

## POLICY: MANDATORY REPORTING



### PURPOSE:

- All children have a right to feel safe and to be safe. Teachers have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom they have contact, and to report instances that they believe involve physical abuse, sexual abuse or neglect.
- 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.
- 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.

### AIMS:

- 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 concerns must be reported immediately to the assistant principal or principal, in the assistant principal's absence.
- The assistant principal must make a report to Child Protection as soon as practicable, after being informed by a staff member that he or she has formed 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.

#### **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.

- The assistant principal will keep a record of all discussions about a student with whom there is a concern.
- The assistant principal will contact Child Protection by telephone as soon as possible to make an official notification on:  

**1300 555 526 or after school hours crisis line 131278.**
- If the assistant principal or principal forms a different opinion to the 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.
- All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported.
- Members of the Department of Human Services, 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. 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. 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.
- All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential. 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.
- 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.
- 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.
- 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.

**EVALUATION:**

This policy will be reviewed as necessary.