

# 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 Human Services (DHS) Child Protection.

A mandatory reporter who, in the course of practicing 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.

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. (See 'Duty of Care Policy')

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
- 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 will be informed of mandatory reporting responsibilities and procedures.
- School staff should discuss any concerns about the safety and wellbeing of students with the school 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 DHS 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 DHHS Child Protection.
- 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 Wellbeing Leader 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 and log the report on Sentral, in the DHHS incident area. This area of wellbeing incidents is automatically marked confidential, meaning only leadership can view the contents of the incident report.
- The teacher and/or the Principal class officer will contact the Department of Human Services by telephone as soon as possible to make an official notification on:

**8765 5444 (Local office at Dandenong) or after school hours crisis line 131278**

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 worker's 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 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 reported incidents will be monitored, and any subsequent signs or indications of abuse will also be reported
  - Students who disclose to staff a desire to harm themselves or others, must be reported by staff to the wellbeing leader
  - Where any report to 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 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.

### **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 March 2020.

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