



CHILD PROTECTION – MANDATORY REPORTING

Purpose of this policy

To:

- define the roles and responsibilities of school staff in protecting the safety and wellbeing of all children and young people regardless of status including disability, CALD, Aboriginal or Torres Strait Islander.
- enable staff to identify the indicators of a child or young person who may be in need of protection.
- enable staff to make a report of a child or young person who may in need of protection.

Scope

This policy, from the date of endorsement, applies to any physical or virtual place made available or authorised by the school for use of a child during and after school hours by all people involved in the organisation, including:

- students
- teachers (permanent and casual)
- committee of management members
- contractors
- sub-contractors
- work experience students
- students on social work placements
- indirect service providers
- any other individual involved in this organisation

This policy covers all forms of abuse including:

- Any act committed against a student involving a sexual offence or grooming
- Any infliction of physical violence and serious emotional and psychological harm on a student
- Serious neglect of a student

Policy

Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to Department of Human Services (DHHS) Child Protection.

All other school staff who believe on reasonable grounds that a child or young person is in need of:

- protection is encouraged to report their concerns to DHHS Child Protection or Victoria Police.
- therapeutic treatment is encouraged to report their concerns to DHHS Child Protection.

If staff have significant concerns for the wellbeing of a child or young person, they are encouraged to report their concerns to DHHS Child Protection or Child FIRST.

In cases where staff have concerns about a child or young person, they should discuss their concerns with the principal or a member of the school leadership team.

Legal obligations

Type of Reporting	By Whom	To Whom
<p><i>Mandatory Reporting</i></p> <p>Mandatory reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds 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.</p>	<p><i>Mandatory reporters</i></p> <p>Note: the following professionals are considered mandatory reporters</p> <ul style="list-style-type: none"> • Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006 (Vic)</i> • Principals of government and non-government schools • Registered medical practitioners, nurses and all members of the police force • Registered psychologists • School counsellors, which means a person who works (other than on a voluntary basis) to provide direct support to school students, at or directly connected with a school, for mental, emotional or psychological wellbeing • People in religious ministry 	<ul style="list-style-type: none"> • DHHS Child Protection
<p><i>Child in need of protection</i></p> <p>Any person may make a report if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:</p> <p>The child has been abandoned and there is no other suitable person who is willing and able to care for the child.</p> <p>The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.</p> <p>The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child.</p>	<ul style="list-style-type: none"> • Any person 	<ul style="list-style-type: none"> • DHHS Child Protection • Victoria Police

The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child.

The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child.

The child's physical development or health has been or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.

Type of Reporting	By Whom	To Whom
<p><i>Child in need of therapeutic treatment</i></p> <p>Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually abusive behaviours.</p>	<ul style="list-style-type: none"> Any person 	<p>DHHS Child Protection</p>
<p><i>Significant concerns about wellbeing of a child</i></p> <p>Any person may make a report if they have significant concerns for the wellbeing of a child.</p>	<ul style="list-style-type: none"> Any person 	<ul style="list-style-type: none"> DHHS Child Protection Child FIRST

Duty of care

School staff have a duty of care 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 wellbeing of a child, school staff can discharge this duty of care by taking action which includes the following:

- Reporting their concerns to the DHHS Child Protection or another appropriate agency (as identified above)
- Notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.

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 the more vulnerable he/she is and the more serious the consequences are likely to be.

Types of child abuse include:

- physical abuse
- sexual abuse
- emotional abuse

- neglect
- medical neglect
- family violence.

Other reports to DHHS Child Protection may be needed for:

- risk-taking behaviour
- female genital mutilation
- unborn child
- child or young person exhibiting sexually abusive behaviours.

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert teachers to the possibility of child abuse and neglect.

Note: For full definitions for all of the types of child abuse and a comprehensive list of the indicators of harm, see: *Appendix 2*. in *Protecting the safety and wellbeing of children and young people* within the resources provided below.

Failure to disclose offence

Reporting child Abuse is a community wide responsibility. Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report information to police. Failure to disclose the information to police is a criminal offence.

Making a report

1. School staff should keep comprehensive notes that are dated and include the following information:
 - Description of the concerns (e.g. physical injuries, student behaviour)
 - Source of those concerns (e.g. observation, report from child or another person)
 - Actions taken as a result of the concerns (e.g. consultation with principal, report to DHHS Child Protection etc.) .
 - All notes will be locked securely in the relevant filing cabinet and be in the care of the Child Safety Officer. in the case of soft copies will be password protected and stored on the school password protected secure server.
2. School staff should discuss any concerns about the safety and wellbeing of students with the dedicated Child Safety Officer (social worker), the principal or a member of the school leadership team. The staff member, Child Safety Officer, principal and deputy principal should then make their own assessment about whether the concern is reportable.
3. School staff should gather the 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
 - Details of the concerns and the reasons for those concerns (e.g. disclosure of sexual assault, observed physical evidence including bruising and extreme emotional and behavioural change).
 - 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
 - All notes will be locked securely in the relevant filing cabinet and be under the care of the Child Safety Officer. Soft copies will be password protected and stored on the school's password protected secure server.
4. Make a report to the relevant agency.
5. Where two or more mandated reporters have formed a belief about the same child on the same occasion and one person reports the belief to Child Protection, the other is required to ensure the report has been made and that all ground for their belief were included in the report made by the other person.
6. Make a written record of the report which includes the following information (and the information in point 3 above):
 - 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
 - the person who received the report.
 - All notes will be locked securely in the relevant filing cabinet and in the case of soft copies will be password protected and stored on the school's password protected secure server (Child Safety Officer to be responsible).
7. Notify relevant school staff and/or Departmental staff of the report.
 - School staff should advise the principal or a member of the leadership team if they have made a report.

- 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.
8. Notify the Victoria Police if there is concern that a criminal offence may have been committed.

Child Protection East Division (Shepparton) Intake - 1300 360 391

After hours Child Protection Emergency Service - 13 12 78

Police - 000

Potential consequences of making a report

Potential Consequences	Description
Confidentiality	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none">the reporter chooses to inform the child, young person or parent of the report.the reporter consents in writing to their identity being disclosed.a Court or Tribunal decides that it necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child.a Court or Tribunal decides that, in the interests of justice, the reporter is required to provide evidence.
Professional Protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none">it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter.the reporter cannot be held legally liable in respect of the report.
Interviews	<p>DHHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent’s knowledge or consent.</p> <p>Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.</p> <p>DHHS Child Protection and/or Victoria Police will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises. When DHHS Child Protection practitioners/Victoria Police officers come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person.</p> <p>When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person. For more information on these requests and school responsibilities, see: Police and DHHS Interviews (2017).</p>
Support for the child or young person families and carers	<p>The roles and responsibilities of the Child Safety Officer (social worker), classroom teachers, Peer Leaders (direct support in school only), Year Level Coordinators, Youth Worker, Principal and Assistant Principal in supporting children who are involved with DHHS Child Protection may include the following:</p> <ul style="list-style-type: none">Acting as a support person for the child or young person, families and carers.

- Attending DHHS Child Protection case planning meetings with the child or young person, families and carers.
- Observing and monitoring the child's behaviour.
- Liaising with welfare professionals and organisations.
- Trauma counselling as provided by the Child Safety Officer and school social worker for the child or young person, families and carers.
- Ensuring access to the schools trained and supported Peer Helpers for the child or young person.
- Referrals to the Child Safety Officer via the Peer Leaders.
- Attending Care Team meetings with DHHS Child Protection, Youth Justice, residential services and any other relevant organisation that may be involved with the child.
- Amended curriculum if required.

Potential Consequences

Description

Requests for Information

DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.

In certain circumstances, DHHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection, see: [Requests for Information About Students](#) (2018).

Witness Summons

If DHHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings, see: [Subpoenas and Witness Summonses](#) (2017).

Please note: Fulfilling the roles and responsibilities contained in this procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

Related policies

Victoria State Government, Education and Training. (2020). *School policy: Duty of care.*
<https://www.education.vic.gov.au/school/principals/spag/safety/Pages/dutyofcare.aspx>

Victoria State Government, Education and Training. (2017). *Police and DHHS interviews.*
<https://www.education.vic.gov.au/school/principals/spag/safety/Pages/interviews.aspx>

Victoria State Government, Education and Training. (2018). *Responding to student sexual assault*.
<https://www.education.vic.gov.au/school/principals/spag/safety/Pages/sexualassault.aspx>

Victoria State Government, Education and Training. (2018). *Requests for information about students*.
<https://www.education.vic.gov.au/school/principals/spag/safety/Pages/requestinfo.aspx>

Victoria State Government, Education and Training. (2017). *Subpoenas and witness summons*.
<https://www.education.vic.gov.au/school/principals/spag/governance/Pages/subpoenas.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)*
- *Privacy and Data Protection Act 2014 (Vic)*

Department resources

Victoria State Government, Department of health and Human Services. (2020). Child protection and child safe standards (PROTECT).
<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/default.aspx>

Victoria State Government, Department of health and Human Services. (2020). *Mandatory reporting to child protection in Victoria: Frequently asked questions*.
<https://providers.dhhs.vic.gov.au/mandatory-reporting-child-protection-victoria-frequently-asked-questions>

Victoria State Government, Department of health and Human Services. (2019). *Responding to quality of care concerns*. <https://providers.dhhs.vic.gov.au/responding-quality-care-concerns>

Other resources

National Association for Prevention of Child Abuse and Neglect (NAPCAN). (2020).
<https://www.napcan.org.au/>

South Eastern Centre Against Sexual Assault and Family Violence (CASA). (2020). *Information sheets*.
<https://www.secasa.com.au/information-sheets/>

Victoria State Government, Department of health and Human Services. (2020). *Child protection*.
<https://providers.dhhs.vic.gov.au/child-protection>

Victoria State Government, Department of health and Human Services. (2020). *Child and family services information, referral and support teams (Child FIRST)*.
<https://services.dhhs.vic.gov.au/referral-and-support-teams>

Victoria State Government, Victoria Police (2020). *Sexual offences and child abuse investigation teams*. <https://www.police.vic.gov.au/sexual-offences-and-child-abuse-investigation-teams>

Victoria State Government, Department of health and Human Services. (2018). *What is family violence?* <https://services.dhhs.vic.gov.au/what-family-violence>

Review

This policy will be reviewed as part of the College's three year review cycle

Date	Version No.	Change	Author(s)
2014	1.0	Issue	Irene James
April 2020	2.0	Update for VRQA School Review	Joel Hoffman Irene James
May 2021	2.1	Change Address on Footer	Irene James