



Mandatory Reporting Policy

STATEMENT

It is compulsory for all Victorian government schools to have a policy addressing child safety and reporting obligations.

Narre Warren North Primary School is committed to child safety and establishing and maintaining child safe and child friendly environments where all children are valued and feel safe. We have zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently through our policies and procedures.

We consider the safety of all children, and recognise the importance of cultural safety for Aboriginal and Torres Strait Islander children, cultural safety for children from culturally and linguistically diverse backgrounds, and the safety of vulnerable children and children with a disability.

A broad range of professional groups are 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.

The following professionals are prescribed as mandatory reporters under section 182 of the CYFA:

- **primary and secondary school teachers and principals (including students in training to become teachers)**
- registered medical practitioners (including psychiatrists)
- nurses (including school nurses)
- police.

Mandatory reporting applies to allegations of disclosures of child abuse made by or in relation to a child, school staff, visitors or other persons connected to the school environment.

There may be times when two or more mandated staff members, for example a teacher and a principal, 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.

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.

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.

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 cannot or will not protect the child or young person from harm.

Legislative responsibilities

- **Failure to disclose:** Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police.¹
- **Failure to protect:** People of authority in our school will commit an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.²

Any personnel who are **mandatory reporters** must comply with their duties.

¹ A person will not commit this offence if they have a reasonable excuse for not disclosing the information, including a fear for their safety or where the information has already been disclosed.

Further information about the failure to disclose offence is available on the [Department of Justice and Regulation website](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence) <www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>.

² Further information about the failure to protect offence is available on the [Department of Justice and Regulation website](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence) <www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence>.

RATIONALE

All children have a right to feel safe and to be safe. As teachers, 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.

Reporting child sexual abuse is a community-wide responsibility. Accordingly, a new criminal offence has been created in Victoria that imposes a clear legal duty upon **all adults** to report information about child sexual abuse to police.

Any adult/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.

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 to DHHS *and the* police.

PURPOSE OF THE POLICY

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 and to enable staff to:

- identify indicators that a child or young person may be in need of protection.
- make a report about a child or young person who may be in need of protection
- comply with reporting obligations under child protection law and criminal law and fulfil their duty of care.

BASIS OF THE POLICY

- Required for school registration
- Ministerial Order 870 - Child Safe Standards
- *Children, Youth and Families Act 2005* (Vic)
- *Crimes Act 1958* (Vic)
- Common law duty of care
- School Policy and Advisory Guide: Reporting Obligations

GUIDELINES FOR ACTION

This policy must be read in conjunction with the DET policy outlined in the School Policy and Advisory Guide, the school's Child Safety Policy and Code of Conduct and other relevant policies.

A school policy and procedures addressing this issue is required by the Minimum Standards for school registration and the Child Safe Standards (Ministerial Order 870).

1. All members of the Teaching Service are mandated by law to report signs of physical and/or sexual abuse and neglect to the Department of Health and Human Services (DHHS) Child Protection.
2. Staff should make a report to Department of Health and Human Services (DHHS) Child Protection when there is a reasonable belief that a child is in need of protection from harm. 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.
3. **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.**
4. 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.
5. New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
6. Staff will participate in professional learning annually.
7. Staff will be reminded of mandatory responsibilities annually.
8. All concerns should be reported immediately to the Principal or Assistant Principal. If a principal class member 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, that teacher is still legally obliged to make a mandatory report of their concerns.
9. If a belief is formed that a child is in need of protection, the teacher / Principal class officer will contact the Department of Health and Human Services as soon as possible to make an official notification on:
1300 555 526 (Dandenong Office) or after school hours Child Protection crisis line 131278.
10. 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 or Assistant Principal must be completed and filed in the Assistant Principal's office.
11. If members of the Department of Health and Human Services, or associated support or intervention services, visit the school following a notification, they will interview staff and children only in the presence of a Principal class member or his/her nominee. 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.
12. 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.
13. Teachers must respect confidentiality when dealing with a case of child abuse and neglect and must only discuss identity and case details with those with bona fide involvement in the management of the situation

14. Teachers should seek parental consent before sharing information where this is possible and where this does not place the child at risk.
15. Teachers should only share information as authorised by the Children Youth and Families Act 2005 i.e. where a child is subject to Child Protection investigation, Child Protection intervention or a Children's Court Protection Order. In other cases they should abide by the Information Privacy Act 2000.
16. Staff should monitor all incidents and any subsequent signs or indications of abuse are also to be reported.
17. 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 neglect to the Principal.
18. The Principal/ teacher should keep a record of all discussions about a student with whom there is a concern. This is to be kept in the Assistant Principal's filing cabinet.
19. Where a disclosure of an alleged sexual assault is made to a staff member, the staff member must inform the Principal as soon as possible. It must be on the same day. Principals should follow the required Departmental procedures for responding to allegations of student sexual assault. The police must also be informed.
20. Students, who disclose to staff a desire to harm themselves or others, must be reported by staff to the principal.
21. All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.
22. The leadership team will seek protection for any child of alleged child abuse until the allegation is resolved. Provision for support and counselling will be provided.
23. This policy is to be read in conjunction with relevant legislation (ETRA 2006 and Ministerial Order 870) and DET School Policy.
24. The Principal must approve and present the policy and procedures to school council for noting.

LINKS AND APPENDIX

Links connected with this policy:

<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>

<https://www.education.vic.gov.au/childhood/professionals/health/childprotection/Pages/eccrittwo.aspx>

Appendix A: Narre Warren North PS Mandatory Reporting Information Report

Reviewed: 13th May 2012 Review cycle 3 – 4 years

Updated: 5th February 2014

Noted by School Council: 12th February 2014 Updated 8th July 2016

Noted by School Council: 19th July 2016

Re noted by School Council: 9th October 2018

Updated and ratified/noted by School Council: 10th March 2020



NARRE WARREN NORTH PRIMARY SCHOOL

Mandatory Reporting Information Sheet

All incident reports must be stored securely in Assistant Principal's office

Teacher making the report:			
Date:			Time:
Contact Name at DHHS:			

Name of Student:			
Address:			
Class Teacher:		Year Level:	DOB:
Phone Numbers:			
Siblings:			

Description of Concern:	
Teacher Signature:	Principal Signature: