

Springside P-9 College Mandatory Reporting Policy



Rationale

Government school staff have a duty of care to students to take reasonable care to avoid acts or omissions which they can reasonably foresee and would be likely to result in harm or injury, and to work for the positive wellbeing of the child. Under the Ministerial Order 870, protecting children is everyone's responsibility – parents, communities, governments and business all have a role to play. All school staff, as defined by Ministerial Order 870, within Victoria must understand and abide by the professional, moral and legal obligations to implement child protection and child safe policies, protocols and practices. Teachers and Principals are mandated by law under section 184 of the *Children Youth and Families Act 2005* (CYFA) to report their belief, when the belief is formed on reasonable grounds, that a child is in need of protection from significant harm as a result of sexual abuse or physical injury.

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.

Aims

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

- identify the behavioural indicators of child or young person who may be in need of protection
- understand how a "reasonable belief" is formed
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law
- understand their mandatory reporting responsibilities and duty of care obligations to protect children and young persons
- have an understanding all forms of child abuse including physical and sexual abuse
- know the process of making a Mandatory Report to the Department of Human Services (DHHS) Child Protection when formed a belief on reasonable grounds that a child or young person is at risk of significant harm

Implementation

- 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, are mandated to make a report to DHS Child Protection.

- all school staff will be informed annually of their legal obligations and responsibilities to report child abuse
- child abuse, sexual abuse and neglect must be reported to DHS and school staff will be provided with information on how to recognize and respond to child abuse. All teachers, principals and school staff will be required to complete the online mandatory reporting eLearning module annually and Professional Learning during Staff Forums.
- all school staff have a duty of care to support the safety and wellbeing of students with the support of the PCO Team and Welfare Team, especially if they have a suspicion of possible abuse but have not formed a belief at that time. If a staff member 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 using the Springside Incident Report.
- while only mandated by law to report incidents of physical and sexual abuse, and neglect, all staff are also encouraged to report incidents of emotional abuse or neglect.
- if another staff member does not believe that a mandatory report is warranted, this does not discharge the staff member of their obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the staff member's concerns continue, even after consultation with the principal and welfare team, that teacher is still legally obliged to make a mandatory report of their concerns.
- 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.
- school staff may in time develop 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 Welfare Team about his/her concerns and observations: The school staff member may form the belief that it is necessary to make a report. In this case the staff member must make a report to DHS as soon as practicable. It is the responsibility of the individual staff member to ensure that this notification has occurred and that all reasonable grounds supporting the belief have been reported
- the staff member may continue to suspect that a child is in need of protection. In this case the staff member 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 staff member 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 staff member is not obliged to tell the parent or guardian.
- a staff member may notify DHS Victoria of his/her belief without the prior knowledge of the Principal and Welfare Team, however the staff member must inform the Principal or Welfare Team of his/her action as soon as practicable.
- it may be necessary for DHS to interview a child at school when a notification of abuse has been made. Such requests may be directed to the Principal or Welfare Team

- 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, Welfare Team or a staff member.
- when Officers of Child Protection or the Police seek an interview with a child, the Principal/Welfare Team should cooperate with the authorised agency.

The Principal or Welfare Team Should:

- Arrange for the child to choose a supportive adult to be present.
- Follow the recommended procedures from DHHS and DEECD.
- Ensure that arrangements are in order for any interview which is to take place at the school.
- Seek or offer appropriate counselling 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 DEECD.
- Where any report to the DHHS 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.

This policy should be read in conjunction with relevant legislation and the DEECD Policy and Advisory Guide: sections relating to *but not limited to*:

1. Children, Youth and Families Act 2005 (Vic)
 - Mandatory Reporting
 - Duty of Care
 - Types of child abuse and indicators of harm
 - Forming a reasonable belief
 - Reporting child protection concerns
 - When to make a mandatory report
 - Responding to Student Sexual Assault
 - Flow chart – responding to a possible mandatory report concern
2. The Crimes Act 1958 (Vic)
 - Failure to disclose
 - Failure to protect
 - Grooming
 - When to report criminal offences
3. How to make a report for mandatory reporting and criminal offences
 - Making a report
 - Potential consequences of making a report

Evaluation

This policy will be reviewed as part of the 3 year review cycle.

This policy was last ratified by School Council on

