

# Mandatory Reporting

## 1. Background

### DET 'Child Protection – Reporting Obligations'

*Protection for children and young people is based upon the belief that the inherent dignity of all should be recognised and fostered.*

*Government schools are entrusted with the holistic education of the child in partnership with parents, guardians and caregivers, who are the primary educators of their children. Government school staff therefore has a duty of care to students by taking reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to result in harm or injury to the student and to work for the positive wellbeing of the child.*

*Under the Ministerial Order 870, protecting children is everyone's responsibility – parents, communities, governments and business all have a role to play. In Victoria, a joint protocol, involving the Department of Health and Human Services (DHHS) Child Protection, the Department of Education and Training (DET), the Catholic Education Commission of Victoria and licensed children's services, exists to protect the safety and wellbeing of children and young people.*

*All school staff, as defined by Ministerial Order 870, within Victoria must understand and abide by the professional, moral and legal obligations to implement child protection and child safety policies, protocols and practices.*

*Schools must comply with the legal obligations that relate to managing the risk of child abuse under the **Children, Youth and Families Act 2005 (Vic.)**, the **Crimes Act 1958 (Vic.)** and the recommendations of the **Betrayal of Trust Report**.*

## 2. Purpose

- To enable mandatory reporting to adequately respond to children at risk whilst maintaining confidentiality.
- To ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.
- This policy is to be read in conjunction with current DET policy and guidelines, child safe standards in schools and child protection and reporting obligations.

## 3. Guiding Principles

Child Protection reporting obligations fall under separate pieces of legislation with differing reporting requirements. This document sets out the actions required under the relevant legislation when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed and provides guidance and procedures on how to make a report.

This document is designed to assist staff to:

- Identify the indicators of a child or young person who may be in need of protection.
- Understand how a 'reasonable belief' is formed.
- Make a report of a child or young person who may be in need of protection.
- Comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law.

## 4. Implementation

- All school staff members who believe, on reasonable grounds, that a child or young person is in need of *protection from physical harm or sexual abuse* – **must** report their concerns to *DHHS Child Protection*

- Staff members will be reminded of mandatory responsibilities regularly and staff registered with the Victorian Institute of Teaching are required to complete the eLearning module each year.
- 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 the Principal class or his/her nominee.

### ***Reporting child protection concerns***

**Child Protection** is the Victorian Government Agency, provided by the DHHS that protects children at risk of significant harm. Child Protection has statutory powers and can use these to protect children.

**Child FIRST** is the Family Information Referral Support Team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to family services.

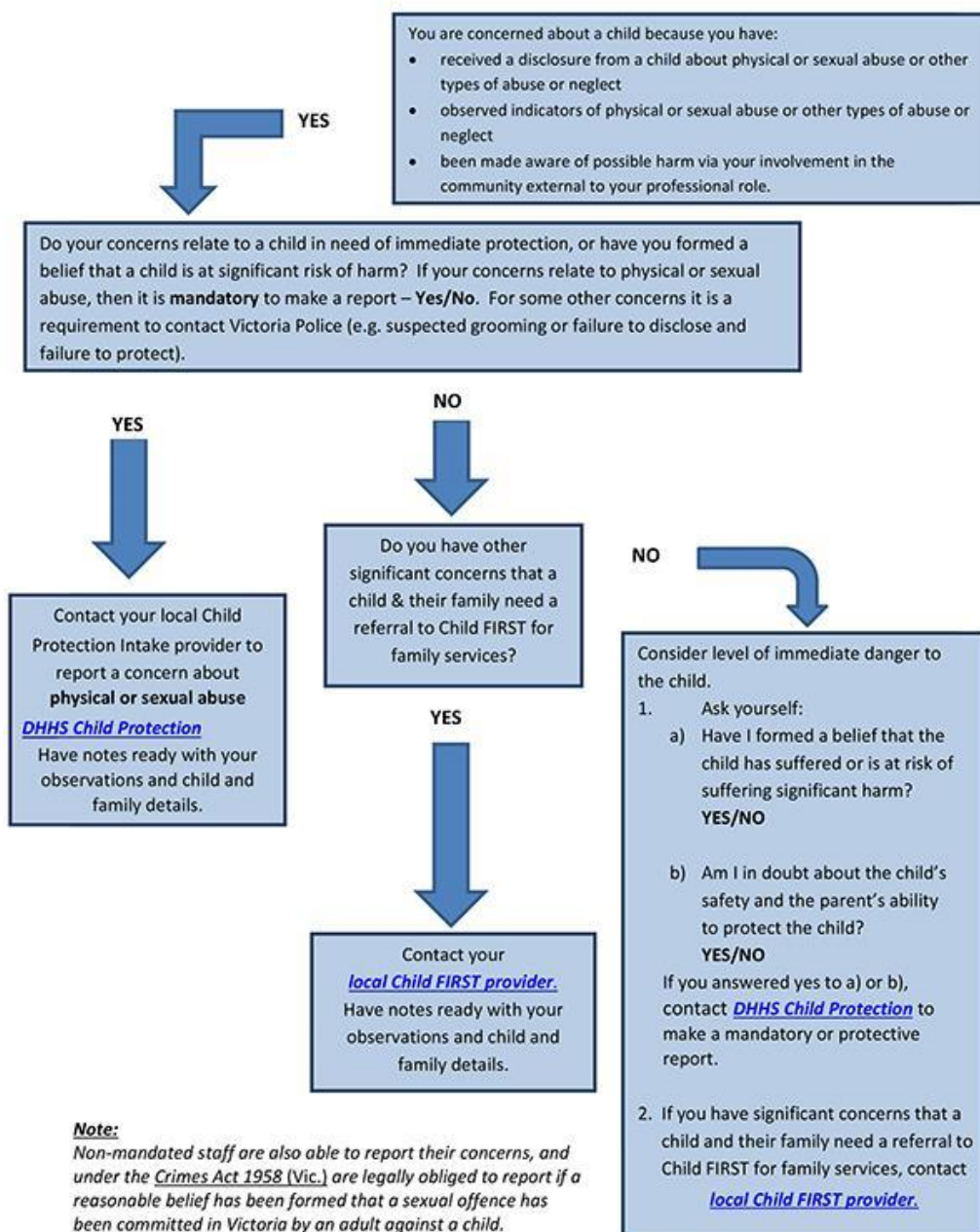
- Mandatory reporters **must report their concern to DHHS Child Protection** if there is a reasonable belief that a child or young person is in need of protection from physical injury or sexual abuse.
- It is essential to document the concerns and observations which contributed to the suspicion that a child is in need of protection. This information may be gathered over a period of time and should be treated confidentially and held securely.
- It is recommended – not, however, a requirement – that concerns and observations regarding suspected physical injury or sexual abuse of a child are discussed with the Principal or a senior school staff member and to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.
- If more than one mandated reporter has formed a belief about the same child on the same occasion, it is sufficient for one professional to make a report. The other is obliged to ensure the report has been made and that all grounds for their own belief were included in the report made by the other staff member (Section 184 (2)).
- If one mandated reporter directs another mandated reporter not to make a report, and the one professional continues to hold the belief that a child is in need of protection, then that professional is legally obliged to make a report to Child Protection.
- The mandatory reporter may continue to suspect that a child is at risk and in need of protection. Any further observations should continue to be recorded and a report made on each separate occasion where a belief has been formed, on reasonable grounds that a child is likely to be at risk and in need of protection. If there is any suspicion that this relates to a sexual offence involving an adult and a child **under 16** then it must be reported to the police.

### **Reporting**

Staff will follow the Mandatory Reporting Policy and Procedures as specified by the DET.

- All concerns must be reported immediately to the Principal, or in his/her absence, the Acting Principal. The Principal will keep a record of all discussions about a student with whom there is a concern. All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.
- The teacher and/or the Principal will contact DHHS Child Protection by telephone as soon as possible to make an official notification on: 1800 075 599 or after school hours crisis line 13 12 78.
- All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported.

### ***Flowchart – Responding to a possible mandatory reporting concern***



## Making a report

**In case of emergency or if a child is in life-threatening danger contact Triple Zero (000).**

Additionally, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the local **Child Protection Intake Provider (1800 075 599)**. If after hours call the **Child Protection Crisis Line on 13 12 78**.

**The table below** describes the information to include when making a mandatory report about child abuse or child protection concerns.

Step	Description
1.	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> <li>• a description of the concerns (e.g. physical injuries, student behaviour)</li> <li>• the source of those concerns (e.g. observation, report from child or another person)</li> <li>• the actions taken as a result of the concerns (e.g. consultation with the principal, report to DHHS Child Protection etc.).</li> </ul>
2.	<p>Discuss your concerns about the safety and wellbeing of students with the principal, a member of the school leadership team or member of the wellbeing team.</p> <p>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.</p>
3.	<p>Gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> <li>• full name, date of birth and residential address of the child or young person</li> <li>• the details of the concerns and the reasons for those concerns</li> <li>• the individual staff member's involvement with the child or young person</li> <li>• details of any other agencies which may be involved with the child or young person.</li> </ul>
4.	<p><b>Make a report to the relevant agency:</b></p> <ul style="list-style-type: none"> <li>• To report concerns which are life-threatening <b>phone 000</b></li> <li>• To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station. Visit the for local contact numbers.</li> <li>• To report concerns about the immediate safety of a child within their family unit to DHHS Child Protection:</li> <li>• Call your <b>local Child Protection</b> (Barwon) Intake provider immediately on 1800 075 599</li> <li>• For <b>After Hours Child Protection Emergency Services</b>, call <b>13 12 78</b>.</li> <li>• <b>**Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection.</b></li> </ul>
5.	<p><b>Make a written record of the report including the following information:</b></p> <ul style="list-style-type: none"> <li>• The date and time of the report and a summary of what was reported.</li> <li>• The name and position of the person who made the report and the person who received the report.</li> </ul>
6.	<p><b>Notify relevant school staff</b> of a report to DHHS Child Protection or Child FIRST.</p> <ul style="list-style-type: none"> <li>• School staff should advise the principal or a member of the leadership team or wellbeing team if they have made a report.</li> <li>• School leadership or wellbeing staff can seek further assistance by contacting the school contact Student Support Services Officer</li> </ul>
7.	<p>In the case of international students, the principal must notify the International Education Division of the Department of Education and Training on (03) 9637 2990 to ensure that appropriate support is arranged for the student.</p> <p>In the case of Koorie students, the principal must notify the Regional Office (as appropriate) to ensure the regional Koorie support officer can arrange appropriate support for the student.</p>

## 5. Evaluation and Review

This policy will be reviewed in **four years** or as necessitated by changes/developments which may occur through requests by School Council, Parents, Students or Staff within the timeframe stated above.

## 6. References

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/default.aspx>

### Resources

#### Victorian Registration and Qualifications Authority

[www.vrqa.vic.gov.au](http://www.vrqa.vic.gov.au)

#### Department of Education and Training

Responding to Allegations of Sexual Abuse:

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/report.aspx>

### Related legislation

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

#### Department of Health and Human Services

<http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards>

#### Victoria Police

<b>Date Reviewed</b>	May 2020
<b>Author</b>	Principal
<b>Approval required</b>	No
<b>Consultation required</b>	Recommended if appropriate
<b>School Council approved</b>	NA
<b>School Council noted</b>	26 May 2020
<b>Mandatory</b>	Yes
<b>VQRA</b>	Yes
<b>Responsible for Review</b>	Principal
<b>Review Date</b>	May 2024
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