

## MANDATORY REPORTING

### LEGISLATION:

- **Mandated School Staff** - Any person who is registered as a teacher under the Education and Training Reform Act (2006), any person who has been granted to teach under the Act, including principals, and any Pre-Service teachers are mandated to make a report to the **Department of Human Services (DHS) Child Protection** or make a referral to **Child FIRST** if they have significant concerns for the safety and/or well-being of a child.
- **Non-mandated School Staff** – Any person who believes a child is at risk of harm, and in need of protection should also make a report or referral to the **Department of Human Services (DHS) Child Protection** or to **Child FIRST**.

| MANDATED SCHOOL STAFF | NON-MANDATED SCHOOL STAFF  |
|-----------------------|----------------------------|
| Principals            | Education Support Officers |
| Teachers              | Non-Teaching Staff         |
|                       | Administration             |
|                       | Cleaners                   |

- Teachers and Principals are mandated by law under section 184 of the children Youth and Families Act 2005 (CYFA) to make a report to Child Protection as soon as practicable after forming the belief that a child is in need of protection, and on subsequent occasions on which they become aware of any further reasonable grounds for the belief.

### **Aims:**

#### **To Protect children and young people from abuse and neglect by ensuring school staff:-**

- Understand their mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse including physical and sexual abuse.
- Know how to make a mandatory report to the Department of Human Services (DHS) Child Protection when they have formed a belief on reasonable grounds that a child or young person is at risk of significant harm.
- Know how to make a referral to Child FIRST when they have formed a belief on reasonable grounds that there are concerns for a child’s wellbeing.
- Are able to identify and be aware of the indicators of abuse.

### **Implementation:**

- All staff will complete the online Mandatory Reporting training module annually.
- School staff should discuss any concerns about the safety and wellbeing of students with the school principal or member of the school leadership team, especially if they have a suspicion of possible abuse but have not formed a belief at that time. If the principal or member of the school leadership team does not believe that a mandatory report is warranted, this does not discharge the teacher of their obligation to do so if they have formed a reasonable belief that abuse may have occurred. Teachers are still legally obliged to make a mandatory report of their concerns.
- Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are encouraged to speak to their principal as well as being able to make a report to DHS Child Protection.
- School staff who have concerns about a child because they have been made aware of possible harm via their involvement in the community external to their professional role may make a report to DHS Child Protection.
- Quite apart from mandatory reporting requirements, a teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable. A breach of this duty of care may lead to legal action being taken against the individual teacher or teachers concerned. A breach of this duty of care will be established if a teacher or principal failed to take immediate steps after having acquired knowledge or formed a belief that there is a risk that a child is being abused or neglected.

- In the event that child abuse is occurring within the school environment the Principal will contact the Conduct and Ethics Branch, and follow advice given in reference to DET guidelines and procedures.

### **TYPES OF CHILD ABUSE:**

For full definitions for all types of child abuse listed see: *Appendix 2 in Protecting the safety and wellbeing of children and young people at -*

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

These include:-

physical, emotional, neglect, medical neglect, sexual abuse, family violence, female genital mutilation, risk-taking behaviour.

### **INDICATORS OF HARM:**

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

A comprehensive list of all indicators of harm can be found in *Appendix 2, Protecting the safety and wellbeing of children and young people at -*

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

### **FORMING A BELIEF ON REASONABLE GROUNDS:**

A belief is formed when a person has:

- more than a suspicion.
- is more likely to believe rather than disbelieve that a student is at risk.

**Note:** If a staff member has unresolved suspicions that do not lead them to form a belief they should initially consult with the principal, a member of the school's leadership team or DHS Child Protection. A referral to Child FIRST may also be appropriate to engage support for the family.

Reasonable grounds are established when:

- a child states that they have been physically or sexually abused.
- a child states that they know someone who has been physically or sexually abused.
- someone who knows the child states that the child has been physically or sexually abused.
- a child show 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'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.

### **WHAT TO DO WHEN AN ALLEGATION OF CHILD ABUSE IS MADE:**

**If a child discloses an incident of abuse to you:**

- Try and separate them from the other children discreetly and listen to them carefully.
- Let the child use their own words to explain what has occurred.
- Reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
- Explain to them that this information may need to be shared others, such as with their parent/carer, specific people in your organisation, or the police.
- Do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
- Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
- Provide them with an incident form to complete, or complete it together, if you think the child is able to do this.
- As soon as possible after the disclosure, record the information using the child's words and report the disclosure to the Principal or a member of the leadership team, police or child protection.
- Ensure the disclosure is recorded accurately and that the record is stored securely.

**If a parent/carer says their child has been abused in your organisation or raises a concern:**

- Explain that your organisation has processes to ensure all abuse allegations are taken very seriously.
- Ask about the wellbeing of the child.
- Allow the parent/carer to talk through the incident in their own words.
- Advise the parent/carer that you will take notes during the discussion to capture all details.
- Explain to them the information may need to be repeated to authorities or others, such as the organisation's management or Child Safety Officer, the police or child protection.
- Do not make promises at this early stage, except that you will do your best to keep the child safe.
- Provide them with an incident report form to complete, or complete it together.
- Ask them what action they would like to take and advise them of what the immediate next steps will be.
- Ensure the report is recorded accurately, and that the record is stored securely.

You need to be aware that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. You need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member).

Staff should not:

- conduct their own investigation
- ask leading questions that suggest the abuse took place
- interview witnesses
- take statements
- collect evidence
- conduct a physical examination.

**INFORMATION REQUIRED TO MAKE THE REPORT:**

- name of family and children
- addresses, language spoken and student's date of birth
- factual and specific reason for concern
- the reporter's involvement with the family
- any other people or agencies involved
- concerns about a child protection worker's safety in visiting the family
- best time to find the parents/guardians at home
- if the family knows the report is being made.

**PROFESSIONAL PROTECTION FOR REPORTERS:**

Staff making mandatory reports:

- Are protected against legal, professional and civil actions by the CYFA as long as they are acting:
  - in good faith
  - for the best interests of the child
- Cannot be held to have acted unprofessionally.
- Have their identity kept confidential unless the reporter consents to it being disclosed.

**REPORTS INVOLVING INTERNATIONAL STUDENTS:**

The Principal must advise the Departments International Division on (03) 9637-2990 and consult with the Division to ensure support is arranged.

**REPORTS INVOLVING KOORIE STUDENTS:**

If an allegation of abuse involves an Aboriginal child, you will need to ensure a culturally appropriate response. A way to help ensure this could include engaging with parents of Aboriginal children, local Aboriginal communities or an Aboriginal community controlled organisations to review policies and procedures. The Principal must advise the regional office. The regional office, with the regional Koorie support officer, ensures support is arranged.

### **REPORTS INVOLVING A STUDENT WITH A DISABILITY:**

Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters. Advice on [communicating with people with a disability](#) can be found on the Department of Health and Human Services website [www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities](http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities) .

### **INFORMATION SHARING:**

Staff making reports or providing information to Child Protection, Child FIRST, and Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT) are protected against legal, professional and civil actions by the CYFA provided they are acting in good faith in the interests of the child. Staff are allowed to share information with Child Protection that may help them to make an initial assessment about a child. Any information that is relevant to the protection or development of a child when Child Protection is investigating a report, or during subsequent child protection intervention is allowed to be shared.

### **REFERRAL TO CHILD FIRST:**

A referral to Child First is the best way of connecting children, young people and their families to the services they need. School staff should make a referral to Child FIRST where there are concerns about a child's wellbeing but do not believe the child is in need of protection.

### **RESOURCES:**

|            |              |                |                  |                         |                         |
|------------|--------------|----------------|------------------|-------------------------|-------------------------|
| Head Space | ph: 52226690 | Kids Help Line | ph: 1800 551 800 | DHHS                    | ph: 52264540 /AH 131278 |
| Life Line  | ph: 131114   | Child First    | ph: 1300 551 948 | Drummond St (Julie Yeo) |                         |
| SOCIT      | ph: 92476666 |                |                  |                         |                         |

See the Department of Health and Human Services website for information about [how to make a report to child protection](#) [www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first) .

Further information about [failure to protect](#) can be found on the Department of Justice and Regulation website [www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence), and the Department of Health and Human Services website .

## **INCIDENT REPORTS IN CHILD SAFE FOLDER**

### **Review Date:**

This policy has a four year life and will be reviewed by Moriac Primary School Council in 2020