



Mandatory Reporting

Rationale:

All Victorian schools must comply with the new Ministerial Order No. 870 - Child Safe Standards - Managing the Risk of Child Abuse in Schools in order to be registered, and remain registered with the Victorian Registration and Qualifications Authority (VRQA).

The Order came into effect on 1 August, 2016 and specifies how every Victorian school must:

- embed a culture of 'no tolerance' for child abuse
- comply with the prescribed seven minimum child safe standards.

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. It is mandated that if a teacher or Professional who during the course of carrying out duties 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 grounds for the belief.

All children have a right to feel safe and to be safe. As teachers, we 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.

Aims:

To protect children and young people from abuse and neglect by ensuring school staff:

- Understand their mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse including physical and sexual abuse.
- Know how to make a mandatory report to the Department Of Health and Human Services (DHS) Child Protection when they have formed a belief on reasonable grounds that a child or young person is at risk of significant harm.
- Are able to identify and be aware of the indicators of abuse.
- To make teachers and support staff of their legal obligations regarding reporting of abusive, negligent and inappropriate behaviour towards students in their care. Teachers and Principals must understand and acknowledge their duty of care toward all children in the school.

Mandatory Reporting

In meeting the requirements of Ministerial Order No. 870, schools must be inclusive of the needs of all children, particularly students who are vulnerable due to age, family circumstances, abilities, or indigenous, cultural or linguistic background.

There are seven standards which require:

- Strategies to embed an organisational culture of child safety, including through effective leadership arrangements

- A child safe policy or statement of commitment to child safety
- A code of conduct that establishes clear expectations for appropriate behaviour with children
- Screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel
- Processes for responding to and reporting suspected child abuse
- Strategies to identify and reduce or remove risks of child abuse
- Strategies to promote the participation and empowerment of children.

There are certain classes of professionals who are classified as “mandatory reporters”. Within a school mandatory reporters include all:

- Victorian Institute of Teaching (VIT) registered teachers (including principals)
- Staff who have been granted permission to teach by VIT
- Registered doctors and nurses

All mandatory reporters must make a report to Victoria Police and/or DHHS Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/ or sexual abuse, and
- the child’s parents have not protected, or are unlikely to protect, the child from harm of that type.

It is a criminal offence not to report in these circumstances.

Mandatory reporters must also follow the Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse (pg. 21) to ensure they fulfil all of their legal obligations.

If, in the course of his or her duties, a teacher or Principal forms the belief on reasonable grounds that a child is in need of protection on the grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child’s parents have not protected or are unlikely to protect the child from harm of that type; the person must notify the Department of Human Services Child Protection of that belief and of the reasonable grounds for it, as soon as practicable:

- After forming the belief, and
- After each occasion on which he or she becomes aware of any further reasonable grounds or the belief.

Forming a Belief

The Children, Youth and Families Act 2005 states that teachers must notify the Department of Human Services when they form a belief on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or as a result of sexual abuse.

A belief is considered to be more than a suspicion. One may be considered to have formed a belief if one is more likely to accept rather than reject the suspicion that a child is at risk of harm from physical or sexual abuse.

Proof is not required that abuse has occurred or is likely to occur. A belief is sufficient. It is the role of the Department of Human Services to determine whether that belief should be investigated.

Reasonable Grounds

Reasonable grounds can be thought of as the mechanism used for forming the belief. These include situations where:

- To make Teachers and Principals aware that it is mandated that if they form a belief about a child they are mandated to report to Child Protection.

- Teachers are mandated to report a belief even if the Principal or Leadership Team disagree with the belief or the teachers concerns continue after discussions with the Principal or Leadership Team.
- Non-mandated staff (Education Support Staff) who believe there is reasonable grounds for forming a belief are encouraged to speak to the Principal regarding their concerns.
- To make sure school staff are aware that they may report a case due to their involvement with children in the community and forming a belief that a student may be in an unsafe situation.

Implementation:

- Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose 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 DHHS Child Protection. The offence applies to all adults in Victoria, not just professionals who work with children.
- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- Staff will be reminded of mandatory responsibilities annually.
- All concerns must be reported immediately to the Principal, or in his/her absence, the Assistant Principal
- The Principal &/or Student Wellbeing Officer 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 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 Human Services by telephone as soon as possible to make an official notification on: **1800 020 202** or after school hours crisis line **131278**
- 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 “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.
- Students who disclose to staff a desire to harm themselves or others, must be reported by staff to the principal.

Resources

DET Child Protection – Reporting Obligation -

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

DET Child Protection- Making A Report

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

DET- Child Protection (PROTECT)

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

Evaluation:

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

Principal _____

This policy was last ratified

September 2018

OUR COMMITMENT TO CHILD SAFETY - Sale & District Specialist School (S&DSS) is committed to the safety and wellbeing of all children and young people. This will be the primary focus of our care and decision-making. S&DSS has zero tolerance for child abuse.

S&DSS is committed to providing a child safe environment where children and young people are safe and feel safe, and their voices are heard about decisions that affect their lives. Particular attention will be paid to the diversity of all children, including the needs of Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, children with disabilities and vulnerable children.

S&DSS is a safe and inclusive school for all people including LGBTI people.

Every person involved in S&DSS has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make.