

Mandatory Reporting Policy

Rationale

School staff have a duty of care to protect the safety, health and wellbeing of students in their care. Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. Abuse includes: physical, sexual, emotional, neglect, medical neglect and family violence.

The purpose of the Mandatory Reporting policy is to:

- a) Define the roles and responsibilities of school staff in protecting the safety and wellbeing of students and young people
- b) Enable staff to identify the indicators of a student or young person who may be in need of protection
- c) Enable staff to make a report of a child or young person who may need protection
- d) Comply with reporting obligations under child protection law and criminal law.

1. Guidelines

1.1 Mandatory Reporting – DHS Child Protection

Teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic) as well as Principals of government and non-government schools are **Mandatory Reporters**

1.1.1 Mandatory 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

1.1.2 **Non-mandated staff members (Administration, ES0 staff etc):**

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.

1.2 Child in need of protection:

- 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:
- 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 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

- 1.2.1 Child in need of therapeutic treatment: 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
- 1.2.2 Significant concerns about the wellbeing of a student are when any person may make a report if they have significant concerns for the wellbeing of a child.
- 1.3 Reasonable belief that a sexual offence has been committed by an adult against a child under 16:
- Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to police. Reasonable excuses for failing to comply with the requirement include:
 - A reasonable belief that the information has already been reported to police or DHS Child Protection disclosing all of the information
 - A reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm
- 1.4 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 if:
- A student or young person states that they have been physically or sexually abused/or someone they know has been physically or sexually abused (sometimes the student may be talking about themselves)
 - Someone who knows the student 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 student 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 student.

There are many indicators of child abuse and neglect. The presence of a single indicator or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together should alert teachers to the possibility of child abuse and neglect.

2. Implementation

- 2.1 **School staff have a duty of care** to protect the safety, health and wellbeing of students in their care. If a staff member has concerns about the safety, health and wellbeing of students in their care it is important to take immediate action
- 2.2 In all cases where a staff member has concerns about a child or young person, they should discuss their concerns with the Principal

- 2.2.1 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 the Department of Human Services (DHS) Child Protection
 - 2.2.2 Other school staff who believe on reasonable grounds that a child or young person needs protection are encouraged to report their concerns to DHS Child Protection or Victoria Police
 - 2.2.3 In case of emergency or if a student is in immediate danger contact 000 or the local police station
 - 2.2.4 Other school staff can also discharge this duty of care by notifying the Principal of their concerns and the reasons for those concerns
- 2.3 Making a report: School staff should keep comprehensive notes that are dated and include the following:
- Description of the concerns (e.g. physical injuries, student behaviour)
 - Source of those concerns (e.g. observation, report from child or another person.
 - Actions taken as a result of the concerns (e.g. consultation with Principal, report to DHS Child Protection etc.
- 2.3.1 School staff should also gather relevant information necessary to make the report including:
- Full name, date of birth, and residential address of the student or young person.
 - Details of the concerns and the reasons for those concerns
 - The individual staff member's involvement with the student or young person
 - Details of any other agencies who may be involved with the student or young person
- 2.3.2 School staff should make a written record of the report which includes the following information:
- The name and position of the person who made the report
 - The name and position of the person who received the report
- 2.3.3 School staff should advise the Principal if they have made a report
- 2.3.4 In the case of an international student the Principal must notify the International Education Division of DET to ensure that appropriate support is arranged for the student
- 2.3.5 In the case of Koorie students, the Principal must notify the Regional Office to ensure that the regional Koorie Support Officer can arrange appropriate support for the student
- 2.3.6 Notify the Victoria Police if there is concern that a criminal offence may have been committed
- NOTE:** The role of investigating an allegation of child abuse rests solely with Child Protection and/or Victoria Police.
- 2.4 Confidentiality:
- Staff must respect confidentiality with dealing with a case of suspect child abuse and neglect and may discuss case details and the identity of the child or young person only with those involved in managing the situation.
- 2.4.1 The identity of a reporter must remain confidential unless:
- The reporter chooses to inform child, young person or parent 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 the reporter is required to give evidence.

- 2.5 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.
- 2.6 Professional Protection: 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.
- 2.7 Interviews: DHS Child Protection and/or Victoria Police may conduct interviews of students and young people at the school without the parent's knowledge or consent.
- Interviewing students and young people at school will only occur if it is in the best interests of the child to proceed in this manner
 - DHS and/or Victoria Police will notify the Principal of their intention to interview the student or young person on the school premises
 - The Principal should request to see identification before permitting them to have access to the student or young person
 - When a student or young person is being interviewed by DHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person
 - A staff member may be identified as a support person for 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
 - 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 student or young person is to be interviewed, unless they believe that it will create a conflict of interest.
- 2.8 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 their child. If a parent, carer or guardian removes a student before a planned interview has taken place, the Principal and/or their nominee should contact Child Protection or Victoria Police immediately.
- 2.9 Staff training
- 2.9.1 Staff will be informed of Mandatory Reporting requirements as part of their initial induction to the school and will be provided with supporting documentation. Updates will occur annually for all staff
- 2.9.2 Staff will also be provided with the on-line Mandatory Reporting Professional Development.

3. Resources

- 3.1 This policy is underpinned by the:
- a) Child Safe Policy
 - b) Duty of Care
 - c) Student Engagement and Wellbeing Policy
 - d) Student Welfare Policy.

4. Evaluation

- 4.1 The Education Sub Committee and Weeden Heights PS staff will review the effectiveness of the school's Mandatory Reporting Policy on a cyclical basis in accordance with DET guidelines and priorities.