



# Mandatory Reporting Policy

## Rationale:

School staff has a duty of care to protect the safety, health and well being of children in their care. If a staff member has concerns about the safety, health and well being of children in their care it is important to take immediate action.

The purpose of this policy is to:

- Define the roles and responsibilities of school staff in protecting the safety and well being of children and young people.
- Enable staff to identify the indicators that a child or young person has been, is being, or is at risk of being abused.
- Enable staff to make a report of a child or young person who has been, is being, or is at risk of being abused.

- **Implementation:**

### **Mandated Staff Members**

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 DHHS Child Protection as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a 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.

A mandatory reported who fails to comply with these reporting obligations may be committing a criminal offence.

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

- Teachers registered to teach or who have permission to teach pursuant to the *Education and Training Reform Act 2006* (Vic)
- Principals of government and non-government schools
- Registered medical practitioners
- Nurses
- All members of the police force

### **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 DHHS Child Protection. This means that any person, including non-mandated school staff, is able to make a report to DHHS Child Protection when they form a 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.

### **Staff Training**

All school staff will participate in training through completing the DET Online Mandatory Reporting Module.

### **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.

### **Reporting a belief**

Staff members, whether or not mandated, need to report their belief when the belief is formed in the course of undertaking their professional duties. 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.

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.

### **Making a report**

1. School staff should keep comprehensive notes that are dated and include the following information:
  - 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 principal, report to DHHS Child Protection etc).
2. School staff should discuss any concerns about the safety and well-being 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.
3. School staff should gather the relevant information necessary to make the report.

This should include the following information:

- 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. Make a report to the relevant agency.
  5. Make a written record of the report which includes the following information:
    - The date and time of the report and a summary of what was reported
    - The name and position of:
      - The person who made the report
      - The person who received the report.
  6. Notify relevant school staff and/or Departmental staff of the report.
    - School staff should advise the principal or a member of the leadership team if they have made a report.
  7. Notify the Victoria Police if there is concern that a criminal offence may have been committed.

**Department of Human Services:**  
**(03) 9479 6222 or after school hours crisis line 13 12 78**

***Protecting the identity of the reporter***

Confidentiality is provided for reporters under the CYFA. The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances.

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 DHHS Child Protection decides that the report is about a significant concern for the well being 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 DHHS 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.

**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.

**Responsibility:** Principal, Assistant Principal & Teaching Staff

**Ratified at School Council:** 15<sup>th</sup> August 2017

**Review Date:** Due 2<sup>nd</sup> School Council Meeting of 2019 (March). This policy will be reviewed at the beginning of every even school year.