

## **POLICY: CHILD PROTECTION (MANDATORY) REPORTING**



### **PURPOSE:**

- The purpose of this policy is to explain the roles and responsibilities of school staff to protect the safety and wellbeing of children and young people.
- 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.

### **Mandatory Reporters**

- All staff who are Victorian Institute of Teaching (VIT) registered teachers (including principals) or who have been granted permission to teach by the VIT are 'mandatory reporters'. This means that in the course of undertaking their professional duties, they must report to the Department of Health and Human Services (DHHS) Child Protection, if they form a belief on reasonable grounds that a child is in need of protection from significant harm as a result of sexual abuse or physical injury, and the child's parents are unable or unwilling to protect the child. They must report as soon as practicable after forming the belief. At Brentwood Park, concerns are reported to the Child Safety Officer, Jenny Reid who will make the report to the Department of Health and Human Services (DHHS) Child Protection.

### **Non-mandated staff member**

- In addition to mandatory reporting and duty of care obligations, any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must report that information to police. Failure to disclose the information to police is a criminal offence except in limited circumstances, such as where the information has already been reported to Child Protection or the child is older than 16 when the belief is formed.

### **Failure to disclose offence**

- In addition to mandatory reporting and duty of care obligations, any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must report that information to police. Failure to disclose the information to police is a criminal offence except in limited circumstances, such as where the information has already been reported to Child Protection or the child is older than 16 when the belief is formed.

### **Failure to protect offence**

- This applies where there is substantial risk that a child under the age of 16 under the care, supervision or authority of a school will become a victim of a sexual offence committed by an adult associated with that school. A person in a position of authority in the school will commit the offence if the person knows of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

### **Duty of care**

- School staff have a duty of care to take reasonable steps to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care it is important to take immediate action. In the case of a child who may be in need of protection, or where there are significant concerns about the wellbeing of a child, school staff can discharge this duty of care by taking action which includes the following:
  - Reporting their concerns to Child Protection, Victoria Police or another appropriate agency

-Notifying the Child Safety Officer, Jenny Reid or a member of the principal class team of their concerns and the reasons for those concerns.

Duty of care obligations are separate and additional to mandatory reporting and 'failure to disclose' reporting obligations.

#### **Making a report**

- 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.

#### **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 Child Safety Officer, Jenny Reid or a principal class team, in Jenny Reid's absence.
- The Child Safety Officer 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.
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- The Child Safety Officer will keep a record of all discussions about a student with whom there is a concern.
  - The Child Safety Officer 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 Child Safety Officer 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 Children Youth and Families Act. 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 and complete the DET online training, *Mandatory Reporting and Other obligations*.
- 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 Children, Youth and Families Act.

## **REVIEW**

Policy to be reviewed in 2021

**Approved by School Council 2/4/2019**