

Mandatory Reporting Policy & Procedures

(Child Safe Standard 5)

Rationale

All children have a right to feel safe and to be safe. In schools, we have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse or neglect.

School staff have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care they should take immediate action.

Aim

To ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.

Implementation

- All members of the Teaching Service are mandated by law to report signs or risks of harm, disclosures of abuse or neglect, or a reasonable belief a student is subjected to sexual abuse or physical harm.
- Any person other than school staff (visitors, or other persons connected to the school environment such as contractors, maintenance staff etc) will be made aware of their responsibilities to report under MO 870 (Clause 11, 3b) as part of the induction program for all visitors and contractors to the school.
- Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to Department of Health and Human Services (DHHS) Child Protection.
- All other people
- who form a belief on reasonable grounds that a child or young person:
 - is in need of protection, should report their concerns to DHHS Child Protection or Victoria Police.
 - is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to DHHS Child Protection.
- If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to DHHS Child Protection or Child FIRST. (See attachment for process)
- In cases where staff have concerns about a child or young person, they should also discuss their concerns with the principal or a member of the school leadership team.
- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- Staff will be reminded of mandatory responsibilities annually.
- All concerns must be reported immediately to the Principal, or in his/her absence, the Assistant Principal.
- The Principal will keep a record of all discussions about a student with whom there is a concern.
- If a belief has been formed by a staff member that a mandatory report must be made, a "Mandatory Reporting Information Sheet" available from the Principal must be completed and filed in the Principal's office.
- The teacher and/or the Principal class officer will contact the Department of Health & Human Services (DHHS) by telephone as soon as possible to make an official notification on:
 - (03) 9479 6222 or after school hours crisis line 131278

- South-East Victoria Region on 8765 5600
- In the case of international students, the principal must notify the International Education Division of the Department on (03) 9637 2990 to ensure that appropriate support is arranged for the student.
- Members of Department of Health & Human Services (DHHS), or associated support or intervention services that visit the school following a notification, will interview staff and children only in the presence of a Principal class member or his/her nominee.
- All "Mandatory Reporting Information Sheets" remain filed in the Principal's office.
- All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.
- All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported.
- While only mandated by law to report incidents of physical and sexual abuse, and neglect; teachers are also encouraged to report incidents of emotional abuse or neglect.
- Students, who disclose to staff a desire to harm themselves or others, must be reported by staff to the principal.
- Legal Obligations – see Appendix A

The school will provide accessible information to the school community through the website and Compass that outlines its procedures for responding to any allegation of child abuse.

Reporting criminal child sexual abuse - failure to disclose offence:

Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

See Appendix B for additional information

Evaluation

This policy will be reviewed as part of the school's three year review cycle and following significant incidents if they occur.

Appendix A: Legal obligations

Type of Reporting	By Whom	To Whom
<p>Mandatory Reporting</p> <p>Mandatory reporters and non-mandated reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.</p>	<p>Mandatory reporters</p> <ul style="list-style-type: none"> • Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006</i> (Vic) • Principals of government and non-government schools • Registered medical practitioners • Nurses • All members of the police force 	<ul style="list-style-type: none"> • DHHS Child Protection
<p>Child in need of protection</p> <p>Any person may make a report if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:</p> <ul style="list-style-type: none"> • The child has been abandoned and there is no other suitable person who is willing and able to care for the child. • The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child. • The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child. • The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child. • The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child. • The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care. 	<p>Any Person</p>	<ul style="list-style-type: none"> • DHHS Child Protection • Victoria Police
<p>Child in need of therapeutic treatment</p> <p>Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours.</p>	<p>Any Person</p>	<ul style="list-style-type: none"> • DHHS Child Protection
<p>Significant concerns about wellbeing of a child</p> <p>Any person may make a report if they have significant concerns for the wellbeing of a child.</p>	<p>Any Person</p>	<ul style="list-style-type: none"> • DHHS Child Protection • Child FIRST

Appendix B: Further Information

Statement:

A broad range of professional groups are identified in the *Children Youth and Families Act 2005* (CYFA) as mandatory reporters. Mandated staff members must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person is in need of protection from significant harm as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.

The following professionals are prescribed as mandatory reporters under section 182 of the CYFA:

- primary and secondary school teachers and principals (including students in training to become teachers)
- registered medical practitioners (including psychiatrists)
- nurses (including school nurses)
- police

There may be times when two or more mandated staff members, for example a teacher and a principal, have formed a belief about the same child or young person on the same occasion. In this situation it is sufficient for only one of the mandated staff members to make a report. The other staff member is obliged to ensure that the report has been made and that all of the grounds for their own belief were included in the report made by the other staff member.

Non-mandated staff members:

Section 183 of the CYFA states that any person, who believes on reasonable grounds that a child is in need of protection, may report their concerns to Child Protection. This means that any person, including non-mandated school staff, is able to make a report to Child Protection when they believe that a child or young person is at risk of harm and in need of protection, and the child's parents are unable or unwilling to protect the child.

Forming a belief on reasonable grounds:

A person may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child or young person's health, safety or wellbeing is at risk and the child's parents are unwilling or unable to protect the child.

There may be reasonable grounds for forming such a belief if:

- a child or young person states that they have been physically or sexually abused
- a child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows the child or young person states that the child or young person has been physically or sexually abused
- a child shows signs of being physically or sexually abused.
- the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child or young person's safety, stability or development
- the staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- a child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child.

Reporting a belief:

Staff members, whether or not mandated, need to report their belief when the belief is formed in the course of undertaking their professional duties. A report must be made as soon as practicable after

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forming the belief and on each occasion on which they become aware of any further reasonable grounds for the belief.

If one staff member has a different view from another staff member about making a report and the staff member continues to hold the belief that a child is in need of protection, that person is obliged to make a report to Child Protection.

The reporter must:

- Make a report as soon as practicable
- Make a report on each occasion that they form a belief or
- Ensure that a report has been made in instances where another mandated reporter has undertaken to make the report.

All reporters who form a belief on reasonable grounds that a child or young person:

- is in need of protection from physical injury or sexual abuse must report their concerns to DHHS Child Protection or Victoria Police.
- is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to DHHS Child Protection.

Protecting the identity of the reporter:

Confidentiality is provided for reporters under the CYFA. The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances.

The identity of a reporter must remain confidential unless:

- the reporter chooses to inform the child, young person or family of the report
- the reporter consents in writing to their identity being disclosed
- a court or tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child
- a court or tribunal decides that, in the interests of justice, the reporter is required to attend court to provide evidence.

Information provided during a protective investigation may be used in a court report if the risks to the child or young person require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

If Child Protection decides that the report is about a significant concern for the wellbeing of a child, they may refer the report to a community-based child and family service and disclose the identity of the reporter to that service. However, the CYFA provides that neither Child Protection nor the community-based child and family service may disclose the reporter's identity to any other person without the reporter's consent.

Professional protection for reporters:

If a report is made in good faith:

- it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter
- the reporter cannot be held legally liable in respect of the report.

This means that a person who makes a report in accordance with the legislation will not be held liable for the eventual outcome of any investigation of the report.

FAILURE TO PROTECT and FAILURE TO DISCLOSE OFFENCES

Protecting children and young people against sexual abuse is a community wide responsibility. Schools have a moral and legal responsibility to ensure children or young people are safe in their care and to ensure that all forms of abusive behaviours towards children are prevented.

The Crimes Act 1958 (Vic) and the Crimes Amendment (Failure to Protect) Act 2014 includes an offence for failure by a person with power, authority and responsibility within an organisation to protect a child under the age of 16 years who is under the care or supervision of the organisation.

As soon as a person in authority becomes aware of a risk of child sexual abuse, he/she will be under a duty of care to remove or reduce that risk. A criminal offence applies where the person in authority:

- knows that there is a substantial risk of a sexual offence being committed against a child by a person over 18 years associated with the organisation; and
- negligently fails to reduce or remove that risk.

Any staff member or person associated with the school (e.g. visitor, contractor, maintenance worker etc.) who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police.

Failure to disclose the information to police is a criminal offence, unless a reasonable excuse has been formed such as:-

- information has already been reported to DHHS Child Protection.
- Fear for own or others' safety

The offence applies to all adults in Victoria, not just professionals who work with children.

If an adult fails to take reasonable steps to protect a child from harm and/or fails to disclose, this may amount to a criminal offence. Refer to the Dept of Justice fact sheets on FAILURE to Protect and Failure to DISCLOSE for further information.

What should a person in authority do to reduce or remove the risk of child sexual abuse posed by an adult associated with their organisation?

- A person in authority in an organisation must take reasonable steps to reduce or remove a known substantial risk that an adult associated with their organisation will commit a sexual offence against a child.

Examples include:

- A current employee who is known to pose a risk of sexual abuse to children in the organisation should be immediately removed from contact with children and reported to appropriate authorities and investigated.
- A community member who is known to pose a risk of sexual abuse to children should not be allowed to volunteer in a role that involves direct contact with children at the organisation.
- A parent who is known to pose a risk of sexual abuse to children in a school should not be allowed to attend overnight school camps as a parent helper.
- Removing a suspected adult from child-related work pending investigation.

If you need to report a child in immediate risk or danger of a sexual offence please call Triple Zero (000).

Failure to report:

A failure by mandated professionals and staff members to report a reasonable belief that a child is in need of protection from significant harm as a result of physical or sexual abuse may result in the person being prosecuted and a court imposing a fine under the CYFA (Children, Youth and Families Act, 2015)

Making a report to Child Protection:

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The CYFA allows for two types of reports to be made in relation to significant concerns for the safety or wellbeing of a child – a report to Child Protection or a referral to Child FIRST.

A report to Child Protection should be considered if, after taking into account all of the available information, the staff member forms a view that the child or young person is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability or development
- the child's parents cannot or will not protect the child or young person from harm.

Where during the course of carrying out their normal duties, a school staff member forms the belief on reasonable grounds that a child is in need of protection, the staff member must make a report to Child Protection regarding this belief and the reasonable grounds for it as soon as practicable.

Staff members may form a professional judgement or belief, in the course of undertaking their professional duties based on:

- warning signs or indicators of harm that have been observed or inferred from information about the child
- legal requirements, such as mandatory reporting
- knowledge of child and adolescent development
- consultation with colleagues and other professionals
- professional obligations and duty-of-care responsibilities
- established protocols
- internal policies and procedures in an individual licensed children's service or school.

Upon receipt of a report, Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required.

In most circumstances, Child Protection will inform the reporter of the outcome of the report. When the report is classified by Child Protection as a Wellbeing Report, Child Protection will, in turn, make a referral to Child FIRST.

Any person who is registered as a teacher under the *Education and Training Reform Act 2006*, or any person who has been granted permission to teach under that Act, including principals, is mandated to make a report to Child Protection. In the course of undertaking their professional duties, mandated staff members are required to report their belief, when the belief is formed on reasonable grounds that a child is in need of protection from significant harm as a result of sexual abuse or physical injury.

Teachers are encouraged to discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. If a principal or member of the leadership team does not wish to make a mandatory report, this does not discharge the teacher's obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the teacher's concerns continue, even after consultation with the principal or member of the leadership team, that teacher is still legally obliged to make a mandatory report of their concerns.

Information about the identity of a person making a report to Child Protection must be kept confidential unless the reporter consents to the disclosure of their identity. If the staff member wishes to remain anonymous, this information should be conveyed at the time that the reporter makes the mandatory report.

If physical and/or behavioural indicators lead you to suspect that a child has or is being abused, or is at risk of abuse, you must respond as soon as practicable, by following these steps:

FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

PROTECT THE EDUCATION STATE VICTORIA Department of Education and Training



YOU MUST TAKE ACTION
 As a school staff member you play a critical role in protecting children in your care.

- You must act, by following the 4 critical actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.
- You must act if you form a suspicion/reasonable belief even if you are unsure and have not directly observed child abuse (eg. if the victim or another person tells you about the abuse).
- You must use the Responding to Suspected Child Abuse template to keep clear and comprehensive notes.

**A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.*

1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to Action 2.

If a child is at immediate risk of harm you must ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

2 REPORTING TO AUTHORITIES

As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Q: Where does the source of suspected abuse come from?

WITHIN THE SCHOOL

VICTORIA POLICE
 You must report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police.

You must also report internally to:

GOVERNMENT SCHOOLS

- School Principal and/or leadership team
- Employee Conduct Branch
- DET Security Services Unit

CATHOLIC SCHOOLS

- School Principal and/or leadership team
- Diocesan education office

INDEPENDENT SCHOOLS

- School Principal and/or school chairperson

WITHIN THE FAMILY OR COMMUNITY

DHHS CHILD PROTECTION
 You must report to DHHS Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

VICTORIA POLICE
 You must also report all instances of suspected sexual abuse (including grooming) to Victoria Police.

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act. This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DHHS Child Protection or Victoria Police.

You must also report internally to:

GOVERNMENT SCHOOLS
 You must also report to:

- School Principal and/or leadership team
- DET Security Services Unit

CATHOLIC SCHOOLS
 You must also report to:

- School Principal and/or leadership team
- Diocesan education office

INDEPENDENT SCHOOLS
 You must also report to:

- School Principal and/or chairperson

3 CONTACTING PARENTS/CARERS

Your Principal must consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact the parents/carer (eg. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- to contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

4 PROVIDING ONGOING SUPPORT

Your school must provide support for children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professionals. This is an essential part of your duty of care requirements. Strategies may include development of a safety plan, direct support and referral to wellbeing professionals.

You must follow the Four Critical Actions every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

CONTACT

<p>DHHS CHILD PROTECTION AREA</p> <p>North Division 1300 654 9777 South Division 1300 655 795 East Division 1300 360 391 West Division (Rural) 1800 075 599 West Division (Metro) 1300 684 9777</p> <p>AFTER HOURS After hours, weekends, public holidays 13 1278</p> <p>CHILD FIRST www.dhs.gov.au</p> <p>VICTORIA POLICE 000 or your local police station</p>	<p>DET SECURITY SERVICES UNIT (03) 9689 6266</p> <p>STUDENT INCIDENT AND RECOVERY UNIT (03) 9627 2934</p> <p>EMPLOYEE CONDUCT BRANCH (03) 9627 2595</p> <p>DIOCESAN OFFICE Melbourne (03) 9267 0228 Ballarat (03) 5237 7126 Sale (03) 5422 6800 Sandhurst (03) 5443 2377</p> <p>INDEPENDENT SCHOOLS VICTORIA (03) 9626 7200</p>
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The role of school staff:

School staff have a duty of care to protect and preserve the safety, health and wellbeing of children and young people in their care and staff must always act in the best interests of those children and young people. If a staff member has any concerns regarding the health, safety or wellbeing of a child or young person it is important to take immediate action.

Note: The role of investigating an allegation of child abuse rests solely with Child Protection and/or Victoria Police.

The roles and responsibilities of staff in supporting children and young people who are involved with Child Protection may include acting as a support person for students, attending Child Protection case plan meetings, observing and monitoring students' behaviour, and liaising with professionals.

Confidentiality:

Staff must respect confidentiality when dealing with a case of suspected child abuse and neglect, and may discuss case details and the identity of the child or the young person and their family only with those involved in managing the situation.

When a child or young person has moved to another school, professional judgement should be exercised as to what information needs to be passed on. This will be guided by usual procedures for passing on information about a child's general wellbeing or special needs, and the role of the school in any ongoing care plans.

Interviews at Victorian schools:

Child Protection may conduct interviews of children and young people at school without parental knowledge or consent. However, a child will be interviewed at a Victorian school only in exceptional circumstances and if it is in the child's best interests to proceed in this manner. Child Protection will notify the school of any intention to interview a child or young person. This may occur regardless of whether the school is the source of the report to Child Protection.

When Child Protection practitioners arrive at the school, the principal or their nominee should ask to see their identification before allowing Child Protection to have access to the child or young person.

Support persons:

Children and young people should be advised of their right to have a supportive adult present during interviews. If a child is too young to understand the significance of the interview, a staff member should make arrangements for a supportive adult to attend with the child.

A staff member may be identified as a support person for the child or young person during the interview. Prior to the commencement of the interview, the Child Protection practitioner should always authorise the staff member to receive information regarding Child Protection's investigation.

This may occur verbally or in writing using the relevant Child Protection proforma.

Independent persons must refrain from providing their opinions or accounts of events during interviews. A principal or their delegate may act as an independent person when the child or young person is to be interviewed, unless they believe that doing so will create a conflict of interest.

Advising parents, carers or guardians:

Staff do not require the permission of parents, carers or guardians to make a report to Child Protection, nor are they required to tell parents, carers or guardians that they have done so.

It is the responsibility of Child Protection to advise the parents, carers or guardians of the interview at the earliest possible opportunity. This should occur either before, or by the time the child arrives home

Ensuring that a Child Protection interview takes place:

The school does not have the power to prevent parents, carers or guardians from removing their children from the school and should not attempt to prevent the parents, carers or guardians from collecting the child. If a parent/carer or guardian removes a child before a planned interview has taken place, the principal and/or their nominee should contact Child Protection or Victoria Police immediately.

Staff Training:

Staff will be informed of Mandatory Reporting requirements as part of their initial induction to the school and will be provided with supporting documentation in their staff handbook.

Updates will take place annually as part of the Performance and Development/Staff meeting rotation.

Reference: School Policy & Advisory Guide –Mandatory Reporting

<http://www.education.vic.gov.au/school/principals/health/Pages/childprotection.aspx>

<http://www.dhhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/protecting-children-together>

<http://www.dhhs.vic.gov.au/for-service-providers/children%2c-youth-and-families/child-protection/specialist-practice-resources-for-child-protection-workers/child-development-and-trauma-specialist-practice-resource>

http://www.dhhs.vic.gov.au/data/assets/pdf_file/0007/586465/information-guide-registered-teachers-principals.pdf

<http://www.dhhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/about-child-abuse>