



4.14 MANDATORY REPORTING

June 2019

Rationale

Glenvale School is committed to maintain a safe, secure and caring environment.

A Child Protection policy is necessary to ensure school staff:

- have a clear understanding of the Glenvale School support relating to the duty of care duty obligations to protect children and young people from child abuse
- understand the mandatory reporting responsibilities and who to report to if 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.

Policy

Registered 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, when, in the course of practising their profession or carrying out the duties of their office, position or employment as set out in section 182, forms the belief on reasonable grounds that a child is in need of protection.

School staff should discuss any concerns about the safety and wellbeing of students with the School Principal or in the absence of the Principal, a delegated Campus CA, especially if they have a suspicion of possible abuse but have not formed a belief at that time. If a Principal (or delegate) does not believe that a mandatory report is warranted, this does not discharge any registered teacher of their obligation to do so if they have formed a reasonable belief that abuse may have occurred.

Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are encouraged to speak to the School Principal. They can, but are not mandated to, make a report to DHS Child Protection.

Concurrent duty of care

Quite apart from mandatory reporting requirements, a teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable. A breach of this duty of care will be established if a teacher or principal failed to take immediate and positive steps after having acquired actual knowledge or formed a belief that there is a risk that a child is being abused or neglected including sexual abuse.

Types of child abuse

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
- Risk-taking Behaviour.

Indicators of harm

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.

Making a mandatory report

Who:

Registered Principals,
primary and secondary
teachers
School nurses

Detail:

Report to the Department of Human Services (DHS) Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person is at risk of significant harm, and that the child's parents are unable or unwilling to protect the child. Fulfilling the roles and responsibilities contained in the school's policies and procedures for responding to allegations of suspected child abuse does not displace or discharge any their obligations that arise if a person reasonably believes that a child is at risk of child abuse.

If two or more mandated professional share the belief, based on reasonable grounds, that a child or young person is in need of protection from physical or sexual abuse, then only one mandated person needs to make the report. However, each mandated reporter must be satisfied that the report is made promptly and that all of the reasonable grounds are included in the notification.

There is an obligation for mandated reporters to make a report on each occasion where he or she becomes aware of any further reasonable grounds for the belief.

Non-mandated school
staff (section 183, CYFA
2005)

Any person who believes on reasonable grounds that a child is in need of protection may make a protective report regarding their concerns to DHS Child Protection.

School staff who form a belief on reasonable grounds should inform the principal of any concerns.

All school staff: Forming a belief on reasonable grounds

A belief is formed when a person has:

- more than a suspicion
- is more likely to believe rather than disbelieve that a student is at risk.

Reasonable grounds are established when:

- 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 and 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.

School staff seeking consultation

Consult with:

- School Principal / Head of Campus
- Campus CA
- DHS Child Protection

Teacher & Principal actions

Teachers should:

- only gather enough information to form the belief
- use open ended questions when talking to the student.

Teachers should not:

- conduct their own investigation
- ask leading questions that suggest the abuse took place
- interview witnesses
- take statements
- collect evidence
- conduct a physical examination.

School staff should keep comprehensive, chronologically ordered notes that describe the source of their concerns, e.g. from obvious injuries, behaviours or comments made outlining related events, actions taken and further considerations determine the need for help. Notes should also reflect who the staff member has been in contact with.

Information required when making a report to Child Protection

The following information is required to make the report:

- name of family and children
- addresses, language spoken and student's date of birth
- factual and specific reason for concern
- the reporter's involvement with the family
- any other people or agencies involved
- concerns about child protection workers safety in visiting the family
- best time to find the parents/guardians at home
- if the family knows the report is being made.

Note: An inability to provide all of this information should not delay the making of the report. Further information can be provided after the initial report is made.

Professional Protection for Reporters

Teachers and principals making mandatory reports:

- are protected against legal, professional and civil actions by the CYFA as long as they are acting:
 - in good faith
 - for the best interests of the child
- cannot be held to have acted unprofessionally.

Confidentiality of identity

Information about the identity of a person making a report to Child Protection must be kept confidential unless the reporter consents to it being disclosed.

Related legislation

- *Children, Youth and Families Act 2005* - Sections 183/184
- *Crimes Act 1958*
- *Education and Training Reform Act 2006*
- *Victorian Institute of Teaching Act 2001*
- *Ministerial Order 870 – Child Safe*

Review Process

Review and evaluation will be undertaken according to the policy review schedule.

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