

## MANDATORY REPORTING AND OTHER REPORTING OBLIGATIONS

### Rationale:

All children have a right to feel safe and to be safe. As members of the community, we have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom we have contact.

A broad range of professional groups are identified in the *Children Youth and Families Act 2005* (CYFA) as mandatory reporters. Mandated staff members (principal and teachers) must make a report to Child Protection as soon as practicable if in the course of practising their profession or carrying out their duties, they form a reasonable belief that a child is in need of protection 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 this type of harm.

The reporter's belief and the reasonable grounds for it, must be reported as soon as practicable:

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

When a mandated reporter has undertaken to make a report, another mandated reporter is required to ensure that a report has been made.

Also, all Victorian schools must now 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). This Order came into effect on 1 August, 2016 and specifies how every Victorian school must embed a culture of 'no tolerance' for child abuse and comply with the prescribed seven minimum child safe standards.

Recent changes to Victorian legislation create additional legal obligations in relation to reporting suspected sexual child abuse. Failing to meet these obligations can constitute a criminal offence, including a:

- failure to disclose a sexual offence
- failure to protect a child (where it is known that a person associated with their organisation poses a substantial risk of sexually abusing children).

All members of the Teaching Service are mandated by law to report signs or risks of harm, disclosures of abuse or neglect, or a reasonable belief a student is subjected to:

- physical abuse
- sexual abuse

### 1. Aims:

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

### 2. Implementation:

- All school staff members have a moral and legal obligation and a Duty of Care to protect any child under their care from foreseeable harm (not just staff who are classified as mandatory reporters)
- Any person, who believes on reasonable grounds that a child is in need of protection, must 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. In order to discharge duty of care, staff members, whether or not mandated, need to report a belief formed in the course of undertaking their professional duties. A report must be made as soon as practicable after forming the belief, and on each occasion on which they become aware of any further reasonable grounds for the belief.
- **Failure to disclose offence** ~ in addition to mandatory reporting and duty of care obligations, any adult (over the age of 18 years) who forms a reasonable belief that a sexual offence has been committed against a child under 16 years of age, by another person of or over the age of 18 years 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 Protection or the child is older than 16 when the belief is formed. The Failure to Disclose offence is in relation to the Crimes ACT and 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>.
- **Failure to protect offence** ~ This applies where there is substantial risk that a child under the age of 16 under the care, supervision or authority of a school will become a victim of a sexual offence committed by an adult associated with that school. A person in a position of authority in the school will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. Organisations other than schools are also covered by the offence. The Failure to Protect offence is in relation to the Crimes ACT and further information can be found at <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence>
- As a school staff member, we must respond to any reasonable suspicion that a child has been, or is at risk of being abused by following the **Four Critical Actions for Schools**: Responding to Incidents, Disclosures or Suspicions of Child Abuse

# FOUR CRITICAL ACTIONS FOR SCHOOLS

## Responding to Incidents, Disclosures and Suspicions of Child Abuse



### YOU MUST TAKE ACTION

As a school staff member you play a critical role in protecting children in your care.

- You must act, by following the 4 critical actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.
- You must act if you form a suspicion/reasonable belief even if you are unsure and have not directly observed child abuse (eg. if the victim or another person tells you about the abuse).
- You must use the Responding to Suspected Child Abuse template to keep clear and comprehensive notes.

\*A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

### 1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to **Action 2**

If a child is at immediate risk of harm you must ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling **000 for urgent medical and/or police assistance** to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

### 2 REPORTING TO AUTHORITIES

As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

*Q: Where does the source of suspected abuse come from?*

#### WITHIN THE SCHOOL

**VICTORIA POLICE**  
You must report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police.

You must also report internally to:

**GOVERNMENT SCHOOLS**

- School Principal and/or leadership team
- Employee Conduct Branch
- DET Security Services Unit

**CATHOLIC SCHOOLS**

- School Principal and/or leadership team
- Diocesan education office

**INDEPENDENT SCHOOLS**

- School Principal and/or school chairperson

#### WITHIN THE FAMILY OR COMMUNITY

**DHHS CHILD PROTECTION**  
You must report to DHHS Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

**VICTORIA POLICE**  
You must also report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You must also report internally to:

**GOVERNMENT SCHOOLS**

- School Principal and/or leadership team
- DET Security Services Unit

**CATHOLIC SCHOOLS**

- School Principal and/or leadership team
- Diocesan education office

**INDEPENDENT SCHOOLS**

- School Principal and/or chairperson

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act. This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DHHS Child Protection or Victoria Police.

### 3 CONTACTING PARENTS/CARERS

Your Principal must consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact the parents/carer (eg. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- to contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

### 4 PROVIDING ONGOING SUPPORT

Your school must provide support for children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professionals. This is an essential part of your duty of care requirements. Strategies may include development of a safety plan, direct support and referral to wellbeing professionals.

You must follow the Four Critical Actions every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

### CONTACT

<b>DHHS CHILD PROTECTION AREA</b>	<b>DET SECURITY SERVICES UNIT (03) 9599 6266</b>
North Division 1300 664 9777	<b>STUDENT INCIDENT AND RECOVERY UNIT (03) 9637 2934</b>
South Division 1300 655 795	<b>EMPLOYEE CONDUCT BRANCH (03) 9637 2695</b>
East Division 1300 360 391	<b>DIOCESAN OFFICE Melbourne (03) 9297 0228</b>
West Division (Rural) 1800 075 599	Ballarat (03) 5327 7135
West Division (Metro) 1300 664 9777	Sale (03) 6222 6600
<b>AFTER HOURS</b>	Sandhurst (03) 5443 2377
After hours, weekends, public holidays 13 1278	<b>INDEPENDENT SCHOOLS VICTORIA (03) 9625 7200</b>
<b>CHILD FIRST</b>	
www.dhs.vic.gov.au	
<b>VICTORIA POLICE</b>	
000 or your local police station	



- 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 the VIT
  - registered doctors and nurses.
- Mandatory reporters must also follow the **Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse** to ensure they fulfil all of their legal obligations
- It is a criminal offence not to report in these circumstances
- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure
- Staff will uphold their mandatory responsibilities by annually completing the online Mandatory Reporting module
- Whole school professional learning will be run each year to support all staff understand their legal and moral obligations and to support them in being able to understand and identify signs of abuse
- A person may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child or young person’s health, safety or wellbeing is at risk and the child’s parents are unwilling or unable to protect the child
- There may be reasonable grounds for forming such a belief if:
  - a child or young person states that they have been physically or sexually abused
  - a child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
  - someone who knows the child or young person states that the child or young person has been physically or sexually abused
  - a child shows signs of being physically or sexually abused
  - the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child or young person’s safety, stability or development
  - the staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
  - a child’s actions or behaviour may place them at risk of significant harm and the child’s parents are unwilling or unable to protect the child.
- The Principal Class Officer (PCO) will offer support to the staff member and keep a record of all discussions about a student with whom there is a concern
- If a reasonable belief has been formed by a staff member all concerns must be reported immediately to a PCO and a “Student Welfare/Student Safety Report” (available on staff share) is to be filled in by the staff member and emailed to the PCO, to be electronically filed on the “Users” drive
- The staff member will be supported by the PCO to report to Department of Health and Human Services (Child Protection Unit) and/or police and DET’s Security Services/Student Critical Incident and Recovery (and advisory) Unit by telephone as soon as possible
  - **DHHS (03) 9275 7000 (Footscray) 9479 6222 (Preston)**
  - **DHHS after school hours crisis line 131278 or 12 12 78 (state wide 24/7)**
  - **Student Critical Incident Advisory Unit 03 9637 2934 or 03 9637 2487**
  - **Security Services Unit (24/7) 03 9589 6266**
- If the PCO does not form a reasonable belief and declines to make a report, it remains the lawful obligation of the staff member to make a report
- Confidentiality is provided for reporters under the CYFA. The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances

- The police must be contacted when allegations of physical assault, sexual assault or sexual harassment occur
- It is preferred that if members of Department of Health and Human Services, or associated support or intervention services visit the school following a notification, staff and children will be interviewed in the presence of a PCO member or his/her nominee
- All “Student Welfare/Student Safety Report” remain filed electronically on the ‘Users’ drive and remain strictly confidential
- The school will provide support for children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professionals. This is an essential part of the duty of care requirements. Strategies may include development of a safety plan, direct support and referral to wellbeing professionals etc
- All incidents are 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 a Principal Class Officer
- Staff may access support from **Employee Assistance Program (24 hours, 7 days) 1300 361 008**

### **3. Evaluation:**

This policy will be reviewed each year as part of the school’s review cycle.

<u>Ratification Date</u>	<u>Review Date</u>	<u>Policy Number</u>	<u>Version Number</u>	<u>Date Produced</u>
October 2017	2019	50	1	September 2017

### **4. Resources and References:**

**Protect- Identifying and Responding to all forms of abuse in Victorian Schools**  
**FOUR CRITICAL ACTIONS FOR SCHOOLS (page 21)**

<http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/protecting-children-together>

<http://www.dhs.vic.gov.au/for-service-providers/children%2c-youth-and-families/child-protection/specialist-practice-resources-for-child-protection-workers/child-development-and-trauma-specialist-practice-resource>

<http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/about-child-abuse>

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/stusexoffcritical.aspx>

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schidentify.aspx>

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/schobligationscare.aspx>

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#### IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE SCHOOL:

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## ACTION 4: PROVIDING ONGOING SUPPORT

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## CONTACT

### DHHS CHILD PROTECTION

#### AREA

North Division 1300 664 9777

South Division 1300 655 795

East Division 1300 360 391

Rise Division (Rural) 1800 075 599

Rise Division (Metro) 1300 664 9777

#### AFTER HOURS

After hours, weekends, public holidays 13 12 78

**CHILD FIRST**

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

**VICTORIA POLICE**

**000** or contact your local police station

**DET SECURITY SERVICES UNIT**

(03) 9589 6266

**STUDENT INCIDENT AND RECOVERY UNIT**

(03) 9637 2934

**EMPLOYEE CONDUCT BRANCH**

(03) 9637 2595