

POLICE AND DHHS INTERVIEWS POLICY



Policy and Guidance

- Principals must facilitate interviews requested by police or Department of Health and Human Services (DHHS) 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
- Principals also may facilitate interviews requested by police or DHHS Child Protection workers at school if the Principal believes it is appropriate to do so in all the circumstances.
- When making decisions about DHHS or police interviewing students at school, Principals must ensure that consideration has been given to the Charter of Human Rights and Responsibilities Act 2006 (Vic) and the rights contained in it.
- A Principal or a member of school staff can be an independent supportive adult or independent person during an interview process conducted at school only as set out in this policy and if it is agreed to by the student. 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.
- If school staff are supporting students to participate in an interview with Victoria Police or a DHHS Child Protection worker at school, 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 they want to
- Following this policy 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.
- The Department's Legal Division can also provide advice and support with this decision, if and as needed by email legal.services@edumail.vic.gov.au or phone 03 9637 3146.

Purpose

- The purpose of this policy is to assist the Principal of Tarneit Rise Primary School to respond to a request by Victoria Police or Department of Health and Human Services Child Protection workers to interview a student at school.

Implementation

- The wellbeing of children is the school's highest priority.
- The principal will:
 - follow the four critical actions for schools for responding to incidents, disclosures and suspicions of child abuse
 - facilitate interviews requested by police or DHHS Child Protection workers
 - balance the school's obligation to protect the rights of children with their obligation to assist the police/DHHS in their exercise of duty
 - act in accordance with the protocol between the Victorian Police and DET, if the request for access involves a criminal offence
 - ensure there is someone acting as an independent supportive adult for children interviewed at school by Victoria Police or DHHS workers.
- When the principal allows interviews involving children who may be victims or witnesses, they will:
 - support and encourage the child to provide as much information as possible
 - inform the child that a note of the circumstances and the content of the interview will be made and communicated to their parents/carers as soon as possible, unless doing so causes risk of abuse
- When approached by police and advised that a child suspect is to be interviewed, the principal will:
 - try to advise the parents/carers of the situation
 - inform the child that a note of the circumstances and the content of the interview will be made and communicated to their parents/carers as soon as possible
 - if the parent/carer is unavailable, ensure that the child has an (adult) independent support person at the interview
 - always consider their duty of care to the child, their duty of care to all other students at school and the rights of the parents/carers
- When parents/carers cannot be present because they cannot be contacted, do not agree to the interview or have not authorised the principal to act on their behalf, the principal will allow the interview if questioning or investigation is urgently necessary to avert injury to others or to a prevent miscarriage of justice.
- At all times DET employees are expected to:
 - focus on supporting the child
 - ensure the child knows what is happening
 - understands his/her rights including the right to legal advice and that, although it is advisable to do, there is no compulsion to answer questions and that the child is not legally required to provide his/her name and address unless they are driving a motor vehicle, that police have reasonable grounds to suspect is about to or has knowledge of an offence
 - refrain from expressing their own opinion
 - refrain from questioning the child
 - ensure they will be in a position to give an accurate account of the interview in any court proceedings either by taking notes during the interview or immediately afterwards
- For further information please go to the web reference below.
- Please refer also to the school's *Child Protection (Mandatory Reporting) Policy*, the *Responding to Student Sexual Offending Policy* and the Child Safe Standards.

Evaluation

- This policy will be reviewed as part of the school's three-year review cycle or if guidelines change (latest DET update mid-June 2020).

<u>Ratification Date</u>	<u>Review Date</u>	<u>Policy Number</u>	<u>Version Number</u>	<u>Date Produced</u>
Sept 2020	2023	63	3	Sept 2017

Reference:

<https://www2.education.vic.gov.au/pal/police-and-dhhs-interviews>