



Coral Park Primary School Mandatory Reporting Policy

Rationale:

All children have a right to feel safe and to be safe.

Any person who is registered as a teacher under the *Education and Training Reform Act (2006)*, and section 184 of the *Children Youth and Families Act 2005 (CYFA)* or any person who has been granted to teach under the Act, including principals, are mandated by law to make a report to the Department of Health and Human Services (DHHS) Child Protection.

Mandatory reporters must make a report to the Department of Health and Human Services (DHHS) (Child Protection) as soon as practical if, in the course of practising their profession or carrying out their duties, they form reasonable belief that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child from that abuse.

A mandatory reporter who fails to comply with these reporting obligations may be committing a criminal offence. Quite apart from mandatory reporting requirements, a teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable. A breach of this duty of care may lead to legal action being taken against the individual teacher or teachers concerned.

A breach of this duty of care will be established if a teacher or principal failed to take immediate and positive steps after having acquired actual knowledge or formed a belief that there is a risk that a child is being abused or neglected including sexual abuse.

Aims:

The challenge of protecting children is everyone's responsibility: parents, schools, communities, governments and businesses. The Department strongly encourages all school staff to protect and preserve the safety, health and wellbeing of all children and young people.

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 / abandonment
- Medical neglect
- Sexual abuse
- Family Violence
- Female Genital Mutilation
- Risk-taking Behaviour.

Implementation:

- Staff are required to undertake annual online Professional Learning from DEECD.
- New staff are informed of mandatory reporting responsibilities and procedures upon their induction.
- School staff should discuss any concerns about the safety and wellbeing of students with the school with the principal or a member of the school leadership team, especially if they have a suspicion of possible abuse but have not formed a belief at that time. If a principal or member of the school leadership team does not believe that a mandatory report is warranted, this does not discharge the teacher of their obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the teacher's concerns continue, even after consultation with the principal, that teacher is still legally obliged to make a mandatory report of their concerns.

- Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are encouraged to speak to their principal as well as being able to make a report to DHHS Child Protection.
- 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.
- The Principal/or wellbeing leading teacher 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 leadership must be completed and filed in the wellbeing office. Staff should keep their own copy in a confidential location. **Remember that your notes can be subpoenaed in a court of law.**
- Staff making notifications should keep a record of all discussions they have about the notification.
- 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:

8765 5444 (Local Dandenong Office) or after school hours crisis line 13 12 78

The Department of Human Services will require the following details:

- name of family, children and parents
- 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.
- 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 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.
- Once a report has been made to Child Protection, a Student Support Plan may be created with the wellbeing team and/or classroom teachers. This may include the student being referred to Student Support Services Officers or other wellbeing professionals and/or a SAFEMinds Safety Management plan may be created to support students through the emotional time.
- Students, who disclose to staff a desire to harm themselves or others, must be reported by staff to the principal.
- Where any report to the DHHS, Child Protection involves an international student, the principal must advise the Department's International Division on (03) 9637-2990 and consult with the Division to ensure support is arranged.
- 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, will ensure support is arranged.

Failure to disclose:

All adults, not just professionals who work with children, have a legal obligation to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16. Failure to disclose the information may amount to a criminal offence unless you have a "reasonable excuse" or have an "exemption" from doing so.

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 have the power or responsibility to reduce or remove the risk, but negligently fail to do so. It is a criminal offence to fail to protect a child under the age of 16 from risk of sexual abuse.

Evaluation:

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

This policy was last ratified by School Council in September 2013.

Other resources:

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

- *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)
 - Department of Health: Child Protection and Child FIRST