



Loch Primary School

MANDATORY REPORTING POLICY

Rationale

All children have a right to feel safe and to be safe. As members of a community, we all have a moral obligation to protect any child under our care and supervision from foreseeable harm. 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. School staff members play a critical role in protecting children and must meet a range of legal obligations to identify, respond and report child abuse. This includes support for all impacted students, including situations involving student sexual offending. Schools must provide support for both the alleged victim and the student who has allegedly engaged in the offending.

School staff must report any reasonable suspicion that a child has been abused, or is at risk of being abused. This includes abuse that has, or is suspected to have, taken place within or outside of school grounds and hours.

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.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Loch Primary School to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the principal does not share their belief that a report is necessary.

At Loch Primary School, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually. All other staff are encouraged to undertake this module, even where they are not mandatory reporters.

For more information about Mandatory Reporting see the Department's School Policy and Advisory Guide: [Child Protection – Reporting Obligations](#).

Aims

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

- a) Understand their mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse including physical and sexual abuse.
- b) Know how to make a mandatory report to the Department Of Health and Human Services (DHHS) Child Protection when they have formed a belief on reasonable grounds that a child or young person is at risk of significant harm.
- c) Are able to identify and be aware of the indicators of abuse.
- d) To make teachers and support staff aware 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

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.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Loch Primary School to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection. They must make a mandatory report even if the principal does not share their belief that a report is necessary.

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.

Forming a Belief

The Children, Youth and Families Act 2005 states that teachers must notify the DHHS Child Protection 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:

- Teachers and Principals are to be 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 to speak to the Principal, Tracey King, who is the Child Safe Officer 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.
- To outline teacher's duty of care at all times and that teachers are obliged to protect children from harm that is reasonably foreseeable. A breach of this duty of care may lead to legal action being taken against the individual teacher or teachers concerned. 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 of formed a belief that there is a risk

Failure to disclose offence

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 by another person aged 18 years or over.

Failure to disclose information to Victoria Police (by calling 000 or local police station) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

Failure to protect offence

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

Implementation:

- All members of the Teaching Service are mandated by law to report signs of physical and/or sexual abuse, and neglect.
- New staff will be informed of mandatory reporting responsibilities and procedures.
- All members of the Teaching Service are required to complete on line Mandatory Reporting Training annually. Education Support staff members also have this training available and are encouraged to complete it annually.
- All concerns must be reported immediately to Principal, Tracey King, who is the Child Safe Officer, or in her absence, classroom teachers Rachael Geerts or Mark Hunter.
- The Principal will keep a record of all discussions about a student with whom there is a concern.
- 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 020202 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 her nominee.
- 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.
- While only mandated by law to report incidents of physical and sexual abuse, and neglect; teachers are also encouraged to report incidents of emotional abuse or neglect.
- Students, who disclose to staff a desire to harm themselves or others, must be reported by staff to the principal.

Teachers may in time form a belief the child is being abused or neglected and therefore there are reasonable grounds on which to lodge a report to Child Protection.

- The teacher may form the belief that it is necessary to make a report. In this case the teacher must make a report to the Department of Human Services as soon as practicable. It is the responsibility of the individual teacher to ensure that this notification has occurred and that all reasonable grounds supporting the belief have been reported.
- The teacher may continue to suspect that a child is in need of protection. In this case the teacher should continue to monitor and support the child.
- Those involved in any process of consultation around mandatory reporting must maintain confidentiality regarding the child, the family, the notifier and any alleged perpetrator.

- The teacher does not have to seek permission from parents or caregivers to notify. In most cases it is not advisable to do this owing to the nature of some disclosures. If parent asks for the identity of the notifier, confidentiality must be maintained and the teacher is not obliged to tell the parent or guardian.
- A teacher may notify the Department of Human Services Victoria of his/her belief without the prior knowledge of the Principal, however the teacher must inform the Principal or Principal's nominee of his/her action as soon as practicable.
- It may be necessary for the Department of Human Services to interview a child at school when a notification of abuse has been made. Such requests may be directed to the Principal or the Principal's nominee.
- It is important to advise children or young people of their right to have a supportive adult present at such an interview. This may be the Principal or a teacher.
- When Officers of Child Protection Victoria or the Police seek an interview with a child, the Principal should cooperate with the authorised agency.

The Principal Should:

- Arrange for the child to choose a supportive adult to be present.
- Follow the recommended procedures from the Department of Human Services and the DET.
- Ensure that arrangements are in order for any interview which is to take place at the school.
- Seek or offer appropriate Pastoral support for the reporting staff member.
- Observe confidentiality at all times in the management of a mandatory reporting case.
- If legal assistance is required, contact the DET

Where any report to the DHHS Child Protection involves a Koorie student, the Principal must advise the Regional Office. The Regional Office, with the Koorie Support Officer, ensures support is arranged.

RELATED POLICIES AND FURTHER INFORMATION

- Child Safe Policy
- Commitment to Child Safety
- Code of Conduct
- Child Safety Officer
- Reporting Obligations – Policy and Procedures
- Staff Selection
- External providers
- Risk Assessment

Evaluation:

<p>This policy was last updated on Monday 18th December and is scheduled for review in December 2020. School Council was presented with this policy in February 2019.</p>
