



MANDATORY REPORTING POLICY

RATIONALE:

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

AIM:

To ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.

IMPLEMENTATION:

- All members of the Teaching Service are mandated by law to report signs or risks of harm, disclosures of abuse or neglect, or a reasonable belief a student is subjected to sexual abuse or physical harm.
- 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 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.
- If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to DHHS 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 child safety officer.
- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- Staff will be reminded of mandatory responsibilities annually.
- All concerns must be reported immediately to the Principal, or in his/her absence, the Assistant Principal, or child safety officer.
- The Principal will keep a record of all discussions about a student with whom there is a concern.
- If a belief has been formed by a staff member that a mandatory report must be made, a "Mandatory Reporting Information Sheet" available from the Principal must be completed and filed in the Principal's office.
- The teacher and/or the Principal class officer will contact the Department of Health & Human Services (DHHS) by telephone as soon as possible to make an official notification.
- 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.
- Members of Department of Health & Human Services (DHHS), 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.
- All "Mandatory Reporting Information Sheets" remain filed in the Principal's office.
- All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.

- All incidents are to be monitored, and any subsequent signs or indications of abuse are also to be reported.
- While only mandated by law to report incidents of physical and sexual abuse, and neglect; teachers are also encouraged to report incidents of emotional abuse or emotional neglect.
- Students, who disclose to staff a desire to harm themselves or others, must be reported by staff to the principal.
- Legal Obligations -

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.

REPORTING OBLIGATIONS

The following table summarises the mandatory and other reporting obligations where there is a concern that a child or young person has been, is being, or is at risk of being abused.

Type of reporting	Obligation
<p>Mandatory reporting Note: the following professionals are considered mandatory reporters</p> <ul style="list-style-type: none"> • Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006 (Vic)</i> • Principals of government and non-government schools • Registered medical practitioners, nurses and all members of the police force 	<p>Mandatory reporters must make a report to the Department of Health and Human Services (DHHS) (Child Protection) as soon as practicable if, in the course of practising their profession or carrying out their duties, they form reasonable belief 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 from that abuse.</p> <p>A mandatory reporter who fails to comply with these reporting obligations may be committing a criminal offence.</p>
<p>Failure to disclose</p>	<p>All adults, not just professionals who work with children, have a legal obligation to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16. Failure to disclose the information may amount to a criminal offence unless you have a “reasonable excuse” or have an “exemption” from doing so.</p>
<p>Failure to Protect</p>	<p>Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child-related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence. The offence applies only to adults in a position of authority within an organisation. In a school context, this may include Principals, Assistant Principals, and Campus Principals. To read more information about the 'failure to protect offence'</p>

The table below describes other reporting obligations

Type of reporting	Obligation
<p>Child in need of protection</p>	<p>Any person can make a report to DHHS Child Protection 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"> • the child has suffered or is likely to suffer significant harm as a result of: <ul style="list-style-type: none"> ○ physical injury and their parents are unable or unwilling to protect the child ○ sexual abuse and their parents are unable or unwilling to protect the child ○ emotional or psychological harm and their parents are unable or unwilling to protect the child. • the child has been abandoned and there is no other suitable person who is willing and able to care for the child.

	<ul style="list-style-type: none"> 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'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. <p>Department policy requires all staff who form a belief on reasonable grounds that a child or young person is in need of protection to report their concerns to DHHS Child Protection or Victoria Police. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.</p>
Child in need of therapeutic treatment	<p>Any person who believes on reasonable grounds that a child over 10 but under 15 years of age has been exhibiting sexually abusive behaviours and may be in need of therapeutic treatment should make a report to DHHS Child Protection. Sexually abusive behaviours can be exhibited when a child uses their power, authority or status to engage another person in sexual activity that is unwanted, or where the other party is incapable of giving informed consent (such as other children who are younger or who have cognitive impairments). In the case of student sexual offending, Department policy requires staff to also report to the Victoria Police. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.</p>
Significant concerns for the wellbeing of a child	<p>Any person who has a significant concern for the wellbeing of a child should report these concerns to DHHS Child Protection, or refer the child and their family to Child FIRST.</p> <p>A significant concern for the wellbeing of a child may arise, for instance, where any of the following factors may have a significant adverse impact on a child's care, welfare or development:</p> <ul style="list-style-type: none"> significant parenting problems family conflict or family breakdown pressure due to a family member's physical/mental illness, substance abuse, or disability vulnerability due to youth, isolation or lack of support significant social or economic disadvantage. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.

ADDITIONAL LEGAL OBLIGATIONS

In addition to the mandatory reporting and other reporting obligations mentioned above, all school staff have duty of care obligations and obligations arising out of the Child Safe Standards. The table below contains information about these obligations.

Obligation	Description
Duty of care	<p>All school staff have a duty of care to take reasonable steps to prevent reasonably foreseeable injury to children and young people under the care. This includes taking reasonable steps to protect their safety, health and wellbeing.</p> <p>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, reasonable steps may include (but are not necessarily limited to):</p> <ul style="list-style-type: none"> acting on concerns and suspicions of abuse as soon as practicable seeking appropriate advice or consulting with other professionals or agencies when the school staff member is unsure of what steps to take reporting the suspected child abuse to appropriate authorities such as Victoria Police and DHHS Child Protection arranging counselling and/or other appropriate welfare support for the child providing ongoing support to the child and young person – this may include attending DHHS Child Protection Case Planning meetings, and convening regular Student Support Group meetings sharing information with other school based staff who will also be responsible for monitoring and providing ongoing support to the child or young person.

Child Safe Standards	The Child Safe Standards are compulsory minimum standards for all Victorian early childhood services and schools to ensure they are well prepared to protect children from abuse and neglect. The Standards support all Victorian early childhood services and schools to embed a culture of no tolerance for child abuse but, where necessary, to respond appropriately to actual or suspected abuse.
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TRAINING OBLIGATIONS

School staff play a vital role in protecting children from harm and are well placed to observe signs or behaviours that may indicate risks of child abuse, neglect or exploitation.

The [Protecting Children – Mandatory Reporting and Other Obligations eLearning module](#) (the module) is an essential professional learning resource that assists schools to protect the safety and wellbeing of children and young people.

The module provides detailed information for identifying and responding to child abuse, and includes case studies and practical scenarios to assist staff fulfil their reporting obligations.

REQUIREMENTS- SCHOOL STAFF

Staff in schools who are:

- mandated reporters must undertake the training once per calendar year
- not mandated reporters are strongly encouraged to undertake the training once per calendar year.

REVIEW CYCLE

This policy was last updated on March, 2017 and is scheduled for review in March, 2021