- Aboriginal or Torres Straight Islander status/ Culturally and Linguistically Diverse families
- Language needs
- Attendance and punctuality
- Educational history
- Physical presentation of the child
- Social skills
- Marked behavioural changes
- Complicating needs of the parents such as mental health issues/ substance misuse/ learning difficulties
- Strengths and safety factors and any services involved with the family

When you make a notification to Gateway Services or Child Protection Services, you can expect that:

- Your notification will be recorded
- An assessment of the information will be made
- Your concerns will be discussed and taken seriously
- Your confidentiality will be assured
- You will be told who to call for further information or update
- If relevant, it will be discussed how you can be involved in assuring the child's safety
- The service you contact will determine whether the child or young person will be best helped by receiving assistance from Gateway Services or Child Protection Services.

A number of factors are critical aspects of whether a particular incident or pattern of parenting can be considered abusive and whether it reaches the threshold at which statutory Child Protection Services need to intervene:



- The context in which the behaviour occurs
- Its frequency and duration
- The harm which has occurred or may occur
- The severity of its impact upon the child or young person
- The degree of further risk to the child
- The ability or willingness of the parent to protect the child.

### **Legal and ethical issues**

All notifiers to Gateway Services and Child Protection Services are protected under the Children, Young Persons and Their Families Act 1997. This protection includes:

- Your identity. This remains confidential, and you therefore cannot be identified as the source of information. The Right to Information Act 2009 does not apply to the identity of a notifier. If files are ever subpoenaed then notifier details are removed from the record that is then provided to the relevant court.
- You are protected from being sued. Concerns about a child's safety overrides confidentiality and privacy laws. You are reporting your suspicions and you are mandated to do so. You are obliged to notify of your concerns, and may be held accountable if you fail to do so.

### **Other considerations:**

- You can call and be anonymous if you wish, but it is beneficial if we record your contact details so that we can call you again if further information is required.
- If you do make a notification, you may decide that you want to inform the family that you are making a notification. When notifications are made, families usually make a guess as to who would have notified. Their guess may actually be correct, but neither Gateway Services or Child Protection Services will confirm the family's guess. They may also guess incorrectly, and therefore wrongly accuse someone. You may find it helpful to discuss with a colleague as to whether telling the family that you are making a notification is likely to damage or maintain your relationship with the family.
- In court the identity and any evidence identifying a notifier is confidential and generally withheld from proceedings. However, if the evidence is critical to proceedings and needs to be provided for the proper administration of justice, the court may grant leave to hear the evidence. You can also consent to evidence or your identity being revealed in court proceedings.

### **How to respond to a disclosure**

A very important part of being a mandatory reporter, and indeed just being a responsible adult, is to pay attention to signs of abuse or neglect in children and young people, and to be available if a child or young person needs to make a disclosure. We will finish up today by discussing how you can be there for a child or young person and assist in keeping them safe.

The information below is contained in the handout *How to Respond to Children and Young People When You Suspect Abuse or Neglect*:

When a child or young person discloses that he or she has been abused or neglected, you should take the opportunity to provide support, and to assist in protecting the child or young person from further abuse or neglect. This does not require professional skills or extensive knowledge, just the ability to listen and be empathic, and know what steps you need to take next. Making a disclosure is about seeking support, and how you respond can impact greatly on the child's or young person's recovery from the abuse or neglect. So, how can you do this?

### **Be aware of the environment.**

If a child or young person starts to discuss abuse or neglect concerns with you, try to have a quiet private space available to talk, where you are not going to be interrupted or distracted. However, be aware that the child or young person may prefer to talk to you in a less confrontational setting where there is not such a focus on the disclosure (for example, while you are engaging in a task or play activity together). Be guided by what makes the child or young person most comfortable.

### **Be aware of your body language.**

Give the child or young person your full attention to convey that what they are saying is important. Get into a position in which you are on the same level as the child or young person, and you can make good eye contact. Show in your body language that you are open and receptive, which would normally mean adopting an open posture with legs and arms unfolded. Avoid touching the child or young person if possible, and try not to encroach on their personal space.

### **Listen to the child or young person.**

When a child or young person wants to make a disclosure, they are best helped by being listened to. Allow them to disclose what they want to, at a pace that they are comfortable with, and in their own words. Keep your focus on being a supportive listener, and allowing the child or young person to speak.

Be aware that the child or young person may only want to give you a small amount of information to start with. Be prepared for further hints and possible disclosures.



### **Be considerate of the child's or young person's emotions.**

When a child or young person makes a disclosure that they have been abused or neglected, they may be feeling scared, guilty, ashamed, angry, and powerless. They may also be ambivalent about the disclosure itself, fearing repercussions for themselves or siblings, or consequences for parents or other family members.

### **Be aware of your emotions and reactions.**

When you hear a disclosure of abuse or neglect, you may feel a sense of outrage, disgust, sadness, anger, and sometimes disbelief. Make a conscious effort not to show any signs of these negative emotions, as this may inhibit the child or young person, who might then not be able to tell you what they want to tell you. It is important that you appear calm and in control of your feelings in order to reassure and support the child or young person. If the child or young person becomes aware of your distress you can explain that you are upset because adults are meant to care for children and you are sad because some adults hurt children.

### **What you might say.**

- Don't be afraid of saying the wrong thing. So long as you focus on listening supportively then the child or young person will benefit from talking to you.
- Do not make a promise to keep the disclosure a secret. You can say something like "I can't make that promise, but I can tell you that I will do my best to keep you safe" which reassures the child or young person and encourages them to speak about the abuse or neglect.
- Reassure the child or young person that you think what they say is important and that it needs to be taken very seriously.
- Reassure them that you are not angry with them (and other people will not be angry with them) for making a disclosure.
- Let them know that you think they are brave to be disclosing.
- If necessary, ask the child or young person to repeat what they have said so that you understand it correctly.
- Do not slip into counselling the child or young person. If deemed necessary, the child or young person will be provided with this type of professional support by an appropriate service.
- Make it clear that if the child or young person wants to say more, you are willing to listen and that you are available.
- Only talk enough to encourage the child or young person to feel comfortable with disclosing, but avoid asking too many questions. You should not seem to be interviewing or interrogating the child or young person, and you need to avoid asking questions that can be seen as

putting words in the child's mouth. This is particularly important with disclosures of sexual abuse, or other types of extreme abuse or neglect, where a Police investigation is likely to occur.

- Let the child or young person know what you will do next.
- It is important to let the child or young person know what is going to happen next, and frame this information to suit the child's or young person's age and emotional state. For example, this may involve telling the child that you need to talk to [name of senior worker] about how to make the child safe. Alternatively, a young person may already have some knowledge of child protection processes, and want you to provide more detail about what is going to happen. Making sure the child or young person is fully aware of each step can make the process less intimidating and help them to feel safer and in control.

### **Document the disclosure and notify Child Protection Services.**

- You will need to document what the child or young person has disclosed. Do not interpret or paraphrase what was said to you, just record it in the child's or young person's own words.
- Follow the child protection guidelines of the organisation you work for. In doing so, be aware of privacy issues and only seek further advice from a senior colleague, so that you can make a business decision about your notification.
- You have a personal obligation to ensure the information is reported to Gateway Services or Child Protection Services. If you only discuss the concerns with your manager, and do not formally report the concerns to Gateway Services or Child Protection Services, then you have not fulfilled your responsibility if you are a mandatory reporter.
- Do not delay passing on the details of the disclosure. The information you have may suggest a need for immediate intervention to assure the safety of the child or young person.

### **Take care of yourself.**

Hearing a disclosure of abuse or neglect places you at risk of suffering 'vicarious trauma' whereby you are traumatised by the information disclosed to you. Be alert to any negative effects that the disclosure has on your wellbeing and make use of the support services available through your workplace or in the community. Requiring support to cope with what has been disclosed to you is not a reflection on your professionalism. It is better to arm yourself with coping strategies so that you can do the best job possible supporting vulnerable children and young people.

Endorsed by School Board:

Signature: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'K. J.', written over a horizontal line.

29/3 /2022

Effective From: 23/03/2022