

# CHILD SAFE STD5: MANDATORY REPORTING POLICY

## **RATIONALE**

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

## **AIMS**

- To ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.
- To define the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people.
- To enable staff to identify the indicators of a child or young person who may be in need of protection.
- To enable staff to make a report of a child or young person who may be in need of protection.

## **IMPLEMENTATION**

### **Obligations and Responsibilities**

- All members of the Teaching Service are mandated by law to report signs of physical and/or sexual abuse, and 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 Child, Youth and Families Act.
- 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 school staff members 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.
- 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.
- In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, school staff can discharge this duty of care by taking action which includes the following:
  - reporting their concerns to the DHHS Child Protection or another appropriate agency (as identified above)
  - notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns

### **Training and Awareness**

- Teaching staff are to complete the online Mandatory Reporting module on an annual basis.
- Education Support staff members also have this training available and are encouraged to complete it annually.
- Staff are to be made aware of their obligations annually in the Staff Handbook
- New staff will be informed of mandatory reporting responsibilities and procedures through the induction process at the beginning of the year or as employed.

### **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/carers 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 forming the belief and on each occasion on which they become aware of any further reasonable grounds for the belief.
- Students, who disclose to staff a desire to harm themselves or others, must be reported by staff to the principal.
- All concerns must be reported immediately to the Principal, or in his/her absence, the Officer-in-Charge.
- School staff should keep comprehensive notes using the Incident Report template that is dated and include the following information:
  - 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 DHHS Child Protection etc).
  - School staff should discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. The individual staff member should then make their own assessment about whether they must or may make a report about the child or young person.
- School staff should gather the relevant information necessary to make the report. This should include the following information:
  - Full name, date of birth, and residential address of the child or young person
  - Details of the concerns and the reasons for those concerns
  - The individual staff member's involvement with the child and young person
  - Details of any other agencies who may be involved with the child or young person.
- The teacher and/or the Principal class officer will contact the Department of Human Services by telephone as soon as possible to make an official notification on:  
**1800 020202 or after school hours crisis line 131278**
- Make a written record of the report which includes the following information:
  - the date and time of the report and a summary of what was reported
  - the name and position of the person who made the report
  - the person who received the report.
- Notify relevant school staff and/or Departmental staff of the report.
  - School staff should advise the principal or a member of the leadership team if they have made a report.
  - 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.
  - 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.
- Notify the Victoria Police if there is concern that a criminal offence may have been committed

### **Protecting the identity of the reporter**

- Confidentiality is provided for reporters under the Child, Youth and Family Act. 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.

### **Making a report to Child Protection**

- 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/carers 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 or consult the Principal 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.
- School policy and procedures stipulate how teaching staff fulfil their duty of care towards children and young people in their school.
- 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.

### **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.
- All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.

### **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. Members of the Department of Human Services, 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.

### **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, carers or guardians**

- Staff **do not require** the permission of parents/carers, carers or guardians to make a report to Child Protection, nor are they required to tell parents/carers, carers or guardians that they have done so.
- It is the responsibility of Child Protection to advise the parents/carers, 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, carers or guardians from removing their children from the school and should not attempt to prevent the parents/carers, 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.

### **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.

\*The offence applies to all adults in Victoria, not just professionals who work with children. To read more information about the 'failure to disclose' offence, see: Department of Justice and Regulation – Failure to disclose offence

Detailed processes can be found at

<http://www.education.vic.gov.au/school/principals/spag/safety/pages/childprotection.aspx#link6>

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>

<http://www.dhs.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.dhs.vic.gov.au/data/assets/pdf\\_file/0007/586465/information-guide-registered-teachers-principals.pdf](http://www.dhs.vic.gov.au/data/assets/pdf_file/0007/586465/information-guide-registered-teachers-principals.pdf)

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