

POLICE & DHHS INTERVIEWS POLICY

Rationale

- As law enforcement officers, police have broad powers to investigate, question, search and detain. For the most part, police will conduct interviews of witnesses and suspects at the police station. However, there will be rare urgent circumstances in which police may wish to interview a child under the age of eighteen at school. How this should be approached will depend upon whether the child concerned is a victim, a witness or a suspect.
- Child Protection workers also have wide powers to investigate and obtain information that is relevant to the protection or development of a child. Interviews by child protection workers would normally be carried out in the home with parents/carers present but, as for police, there will be occasions with Child Protection workers need to interview a child at school as a matter of urgency or necessity.
- The interview of a child at school by Victoria Police or DHHS Child Protection is not permitted unless someone is acting as an independent supportive adult for that child.
- A suspect to a crime under the age of 18 may not be questioned by police unless the suspect's parent/carer is present. If a parent/carer is not available, an independent person must be present.
- The suspect must be given the chance to talk to the parent/carer or independent person in a place where they won't be overheard (s.464E *Crimes Act (Vic.)*).
- However, police do not have to wait until the parent/carer or independent person is present where communication would result in the escape of an accomplice or the destruction of evidence or the safety of other people means that questioning should not be delayed.
- It can be seen from this that a child suspect will only be interviewed by police at school without a parent/carer being present in very urgent and extreme situations.

Purpose

- To assist the principal to comply with their legal requirements when a request is made by Victoria Police or Department of Health and Human Services (DHHS) Child Protection Workers to interview a student without parental consent.
- To ensure Tarneit West Primary School (Interim Name) complies with DET policy and guidelines.
- To ensure the school complies with the legislative requirements of the *Crimes Act 1958*, the *Education and Training Reform Act 2006* and the *Transport Act 1983*.
- To ensure the wellbeing of children whilst complying with a police or DHHS request for an interview.
- To ensure the school has strategies in place to support the Child Safe Standards 1 & 2.

Implementation

- The wellbeing of children is the school's highest priority.
- The principal will:
 - 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 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 early July 2017).

<u>Ratification Date</u>	<u>Review Date</u>	<u>Policy Number</u>	<u>Version Number</u>	<u>Date Produced</u>
October 2017	2020	63	1	September 2017

Reference:

www.education.vic.gov.au/school/principals/spag/safety/pages/interviews.aspx