



# CHILD SAFETY SCHOOL GUIDELINES

## Police and Child Protection Interview Protocols

July 2022

### 1. Purpose

The purpose of these guidelines is to assist principals to respond to a request by Victoria Police of Department of Families, Fairness and Housing Child Protection (Child Protection) workers to interview a student at school.

### 2. Background

Both Victoria Police and the Department of Families, Fairness and Housing (DFFH) Child Protections have a role in investigating allegations of child abuse. Refer to FCJ College Child Safety Policy *PROTECT: Responding and Reporting Obligations* for more information.

When investigating allegations of child abuse, Victoria Police will endeavour to conduct interviews at the police station. Nevertheless, urgent circumstances sometimes arise where Victoria Police may wish to interview a student under the age of 18 at school. When considering how to deal with these requests the principal should be aware of different considerations depending on whether the student is a:

- victim
- witness
- suspect

DFFH Child Protection workers normally conduct interviews with students at home with parents or carers present. Nevertheless, as with Victoria Police, situations sometimes arise where Child Protection workers need to interview the child at school.

### 3. General Protocols

Principals **must**:

- facilitate interviews requested by police or Child Protection workers at school only if the following circumstances apply:
  - the school is the only appropriate location for the interview
  - the only time the interview can occur is during school hours and
  - there are reasonable grounds for seeking to exclude the parents/carers from the interview and have the interview conducted at school with a school staff member supporting the student during the interview

- facilitate interviews requested by police or Child Protection workers at school if they believe it is appropriate to do so in all the circumstances.
- ensure when making decisions about Child Protection or police interviewing students at school, that consideration has been given to the Charter of Human Rights and Responsibilities Act 2006 (Vic) and the rights contained in it.
- ensure they or a member of school staff can be an independent supportive adult or independent person during the interview process conducted at school as set out in this policy and if agreed to by the student. If the student is not mature enough to make the decision, the principal or a member of school staff can support a student during an interview process, if it is in the student's best interests to do so.
- ensure school staff supporting students to participate in an interview with Victoria Police or a Child Protection worker at school, know their role is to:
  - support the child's wellbeing throughout the process
  - assist the child to understand the information being provided to the child
  - assist the child to provide information and participate in the interview only to the extent that the child indicates that they want to do this.

## 4. Facilitating an interview

### 4.1 Responding to a request

If Child Protection or Victoria Police want to conduct an interview with a student at school, a principal must facilitate this if the Child Protection worker or Victoria Police member can satisfy the principal that:

- the school is the only appropriate location for the interview
- the only time the interview can occur is during school hours and
- there are reasonable grounds for seeking to exclude the parents/carers from the interview and have the interview conducted at school with a school staff member supporting the student during the interview. For example, the interview involves an allegation of abuse involving parents, carers, siblings or other members of the student's family, or a person with some relationship to the family and there is no other safe or more appropriate place to conduct the interview.

Principals may facilitate an interview with a student in other circumstances if they believe it is appropriate to do so in all the circumstances.

Once the principal has decided to allow police or Child Protection to conduct an interview at school they must ensure that they or their nominee sees the official identification of the police officer or Child Protection worker and are satisfied they are authorised to have access to the student.

When considering whether to facilitate police or Child Protection conducting an interview with a student at school, principals and staff must consider the human rights set out in the Charter of Human Rights and Responsibilities Act 2006 (Vic). This includes considering:

- how the decision will assist the protection of families as the fundamental group unit of society and the child's rights to protection as is in his or her best interests and needed by him or her by reason of being a child and
- whether or not there is any less restrictive arrangement that would not unreasonably compromise the child's safety and wellbeing in making sure the law is upheld, and also engaging with their family.

Following this protocol will support schools to consider these issues, noting that there may be other specific circumstances that may require additional considerations of human rights, including the right to protection against discrimination and to enjoy human rights without discrimination; the right to enjoy cultural, religious, racial or linguistic background in community with other persons of that background; and an Aboriginal person's right to hold, enjoy and maintain their distinct cultural rights with other members of their community. For further information refer to: Human Rights Charter.

## 4.2 Facilitating Interviews by Child Protection

When a principal decides to facilitate interviews between a student and Child Protection at school and in the absence of parents or carers, Child Protection policy gives children and young people the right to have a supportive adult present during the interview process.

A principal or their delegate may act as a supportive adult when the child or young person is being interviewed, if the child or young person agrees to this, and the principal is satisfied that doing so will not create a conflict of interest. If the student is not mature enough to make this decision, a principal or a member of school staff can support a student during an interview process, if the principal is satisfied that it is in the student's best interests to do so.

The role of the supportive adult in Child Protection interviews is:

- to support the child's wellbeing throughout the process
- to assist the child to understand the information being provided by the Child Protection worker and
- to assist the child to provide information to the Child Protection worker only to the extent that the child indicates that they want to do this.

It is the responsibility of Child Protection to advise the parents and carers of the interview at the earliest possible opportunity. This should occur either before, or by the time the student arrives home. Principals can advise parents and carers of the interview but, wherever possible, must take into account the views of the Child Protection worker as to the timing of this contact and whether or not this should occur.

## 4.3 Facilitating Interviews by Victoria Police of a student who is a victim or witness to an alleged crime

Where a student is a victim or witness to an alleged crime and a principal decides to allow a Victoria Police member to speak to that student at school in the absence of parents or carers, Victoria Police policy gives children and young people under the age of 18 years the right to have an independent person present.

If Victoria Police want to speak to a number of students in order to identify potential witnesses to a crime, rather than conducting an interview or taking a formal statement, the principal should allow this to occur in the presence of the principal or suitable delegate to support police to identify witnesses for formal interviews.

If Victoria Police want to conduct an interview or take a formal statement from a student who is under the age of 18 years, in the absence of their parents or carers, Victoria Police have access to trained independent persons who can support the young person. Principals must ensure that they or their nominee sees the independent person's official identification before introducing them to the student.

If police are unable to obtain a trained independent person, a principal or their delegate may act as an independent person when the child or young person is being interviewed if the student agrees to this, and the principal believes that doing so will not create a conflict of interest. If the student is not mature enough to make this decision, a principal or a member of school staff can support a student during an interview process, if it is in the student's best interests to do so. The role of the independent person is to:

- support the child's wellbeing throughout the process
- assist the child to understand the information being provided by Victoria Police, and
- assist the child to provide information to Victoria Police to the extent that the child indicates that they want to do this.

When principals allow informal or formal interviews involving students who may be victims or witnesses, the principal should:

- ensure the student is appropriately supported, if the student wishes to participate in the interview
- seek to advise the parents and carers of the situation unless instructed by Victoria Police not to do so
- ensure the school keeps a written record of the interview including the reasons for the interview, relevant information about contacting parents/carers and the names of all persons participating in the interview.

#### **4.4 Interviews by Victoria Police of a student who is suspected of having committed an alleged crime**

Where a student under the age of 18 years is a suspect and a principal decides to allow a Victoria Police member to speak to that student at school, in the absence of their parents or carers, the law requires that Victoria Police must arrange for an independent person to be present.

Victoria Police have access to and are required to use trained independent person volunteers for young people being interviewed as a suspect. School staff should not perform the independent person role for police interviews where the student is a suspect.

Principals must ensure that they or their nominee sees the independent person's official identification before introducing them to the student. The independent person is there to make sure the child and police understand each other and that the child understands their rights. The independent person does not give legal advice. It is open to the student to seek legal advice from a practicing lawyer, as

well as support from the independent person.

When approached by police and advised that a student suspect is to be interviewed, the principal must:

- seek to advise the parents and carers of the situation unless instructed by Victoria Police not to do so
- ensure that police arrange for a trained 'independent person' to be present at the interview who is not a member of school staff
- ensure the school keeps a written record of the interview including the reasons for the interview, relevant information about contacting parents/carers and the names of all persons participating in the interview.

## 5. Relevant legislation

- Crimes Act 1958 (Vic)
- Education and Training Reform Act 2006 (Vic)

## 6. Related documents

### FCJ College

- FCJ College Child Safety POLICY - PROTECT Responding and Reporting Obligations
- FCJ College Child Safety PROCEDURE - PROTECT Responding and Reporting Obligations
- FCJ College Child Safety POLICY - Mandatory Reporting

### Other

- CEVN - Child Safety
- DET - PROTECT

Responsible Officer	Chief Student Pastoral Wellbeing Officer
Approving Body	FCJ College Council
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