

MANDATORY REPORTING POLICY

RATIONALE

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

AIM

- 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 members of the Teaching Service including students in training to become teachers are mandated by the Children Youth and Families Act 2005 (CYFA) to report signs of physical and/or sexual abuse, and neglect. 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.
- **Non-mandated staff members**
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.
- **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.
- **Reporting a belief**
Staff members, whether or not mandated, need to report their belief when the belief is formed in the course of undertaking their professional duties. A report must be made as soon as practicable after forming the belief and on each occasion on which they become aware of any further reasonable grounds for the belief.

- **Making a report to child Protection**

The CYFA allows for two types of reports to be made in relation to significant concerns for the safety or wellbeing of a child – a report to Child Protection or a referral to Child FIRST.

A report to Child Protection should be considered if, after taking into account all of the available information, the staff member forms a view that the child or young person is in need of protection because:

- The harm or risk of harm has a serious impact on the child's immediate safety, stability or development.
- The harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability or development.
- The child's parents cannot or will not protect the child or young person from harm.

Where during the course of carrying out their normal duties, a school staff member forms the belief on reasonable grounds that a child is in need of protection, the staff member must make a report to Child Protection regarding this belief and the reasonable grounds for it as soon as practicable.

Staff members may form a professional judgment or belief, in the course of undertaking their professional duties based on:

- Warning signs or indicators of harm that have been observed or inferred from information about the child.
- Legal requirements, such as mandatory reporting.
- Knowledge of child and adolescent development.
- Consultation with colleagues and other professionals.
- Professional obligations and duty-of-care responsibilities.
- Established protocols.
- Internal policies and procedures in an individual licensed children's service or school.

Upon receipt of a report, Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required.

In most circumstances, Child Protection will inform the reporter of the outcome of the report. When the report is classified by Child Protection as a Wellbeing Report, Child Protection will, in turn, make a referral to Child FIRST.

- **The role of school staff**

School staff has a duty-of-care to protect and preserve the safety, health and wellbeing of children and young people in their care and staff must always act in the best interests of those children and young people. If a staff member has any concerns regarding the health, safety or wellbeing of a child or young person it is important to take immediate action.

- **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.

- **Support persons**

Children and young people should be advised of their right to have a supportive adult present during interviews. If a child is too young to understand the significance of the interview, a staff member should make arrangements for a supportive adult to attend with the child.

A staff member may be identified as a support person for the child or young person during the interview. Prior to the commencement of the interview, the Child Protection practitioner should always authorize the staff member to receive information regarding Child Protection's investigation.

This may occur verbally or in writing using the relevant Child Protection proforma.

Independent persons must refrain from providing their opinions or accounts of events during interviews. A principal or their delegate may act as an independent person when the child or young person is to be interviewed, unless they believe that doing so will create a conflict of interest.

- **Advising parents, carers or guardians**

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.

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.

- **Ensuring that a Child Protection interview takes place**

The school does not have the power to prevent parents, carers or guardians from removing their children from the school and should not attempt to prevent the parents, carers or guardians from collecting the child. If a parent/carer or guardian removes a child before a planned interview has taken place, the principal and/or their nominee should contact Child Protection or Victoria Police immediately.

- **Staff Training**

Staff will be informed on Mandatory Reporting requirements as part of their initial induction to the school. Updates will take place annually as part of the Performance and Development/Staff meeting rotation.

- **Failure to Protect**

Any staff member in a position of authority who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer, sports coach or visitor) poses a risk of sexual abuse to a child under 16 who is in the care or supervision of the organisation must take all reasonable steps to reduce or remove that risk. Failure to take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation is a criminal offence contained in section 49C (2) of the Crimes Act 1958 (Vic). In a school context this will include the principal and the Team Leaders and may also extend to the School Counsellor.

The Principal will keep a record of all discussions about a student with whom there is a concern. All incidents are to be monitored, and any subsequent signs or indications of abuse are also to be reported.

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.

This policy will be revised during the life of the School strategic Plan; 2013 - 2017