



MANDATORY REPORTING POLICY

Rationale:

All children have a right to feel safe and to be safe. All teachers at Beaumaris Primary School 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 and emotional maltreatment.

Aims:

To ensure that children's rights to be safe are maintained, each child is protected against physical and sexual abuse and neglect and to define the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people and enable staff to:

- Identify indicators that a child or young person may be in need of protection
- Make a report about a child or young person who may be in need of protection
- Comply with reporting obligations under the child protection law and criminal law and fulfil their duty of care

Implementation:

- 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
- Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to Department of Health and Human Services (DHHS) Child Protection
- All other school staff members who form a belief on reasonable grounds that a child or young person is in need of protection, should report their concerns to the principal and make a report to DHHS Child Protection or Victoria Police
- **Failure to disclose:** Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police
- **Failure to protect:** People of authority in our school will commit an offence if they know of a substantial risk of child sexual abuse and they have the power or responsibility to reduce or remove the risk, but negligently fail to do so
- New staff will be informed of mandatory reporting responsibilities and procedures.
- Staff will be reminded of mandatory responsibilities regularly and complete yearly Professional Learning Module-Protecting the Safety of Children and Young People, Mandatory Reporting
- All concerns must be reported immediately to the Principal, or in his/her absence, the Assistant Principal.
- The Principal will keep a record of all discussions about a student with whom there is a concern.
- If a belief has been formed by a staff member that sexual or physical abuse or neglect has taken place a 'Mandatory Reporting Information' Sheet available from the Principal must be completed and filed in the Principal's office.
- The teacher and/or the Principal class officer will contact the Department of Health and Human Services by telephone as soon as possible to make an official notification on:
1300 655 795 or after school hours Child Protection Emergency services 131 278
- Members of the Department of Health and 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.
- All 'Mandatory Reporting Information Sheets' remain filed in the Principal's office.
- All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.
- All incidents 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.
- Students who disclose to staff a desire to harm themselves or others, must be reported by staff to the Principal.

Types Of child abuse:

Child abuse can have a significant effect on a child’s physical or emotional health, development and wellbeing. The younger a child is the more vulnerable they are and the more serious the consequences are likely to be.

Types of child abuse include:

- Physical
- Emotional
- Neglect
- Medical neglect
- Sexual abuse
- Family violence
- Risk – taking behaviour

Note: For full definitions for all types of child abuse listed see Appendix 2. In *Protecting the safety and wellbeing of children and young people within Department Resources* below.

Indicators of harm:

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert teachers to the possibility of child abuse and neglect.

Teachers may observe:

- One or several indicators are displayed
- Indicators occur repeatedly
- Changes in relation to the child’s behaviour

Note: For more information including a comprehensive list of all of the indicators of harm see: *Appendix 2. in Protecting the safety and wellbeing of children and young people within Department Resources* below.

Making a Mandatory Report:

Who	Details
<p>Mandated staff:</p> <ul style="list-style-type: none"> • Principals • Primary and secondary teachers • School nurses 	<p>Must:</p> <ul style="list-style-type: none"> • Report to the Department of Health and Human Services (DHHS) Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person is at risk of significant harm, and the child’s parents are unable or unwilling to protect the child.
<p>Non-mandated school staff (section 183, CYFA 2005)</p>	<ul style="list-style-type: none"> • Any person who believes on reasonable grounds that a child is in need of protection may make a protective report regarding their concerns to DHS Child Protection. • School staff who forms a belief on reasonable grounds should inform the principal of any concerns.

<p>All school staff: Forming a belief on reasonable grounds</p>	<p>A belief is formed when a person has:</p> <ul style="list-style-type: none"> • more than a suspicion • is more likely to believe rather than disbelieve that a student is at risk. <p>Note: If a staff member has unresolved suspicions that do not lead them to form a belief they should initially consult with the principal, a member of the school's leadership team or DHS Child Protection. A referral to Child First may also be appropriate to engage support for the family.</p> <p>Reasonable grounds are established when:</p> <ul style="list-style-type: none"> • 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 and 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.
<p>School staff seeking consultation</p>	<p>Consult with:</p> <ul style="list-style-type: none"> • the Principal ,AP and specialist staff i.e. SSSOs • network support staff (Student Support Services) • regional wellbeing staff • DHHS Child Protection • Student Critical Incident Advisory Unit on (03) 9637-2934 or (03) 9637-2487. <p>See: Flowchart: <i>A step-by-step guide to making a report to Child Protection or Child FIRST</i> within Department resources below</p>
<p>Teacher & Principal actions</p>	<p>Teachers should:</p> <ul style="list-style-type: none"> • only gather enough information to form the belief • use open ended questions when talking to the student. <p>Teachers should not:</p>

	<ul style="list-style-type: none"> • conduct their own investigation • ask leading questions that suggest the abuse took place • interview witnesses • take statements • collect evidence • conduct a physical examination. <p>School staff should keep comprehensive, chronologically ordered notes that describe the source of their concerns, e.g. from obvious injuries, behaviours or comments made outlining related events, actions taken and further considerations determine the need for help. Notes should also reflect who the staff member has been in contact with.</p>
<p>Information required when making a report to Child Protection</p>	<p>The following information is required to make the report:</p> <ul style="list-style-type: none"> • name of family and children • addresses, language spoken and student's date of birth • factual and specific reason for concern • the reporter's involvement with the family • any other people or agencies involved • concerns about a child protection workers safety in visiting the family • best time to find the parents/guardians at home • if the family knows the report is being made. <p>Note: An inability to provide all of this information should not delay the making of the report. Further information can be provided after the initial report is made.</p>
<p>Professional Protection for Reporters</p>	<p>Teachers and principals making mandatory reports:</p> <ul style="list-style-type: none"> • are protected against legal, professional and civil actions by the CYFA as long as they are acting: <ul style="list-style-type: none"> - in good faith - for the best interests of the child • cannot be held to have acted unprofessionally.
<p>Confidentiality of identity</p>	<p>Information about the identity of a person making a report to Child Protection must be kept confidential unless the reported consents to it being disclosed.</p>
<p>Reports involving international students</p>	<p>Where any report to the DHHS, Child Protection involves an international student, the principal must:</p> <ul style="list-style-type: none"> • advise the Departments International Division on (03) 9637-2990 • ensure support is arranged

Reports involving Koorie students	Where any report to the DHHS, Child Protection involves a Koorie student, the principal must advise the regional office. The regional office, with the regional Koorie support officer, ensures support is arranged.
Information Sharing	<p>Teachers and principals making reports or providing information to Child Protection, Child FIRST and Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT) are specifically protected against legal, professional and civil actions by the CYFA provided they are “acting in good faith” in the interests of the child.</p> <p>School staff are allowed to share information with Child Protection that may help them to make and initial assessment about a child. Any information that is relevant to the protection or development of a child when Child Protection is investigating a report, or during subsequent child protection intervention is allowed to be shared.</p> <p>See: Other resources below</p>
Referral to Child First	<p>A referral to Child FIRST is the best way of connecting children, young people and their families to the services they need. School staff should make a referral to Child First where school staff have concerns about a child’s wellbeing but do not believe the child is in need of protection.</p> <p>Note: <i>Protecting the safety and wellbeing of children and young people</i> provides full information for school staff about mandatory reporting, responsibilities of schools and school staff and the roles and responsibilities of other agencies see: Department resources below.</p>

Investigation:

This table describes the responsibilities during an investigation.

Who	Responsibility
Department of Human Services, Child Protection	<p>Determine if the circumstances:</p> <ul style="list-style-type: none"> warrant an investigation should be referred to Child FIRST.
Police	<ul style="list-style-type: none"> Investigate the circumstances. May ask teachers or principals for a statement relating to: <ul style="list-style-type: none"> mandatory reports allegations of student sexual assault.

Related policies:

- [Duty of care](#)
- [Police and DHS Interviews](#)
- [Responding to Student Sexual Assault](#)

Related legislation:

- *Children, Youth and Families Act 2005 - Sections 183/184*
- *Crimes Act 1958*
- *Education and Training Reform Act 2006*
- *Victorian Institute of Teaching Act 2001*

Department resources:

See:

- Flowchart: [A step-by-step guide to making a report to Child Protection or Child FIRST\(PDF - 270Kb\)](#)
- [Protecting the safety and wellbeing of children and young people\(PDF - 1.5Mb\)](#)
- elearning module [Protecting Children - Mandatory Reporting and Other Obligations](#)

Other resources:

See:

- Department of Health:
 - ✓ [Child Protection](#)
 - ✓ [Child FIRST](#)
 - ✓ [Victoria Police Sexual Offences and Child Abuse Investigation Teams \(SOCIT\)](#)

This policy complies with the Education and Training Reform Act 2006 Child Safe Standards – Managing the Risk Of Child Abuse in Schools, Ministerial Order No.870

Evaluation:

This policy will be reviewed as part of the school's three-year review cycle.

References: Department of Education and Training

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>

Ratified by School Council: Nov 2016

To be reviewed: 2019