



MANDATORY REPORTING

1. Purpose of this policy

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.

2. Mandatory Reporters

A broad range of professional groups is 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. Doctors, nurses, midwives, teachers and principals, and police are specifically compelled to report if they believe on reasonable grounds that a child is in need of protection from physical and sexual abuse as stated in section 182 of the CYFA. *Please note the attached S378-2014 New Obligation to Report Suspected Child Sexual Offenses, which applies to all adults.*

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.

There may be times when two or more mandated staff members, for example a teacher and a member of the Student Wellbeing Team, 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.

3. 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.

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 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.

5. Reporting a belief

School policy and procedures stipulate how teaching staff fulfil their duty of care towards children and young people in their school.

Staff members, whether or not mandated, need to report their belief when the belief is formed in the course of undertaking their professional duties. Where feasible, members of staff are encouraged to discuss their belief with a member of the Student Wellbeing Team before making a report. 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 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.

6. Protection for reporters

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 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 Department of Human Services (DHS) 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.

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.

7. Making a report to Child Protection

1	<p>School staff should keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> • 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 a Student Wellbeing Team member, report to DHS Child Protection etc).
2	<p>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.</p> <p>Teachers are encouraged to discuss any concerns about the safety and wellbeing of students with a member of the Student Wellbeing Team or a member of the school leadership team. If a principal, member of the leadership or Student Wellbeing teams 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 a member of the Student Wellbeing Team or a member of the school leadership team, that teacher is still legally obliged to make a mandatory report of their concerns.</p>
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"> • 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 .
4	<p>Make a report to the relevant agency. This may be:</p> <ul style="list-style-type: none"> • Department of Human Services Child Protection • Child First • Victoria Police
5	<p>Make a written record of the report which includes the following information:</p> <ul style="list-style-type: none"> • The date and time of the report and a summary of what was reported • The name and position of: <ul style="list-style-type: none"> the person who made the report the person who received the report.
6	<p>Notify relevant school staff and/or Departmental staff of the report.</p> <p>School staff should advise the principal or a member of the leadership team if they have made a report.</p> <ul style="list-style-type: none"> • 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.
7	<p>Notify the Victoria Police if there is concern that a criminal offence may have been committed.</p>

8. 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.

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.

9. Confidentiality for the child

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.

10. Child Protection 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.

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.

11. 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.

12. 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.

13. 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. Staff will complete the DET Mandatory Reporting Online Modules as required by DET.

14. Policy Review

Review and Updates will take place annually. Responsibility - Principal

References:

<http://www.dhs.vic.gov.au/cpmanual/intake/overview-of-intake-of-reports-under-the-children,-youth-and-families-act/?a=660715>

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx#link84>

<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/for-individuals/children,-families-and-young-people/child-protection/about-child-abuse>

Attachment

Department of Education and Early Childhood Development – Victoria

For all schools and principals; and central and regional staff

S378-2014 New Obligation to Report Suspected Child Sexual Offences

Main Points

- From 27 October 2014 **all adults** will be required to report to police if they know or reasonably believe that a sexual offence has been committed by an adult against a child under the age of 16. It will be a criminal offence to fail to comply with this obligation.
- This reporting obligation is different to mandatory reporting obligations under child protection laws and applies to all adults, not just the professionals currently subject to mandatory reporting (i.e. registered teachers, principals and nurses).
- You will **not** be required to report in circumstances where the information has been reported to police or DHS Child Protection already, a child disclosed the information in confidence in the course of a therapeutic relationship, or you have a reasonable fear that the disclosure will place a person (other than the alleged perpetrator) at risk of harm.
- If a person 16 years or older provided you with the information and they do not have an intellectual disability and they do not want the information reported to the police, you will not be required to report to police.
- Your identity will remain confidential in most circumstances. A disclosure in good faith will not constitute unprofessional conduct or breach of professional ethics and will not give rise to legal liability.

Actions Required

- All staff should familiarise themselves with these new reporting obligations:
<http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>

Critical Dates

- **27 October 2014**

Additional Information

For advice about responding to allegations of student sexual assault contact the Student Critical Incident and Advisory Unit on (03) 9637 2934, or:

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/sexualassault.aspx>

- For information about protection of children and mandatory reporting requirements refer to the School Policy and Advisory Guide on Child Protection and Mandatory Reporting:
<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>
- For advice about responding to allegations of sexual abuse, inappropriate behaviour or other misconduct by employees, contact Conduct and Ethics Branch on (03) 9637 2595.

Monique Dawson

Deputy Secretary

People and Executive Services Group