



Coolaroo South Primary School Mandatory Reporting Policy

POLICY

Rationale

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.

It is mandated that if a teacher (VIT registered) who during the course of carrying out duties forms the belief on reasonable grounds that a child is in need of protection, they 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 grounds for the belief.

Aims

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 significant physical, sexual, serious emotional and psychological abuse and serious neglect.
- 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.
- d) To make teachers and support staff of their legal obligations regarding reporting of abusive, negligent and inappropriate behaviour towards students in their care. Teachers and Principals must understand and acknowledge their duty of care toward all children in the school.

Mandatory Reporting

Since 1993 teachers have been mandated to report suspected child abuse or neglect to the Department of Human Services Child Protection. As of July 2003, this was updated to include any person who is registered as a teacher or Principal under the Victorian Institute of Teaching Act 2001 or has been granted permission to teach under that Act. Any and all persons so described are mandated to report physical injury that results from abuse or neglect, and sexual abuse, to the Department of Human Services Child Protection.

Non-mandated staff members including Education Support staff and Kindergarten teachers and assistants who believe on reasonable grounds that a child is in need of protection are encouraged to speak to the Principal as well as being able to report their concerns to DHS Child Protection.

This legal requirement to report child physical and sexual abuse arises from Section 184 of the Children, Youth and Families Act 2005. In summary:

If, in the course of his or her duties, a teacher or Principal forms the belief on reasonable grounds that a child is in need of protection on the grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child's parents have not protected or are unlikely to protect the child from harm of that type; the person must notify the Department of Human Services Child Protection of that belief and of the reasonable grounds for it, as soon as practicable:

- After forming the belief, and
- After each occasion on which he or she becomes aware of any further reasonable grounds or the belief.

Forming a Belief

The Children, Youth and Families Act 2005 states that teachers must notify the Department of Human Services when they form a belief on reasonable grounds that a child has suffered, or is likely to suffer, significant physical, sexual, serious emotional and psychological abuse and serious neglect.

A belief is considered to be more than a suspicion. One may be considered to have formed a belief if one is more likely to accept rather than reject the suspicion that a child is at risk of harm from physical or sexual abuse.

Proof is not required that abuse has occurred or is likely to occur.

A belief is sufficient. It is the role of the Department of Human Services to determine whether that belief should be investigated.

Reasonable Grounds

Reasonable grounds can be thought of as the mechanism used for forming the belief. These include situations where:

- To make Teachers and Principals aware that it is mandated that if they form a belief about a child they are mandated to report to Child Protection.
- **Teachers are mandated to report a belief even if the Principal or Leadership Team disagree with the belief or the teachers concerns continue after discussions with the Principal or Leadership Team.**
- Non-mandated staff (Education Support Staff) who believe there is reasonable grounds for forming a belief are encouraged to speak to the Principal regarding their concerns.
- To make sure school staff are aware that they may report a case due to their

involvement with children in the community and forming a belief that a student may be in an unsafe situation.

- To outline teacher's duty of care at all times and that teachers are obliged to protect children 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 of formed a belief that there is a risk

Implementation

Teachers will be informed annually of their legal obligations and responsibilities to report child abuse and neglect to the Department of Human Services and will be provided with information on how to recognise and respond to child abuse.

VIT registered staff are to complete the Mandatory Reporting elearning professional learning module issued through DET.

ES and other non VIT registered staff will be encouraged to complete the Mandatory Reporting elearning professional learning module issued through .

If a teacher suspects that a child is in need of protection from physical and/or sexual abuse it is essential that he/she document any concerns and observations in a confidential file. In all cases, teachers are advised to inform the Principal of his/her concerns as early as possible. Teachers may in time form a belief the child is being abused or neglected and therefore there are reasonable grounds on which to lodge a report to Child Protection.

Following a discussion with the Principal or Principal's nominee about his/her concerns and observations:

- The teacher may form the belief that it is necessary to make a report. In this case the teacher must make a report to the Department of Human Services as soon as practicable. It is the responsibility of the individual teacher to ensure that this notification has occurred and that all reasonable grounds supporting the belief have been reported.
- The teacher may continue to suspect that a child is in need of protection. In this case the teacher should continue to monitor and support the child.
- Those involved in any process of consultation around mandatory reporting must maintain confidentiality regarding the child, the family, the notifier and any alleged perpetrator.
- The teacher does not have to seek permission from parents or caregivers to notify. In most cases it is not advisable to do this owing to the nature of some disclosures. If parent asks for the identity of the notifier, confidentiality must be maintained and the teacher is not obliged to tell the parent or guardian.

- If there is an *immediate* concern for a child's safety the teacher should call Police 000.
- A teacher may notify the Department of Human Services Victoria of his/her belief without the prior knowledge of the Principal, however the teacher must inform the Principal or Principal's nominee of his/her action as soon as practicable.
- It may be necessary for the Department of Human Services to interview a child at school when a notification of abuse has been made. Such requests may be directed to the Principal or the Principal's nominee.
- It is important to advise children or young people of their right to have a supportive adult present at such an interview. This may be the Principal or a teacher.
- When Officers of Child Protection Victoria or the Police seek an interview with a child, the Principal should cooperate with the authorised agency.

The Principal should:

- Arrange for the child to choose a supportive adult to be present.
- Follow the recommended procedures from the Department of Human Services and the DET.
- Ensure that arrangements are in order for any interview which is to take place at the school.
- Seek or offer appropriate pastoral support for the reporting staff member.
- Observe confidentiality at all times in the management of a mandatory reporting case.
- If legal assistance is required, contact the DET.

Where any report to the DHS Child Protection involves a Koorie student, the Principal must advise the Regional Office. The Regional Office, with the Koorie Support Officer, ensures support is arranged.

Failure to Disclose Offence

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. The offence commenced on 27 October 2014. More information 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>

Failure to Protect Offence

As of 1 July 2015, it is now a criminal offence for failing to protect a child under the age of 16 from a risk of sexual abuse. More information 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>

Evaluation

The Policy will be reviewed in three years time.