

# Mandatory Reporting Policy

## PURPOSE

- To:
- > define the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people.
  - > enable staff to identify the indicators of a child or young person who may be in need of protection.
  - > enable staff to make a report of a child or young person who may in need of protection.

## POLICY

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 Human Services (DHS) Child Protection.

All other school staff who believe on reasonable grounds that a child or young person is in need of:

- > protection are encouraged to report their concerns to DHS Child Protection or Victoria Police.
- > therapeutic treatment are encouraged to report their concerns to DHS Child Protection.

If staff have significant concerns for the wellbeing of a child or young person they are encouraged to report their concerns to DHS Child Protection or Child FIRST. In cases where staff have concerns about a child or young person, they should discuss their concerns with the principal or a member of the school leadership team.

## LEGAL OBLIGATIONS

Type of Reporting	By Whom	To Whom
<p><b><i>Mandatory Reporting</i></b> 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.</p>	<ul style="list-style-type: none"> <li>&gt; <b><i>Mandatory reporters</i></b></li> <li>&gt; Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006</i> (Vic)</li> <li>&gt; Principals of government and non-government schools</li> <li>&gt; Registered medical practitioners</li> <li>&gt; Nurses</li> <li>&gt; All members of the police force</li> </ul>	<ul style="list-style-type: none"> <li>&gt; DHS Child Protection</li> </ul>
<p><b><i>Child in need of protection</i></b> 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"> <li>&gt; The child has been abandoned and there is no other suitable person who is willing and able to care for the child.</li> <li>&gt; 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.</li> <li>&gt; 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.</li> <li>&gt; 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.</li> <li>&gt; The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child.</li> <li>&gt; 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.</li> </ul>	<ul style="list-style-type: none"> <li>&gt; Any person</li> </ul>	<ul style="list-style-type: none"> <li>&gt; DHS Child Protection</li> <li>&gt; Victoria Police</li> </ul>
<p><b><i>Child in need of therapeutic treatment</i></b> 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>	<ul style="list-style-type: none"> <li>&gt; Any person</li> </ul>	<ul style="list-style-type: none"> <li>&gt; DHS Child Protection</li> </ul>
<p><b><i>Significant concerns about wellbeing of a child</i></b></p>	<ul style="list-style-type: none"> <li>&gt; Any person</li> </ul>	<ul style="list-style-type: none"> <li>&gt; DHS Child Protection</li> </ul>

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Any person may make a report if they have significant concerns for the wellbeing of a child.	> Child FIRST
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## FAILURE TO DISCLOSE

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 DHS 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 – Failure to disclose offence

<http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>

## DUTY OF CARE

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 it is important to take immediate action.

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 DHS 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.

## TYPES OF CHILD ABUSE AND INDICATORS OF HARM

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger a child the more vulnerable he/she is and the more serious the consequences are likely to be.

Types of child abuse include:

- > physical abuse
- > sexual abuse
- > emotional abuse
- > neglect
- > medical neglect
- > family violence.

Other reports to DHS Child Protection may be needed for:

- > risk-taking behaviour
- > female genital mutilation
- > unborn child
- > child or young person exhibiting sexually-abusive behaviours.

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.

**Note:** For full definitions for all of the types of child abuse and a comprehensive list of the indicators of harm, see:

<http://www.education.vic.gov.au/school/principals/spag/safety/Documents/protectionofchildren.PDF>

## MAKING A REPORT

This table describes how to make a mandatory report.

Step	Description
1	School staff should keep comprehensive notes that are dated and include the following information: <ul style="list-style-type: none"> <li>&gt; Description of the concerns (e.g. physical injuries, student behaviour)</li> <li>&gt; Source of those concerns (e.g. observation, report from child or another person)</li> <li>&gt; Actions taken as a result of the concerns (e.g. consultation with principal, report to DHS Child Protection etc).</li> </ul>
2	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.

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3	<p>School staff should gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> <li>&gt; Full name, date of birth, and residential address of the child or young person</li> <li>&gt; Details of the concerns and the reasons for those concerns</li> <li>&gt; The individual staff member's involvement with the child and young person</li> <li>&gt; Details of any other agencies who may be involved with the child or young person.</li> </ul>
4	Make a report to the relevant agency.
5	<p>Make a written record of the report which includes the following information:</p> <ul style="list-style-type: none"> <li>&gt; The date and time of the report and a summary of what was reported</li> <li>&gt; The name and position of: <ul style="list-style-type: none"> <li>&gt; the person who made the report</li> <li>&gt; the person who received the report.</li> </ul> </li> </ul>
6	<p>Notify relevant school staff and/or Departmental staff of the report.</p> <ul style="list-style-type: none"> <li>• School staff should advise the principal or a member of the leadership team if they have made a report.</li> <li>• 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.</li> <li>• 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.</li> </ul>
7	Notify the Victoria Police if there is concern that a criminal offence may have been committed.

### POTENTIAL CONSEQUENCES OF MAKING A REPORT

This table describes the potential consequences of making a report.

Potential consequence	Description
Confidentiality	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> <li>&gt; the reporter chooses to inform the child, young person or parent of the report.</li> <li>&gt; the reporter consents in writing to their identity being disclosed.</li> <li>&gt; a Court or Tribunal decides that it necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child.</li> <li>&gt; a Court or Tribunal decides that, in the interests of justice, the reporter is required to provide evidence.</li> </ul>
Professional Protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> <li>&gt; it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter.</li> <li>&gt; the reporter cannot be held legally liable in respect of the report.</li> </ul>
Interviews	<p>DHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent's knowledge or consent.</p> <p>Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.</p> <p>DHS Child Protection and/or Victoria Police will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises.</p> <p>When DHS Child Protection practitioners/Victoria Police officers come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person.</p> <p>When a child 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.</p> <p>For more information on these requests and school responsibilities, see: Police and DHS Interviews  <a href="http://www.education.vic.gov.au/school/principals/spag/safety/Pages/interviews.aspx">http://www.education.vic.gov.au/school/principals/spag/safety/Pages/interviews.aspx</a></p>
Support for the child or young person	<p>The roles and responsibilities of staff members in supporting children who are involved with DHS Child Protection may include the following:</p> <ul style="list-style-type: none"> <li>&gt; Acting as a support person for the child or young person.</li> <li>&gt; Attending DHS Child Protection case planning meetings.</li> <li>&gt; Observing and monitoring the child's behaviour.</li> <li>&gt; Liaising with professionals.</li> </ul>
Requests for Information	<p>DHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.</p>

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	In certain circumstances, DHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHS Child Protection, see: Requests for Information About Students <a href="http://www.education.vic.gov.au/school/principals/spag/safety/Pages/requestinfo.aspx">http://www.education.vic.gov.au/school/principals/spag/safety/Pages/requestinfo.aspx</a>
Witness Summons	If DHS Child Protection makes a Protection Application in the Children’s Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings, see: Subpoenas and Witness Summonses <a href="http://www.education.vic.gov.au/school/principals/spag/governance/Pages/subpoenas.aspx">http://www.education.vic.gov.au/school/principals/spag/governance/Pages/subpoenas.aspx</a>

This policy was ratified by School Council on 16<sup>th</sup> June 2015.

