

Mandatory Reporting Policy

RATIONALE

All children have a right to feel safe and to be safe. School policy and procedures stipulate how teaching staff fulfil their duty of care towards children and young people in their school.

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.

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.

AIMS

- To ensure that children's rights to be safe are maintained and each child is protected against physical abuse and/or sexual abuse or neglect.
- To ensure that there are clearly understood responsibilities and processes within the school.

IMPLEMENTATION

- Staff will be reminded of mandatory responsibilities annually.
- 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. Staff will complete the DEECD online Mandatory Reporting training modules 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 neglect, sexual or physical abuse has taken place a "Mandatory Reporting Information Sheet" available from the Principal must be completed and filed in the Principal's office.
- In cases of suspected neglect, teachers must maintain a register of incidents to support a referral to Child First.
- The Principal and the teacher will contact the Department of Human Services or Child FIRST by telephone as soon as possible to make an official notification on:
Child First (Connections) 9705 3939
Child Protection crisis line 131278
- A referral should be made to Child FIRST "if there are significant concerns for the wellbeing of a child".
- 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.

- 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 a school
- A report must be made as soon as practicable after 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, including the Principal, 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.
- Members of the Department of Human Services, or associated support or intervention services who visit the school following a notification, will interview staff and children only in the presence of the Principal or his/her nominee.
- 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
- If a parent/carer or guardian removes a child before a planned interview has taken place, the principal and/or their nominee will contact Child Protection or Victoria Police immediately.
- 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.
- 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.
- 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/neglect.
- 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.
- In the event of allegations of student sexual assault, the 'Responding to Allegations of Student Sexual Assault - Procedures of Victorian Government Schools' will be followed.

Note: 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.

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

EVALUATION

The program and policy will be reviewed annually to ensure that:

- the aims of the policy are appropriate and meet the needs of the school population
- appropriate and sufficient resources are available
- the policy reflects the aims of the School Strategic Plan
- the program meets the needs of individual students.

FOR MORE INFORMATION, CONSULT THE BOOKLETS

- "Child Physical Abuse Understanding and Responding" Health and Community Services
- "Child FIRST" booklet
- "Responding to Allegations of Student Sexual Assault". Procedures for Victorian Government Schools
- "Age Appropriate Sexual Behaviour in Children & Young People". Southeastern Centre Against Sexual Assault.

This policy was ratified by School Council on 21/05/2014

Reviewed 2018

References:

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

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