

## Mandatory Reporting Policy

### Purpose

To protect children and young people from abuse and neglect by ensuring school staff:

- a. understand their mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse including physical and sexual abuse
- b. 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
- c. are able to identify and be aware of the indicators of abuse.

See: Flowchart: *A step-by-step guide to making a report to Child Protection or Child FIRST* within [Department resources](#) below

### Policy

Any person who is registered as a teacher under the *Education and Training Reform Act (2006)*, or any person who has been granted to teach under the Act, including principals, is mandated to make a report to the Department of Human Services (DHS) Child Protection.

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 a 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. 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.**

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 or young person because they have been made aware of possible harm via their involvement in the community external to their professional role may make a (protective) report to DHS Child Protection.

The challenge of protecting children is everyone's responsibility: parents, schools, communities, governments and businesses. The Department strongly encourages all school staff to protect and preserve the safety, health and wellbeing of all children and young people.

### Legislation

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.

A mandatory reporter who, in the course of practising his or her profession or carrying out the duties of his or her office, position or employment as set out in section 182, forms the belief on reasonable grounds that a child is in need of protection must report to Child Protection as soon as practicable after forming the belief and after each occasion on which they become aware of any further reasonable grounds for the belief

## Concurrent duty of care

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 and positive steps after having acquired actual knowledge or formed a belief that there is a risk that a child is being abused or neglected including sexual abuse.

## Types of child abuse

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger a child is the more vulnerable they are and the more serious the consequences are likely to be.

Types of child abuse include:

- Physical
- Emotional
- Neglect
- Medical neglect
- Sexual abuse
- Family Violence
- Female Genital Mutilation
- Risk-taking Behaviour.

**Note:** For full definitions for all of the types of child abuse listed see: *Appendix 2* in *Protecting the safety and wellbeing of children and young people* within [Department resources](#) below.

## Indicators of harm

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

**Note:** A comprehensive list of all of the indicators of harm can be found in *Appendix 2*, *Protecting the safety and wellbeing of children and young people* (the protocol).

Teachers may observe:

- one or several indicators are displayed
- indicators occur repeatedly
- changes in relation to the child's behaviour.

**Note:** For more information including a comprehensive list of all of the indicators of harm see: *Appendix 2* in *Protecting the safety and wellbeing of children and young people* within [Department resources](#) below.

## Forming a belief

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.

## 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.

## 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.

## 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.

## Making a mandatory report

### Who

### Details

#### **Mandated staff:**

- Principals
- Primary and secondary teachers
- School nurses

#### **Must:**

- Report to the Department of Human Services (DHS) Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person is at risk of significant harm, and the child's parents are unable or unwilling to protect the child.

#### **Non-mandated school staff (section 183, CYFA 2005)**

- Any person who believes on reasonable grounds that a child is in need of protection may make a protective report regarding their concerns to DHS Child Protection.
- School staff who form a belief on reasonable grounds should inform the principal of any concerns.

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:**

#### **All school staff: Forming a belief on reasonable grounds**

- 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 and 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.

## Who

**School staff seeking consultation**

## Details

### **Consult with:**

- school leadership or specialist staff
- network support staff (Student Support Services)
- regional wellbeing staff
- DHS Child Protection
- Student Critical Incident Advisory Unit on (03) 9637-2934 or (03) 9637-2487.

See: Flowchart: *A step-by-step guide to making a report to Child Protection or Child FIRST* within [Department resources](#) below

Teachers should:

- only gather enough information to form the belief
- use open ended questions when talking to the student.

**Teacher & Principal actions**

### **Teachers 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.

School staff should keep comprehensive, chronologically ordered notes that describe the source of their concerns, e.g. from obvious injuries, behaviours or comments made outlining related events, actions taken and further considerations determine the need for help. Notes should also reflect who the staff member has been in contact with.

**Information required when making a report to Child Protection**

The following information is 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 workers safety in visiting the family
- best time to find the parents/guardians at home
- if the family knows the report is being made.

**Note:** An inability to provide all of this information should not delay the making of the report. Further information can be provided after the initial report is made.

## Professional Protection for Reporters

Teachers and principals 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.

## Confidentiality of identity

Information about the identity of a person making a report to Child Protection must be kept confidential unless the reported consents to it being disclosed.

## Reports involving international students

Where any report to the DHS, Child Protection involves an international student, the principal must:

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

## Reports involving Koorie students

Where any report to the DHS, Child Protection involves a Koorie student, the principal must advise the regional office. The regional office, with the regional Koorie support officer, ensures support is arranged.

## Information Sharing

Teachers and principals making reports or providing information to Child Protection, Child FIRST and Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT) are specifically protected against legal, professional and civil actions by the CYFA provided they are "acting in good faith" in the interests of the child.

School 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.

See: [Other resources](#) below

## 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 school staff have concerns about a child's wellbeing but do not believe the child is in need of protection.

**Note:** *Protecting the safety and wellbeing of children and young people* provides full information for school staff about mandatory reporting, responsibilities of schools and school staff and the roles and responsibilities of other agencies see: [Department resources](#) below.

## Investigation

This table describes the responsibilities during an investigation.

Who	Responsibility
Department of Human Services, Child Protection	Determine if the circumstances: <ul style="list-style-type: none"><li>• warrant an investigation</li><li>• should be referred to Child FIRST.</li></ul>
Police	<ul style="list-style-type: none"><li>• Investigate the circumstances.</li><li>• May ask teachers or principals for a statement relating to:<ul style="list-style-type: none"><li>- mandatory reports</li><li>- allegations of student sexual assault.</li></ul></li></ul>

## Related policies

- [Duty of care](#)
- [Police and DHS Interviews](#)
- [Responding to Student Sexual Assault](#)

## Related legislation

- *Children, Youth and Families Act 2005* - Sections 183/184
- *Crimes Act 1958*
- *Education and Training Reform Act 2006*
- *Victorian Institute of Teaching Act 2001*

## Other resources

See:

- Department of Health:
  - [Child Protection](#)
  - [Child FIRST](#)
- [Victoria Police Sexual Offences and Child Abuse Investigation Teams \(SOCIT\)](#)

Ratified at school council July 2014.