

Mandatory Reporting Policy



CAMBERWELL SOUTH
PRIMARY SCHOOL

1. Rationale

All children have a right to feel safe and to be safe. Teachers have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom they have contact, and to report instances that are believed to involve physical abuse, sexual abuse, emotional abuse and/or neglect. We comply with DET mandatory reporting guidelines and requirements as set out in the *Children, Youth and Families Act (2005)*.

2. Purpose

To ensure that children's rights to be safe and feel safe are maintained and each child is protected against physical and sexual abuse, and neglect.

3. Guidelines

Mandatory Reporters

Under Section 182 of the Children Youth and Families Act 2005 all members of the Teaching Service who have been granted permission to teach by the VIT are mandated by law to report signs of physical and / or sexual abuse, and neglect. This means that in the course of undertaking their professional duties, they must report to the Department of Health and Human Services (DHHS) Child Protection, a belief on reasonable grounds that a child is in need of protection from significant harm as a result of sexual abuse or physical injury and the child's parents are unable or unwilling to protect the child. They must report as soon as practicable after forming the belief.

Non-mandated staff members

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 or Victoria Police 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.

Duty of Care

School staff have a duty of care to take reasonable steps to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care it is important to take immediate action.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the well being of a child, school staff can discharge this duty of care by taking action which includes the following:

- reporting their concerns to Child Protection, Victoria Police or another appropriate agency
- notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.

Duty of Care obligations are separate and additional to mandatory reporting and 'failure to disclose' reporting obligations.

Failure to Disclose Offence

In addition to mandatory reporting and duty of care obligations, **any adult** who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years of age must report that information to police. Failure to disclose the information to police is a criminal offence except in limited circumstances, such as where the information has already been reported to Child Protections or the child is older than 16 when the belief is formed. More information about the offence can be found at

<http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>.

Forming a Belief

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation.

A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if:

- a child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)

- someone who knows a child states that the child has been physically or sexually abused
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused
- signs of abuse lead to a belief that the child has been physically or sexually abused.

Types of Child Abuse and Indicators of Harm

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
- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution)
- risk-taking behaviour.

A report should be made to DHHS Child Protection in circumstances where, for example:

- the child is engaging in risk-taking behaviour
- female genital mutilation has occurred, or there is a risk of it occurring
- there is a risk to an unborn child
- a child or young person is exhibiting sexually-abusive behaviours
- there are indications that a child is being groomed. For information see: Department of Justice and Regulation – Grooming offence.

4. Implementation

- All members of the teaching service are mandated by law to report signs of physical and / or sexual abuse and neglect, but teachers are encouraged to report any incidents of emotional abuse.
- Teachers will be reminded of mandatory responsibilities annually.
- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- A disclosure from a student of the 'desire to harm themselves', must be reported to the Principal or Assistant Principal. They will immediately inform the DET School Psychologist or Guidance Officer.
- All concerns must be reported immediately to the Principal or in his/her absence, the Assistant Principal or nominee.
- If one staff member has a different view from another staff member about making a report and the staff member continues to hold the belief that the child is in need of protection, that person is obliged to make a report to Child Protection.
- If a belief has been formed by a teacher that sexual, physical abuse or neglect has taken place the Principal/Assistant Principal will make a record of the discussions about a student with whom there is a concern.
- 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: **(03) 94796222 or after hours crisis line 13127803.**
- All reports, discussions and information are to be recorded and remain strictly confidential.
- Members of the Department of Health and Human Services, Child Protection or associated support or intervention services that may visit the school following a notification, will interview teachers and children only in the presence of a Principal Class Officer or his/her nominee.
- All incidents are to be monitored by staff and any subsequent signs or indications of abuse are also to be reported to the Principal or Assistant Principal and/or his/her nominee.

Making a Report

1. In case of an emergency or if a child is in immediate danger contact Triple Zero (000) or the local police station. Alternatively, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hours 7 days, toll free).
2. Keep comprehensive notes that are dated and include the following information:
 - Information that has led to concerns about the child's safety (e.g. physical injuries, student's behavior)
 - the source of this information (e.g. observation of behavior, report from child or another person)
 - the actions taken as a result of the concerns (e.g. consultation with principal, report to DHHS Child Protection etc).
3. Discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. The individual staff member should then make their own assessment about whether they should make a report about the child or young person and to whom the report should be made.
4. Gather relevant information necessary to make the report. This should include the following information:
 - full name, date of birth, and residential address of the child or young person
 - the details of the concerns and the reasons for those concerns
 - the individual staff member's involvement with the child and young person
 - details of any other agencies who may be involved with the child or young person, if known.
5. Make a report to the relevant agency

To report concerns that are life threatening, phone 000 or the local police station. To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station or [click here](#))

To report concerns about the immediate safety of a child within their family unit to DHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hrs 7 days, toll free)

To report concerns to DHHS Child Protection, contact your local child protection office.

6. Make a written record of the report which includes the following information:
 - the date and time of the report and a summary of what was reported
 - the name and position of the person who made the report and the person who received the report.
7. Notify relevant school staff and/or Department staff of a report to DHHS Child Protection or Child FIRST. For Victorian government schools, the allegations must be reported to the:
 - principal or member of the school leadership team
 - Department's Security Services Unit on (03) 9589 6266
 - relevant Regional Office
 - Student Critical Incident Advisory Unit on (03) 9637 2934 or (03) 9637 2487.

In the case of international students, the principal must notify the International Education Division on (03) 9637 2990 to ensure that appropriate support is arranged for the student.

In the case of Koorie students, the principal must notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student.

Related Legislation

- Children, Youth and Families Act 2005
- Crimes Act 1958
- Education and Training Reform Act 2006
- Victorian Institute of Teaching Act 2001

Department Resources

- A step-by-step guide to making a report to Child Protection or Child First (PDF270Kb)
<http://www.education.vic.gov.au/Documents/school/principals/pag/safety/makingareportchild.pdf>
- Protecting the safety and wellbeing of children and young people
<http://www.education.vic.gov.au/school/principals/pag/safety/protectionofchildren.pdf>
- Protecting children-Mandatory Reporting and Other Options
<http://www.elearn.com.audet/mandatoryreporting>

5. Review

A committee of staff and the Education Subcommittee will review the Mandatory Reporting Policy on a cyclical basis according to the School Council Policy Review Schedule. The review will ensure that the school's programs and procedures are adequately reflecting Statewide curriculum developments and the changing needs of the Camberwell South community.

Ratified by:	Date	
Education Committee	16.9.15	
Staff	19.8.15	
School Council	28/10/15	Name: Will Collie Signature: 