



CHILD PROTECTION MANDATORY REPORTING POLICY

College council will review this policy every three years or as directed by DET

Date approved: June 2017

Date of next review: 2020

RATIONALE AND PURPOSE

Schools have a key responsibility in the prevention and reporting of child abuse and neglect under the Children, Youth and Families Act 2005 CYFA (Vic.). Child abuse is an act by parents or caregivers that endangers a child or young person's physical or emotional health and development. Child abuse can be a single incident but usually takes place over time. Child abuse includes physical abuse, sexual abuse, emotional abuse or neglect. In Victoria, under the Children, Youth and Families Act 2005 (Vic.) a child or young person is a person under seventeen years of age. In addition to the mandatory reporting obligation, teachers have a duty of care responsibility to protect students from harm that is reasonably foreseeable. It should be noted that everyone has a moral responsibility to report all types of known or possible child abuse.

Under sections 28 and 31 of the Children, Youth and Families Act 2005 (Vic.), any person may make a report to the Department of Human Services or to family services such as Child FIRST and Child Protection Section 182 of the Act lists those professionals who are obliged to notify protective services if they form a belief, based on reasonable grounds, that a child has suffered, or is likely to suffer significant harm as a result of physical injury or sexual abuse, or if the child's guardians have not protected or are unlikely to protect the child from harm of that type.

BROAD GUIDELINES

Professionals who are legally required to report child physical and sexual abuse include:

- registered principals and teachers (including pre-service and visiting teachers)
- registered medical practitioners and psychiatrists
- registered nurses including school nurse

Non-professional i.e. – all adults are legally required to report sexual abuse under changes in Victorian law. It is an offence for any adult not to disclose child sexual offence by an adult against a child aged under 16 to the police. In the school context this requires all staff to report not just teaching staff, nurses and psychiatrists.

All mandated notifiers are able to share information, without legal or professional consequences, with family services such as Child FIRST and Child Protection to help protected vulnerable children.

- Principals and teachers can share information and make a referral to Child FIRST when they have significant concern for a child's wellbeing, but do not believe that the child needs protection.
- If a reasonable belief is formed that a child is in need of protection, then the teacher or principal that formed the belief must make a report to Child Protection. Additionally, Child FIRST and Child Protection will consult with the staff member when they are deciding how best to respond to a referral or a report they have received. The legislation allows the sharing of relevant information with family services about a vulnerable child without concern about legal or professional consequences, provided that the report is made in good faith and not based on second-hand information.
- Any mandated professional who believes in good faith that a child is in need of protection must make a report to Child Protection without delay. Seeking assistance or advice should not delay the reporting process. The report should be filed on the same day as the belief is formed.
- If an assessment is made that the child is not at immediate risk or harm, a referral to Child FIRST can be made.

- A report must be made to the Department of Human Services each time an instance of abuse occurs based on reasonable grounds for your belief.
- There is no requirement to prove that the child has been abused to notify the Department of Human Services.
- School staff do not require the permission of parents, carers or guardians to make a report to Child Protection, nor are they required to tell parents, carers or guardians that they have done so. Consent should not be sought if it is believed that it will put the individual making the report or the child at risk.
- It is an individual responsibility to report belief – it is not the responsibility of the organisation or of a supervisor.
- If the Principal does not share the belief of the individual, that a child or young person is in need of protection, the individual must still notify The Department of Health and Human Services of their belief. However, it is recommended that the Principal be informed that a report has been made.
- If a group of mandated professionals 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 individual must be satisfied that the report is made promptly and that all the reasonable grounds are included in the notification.
- Individuals are not legally required to notify Child FIRST or Child Protection if they form a reasonable belief that a child is in need of protection in their private life or when working in a capacity that is not directly related to the professional affiliation under which they are mandated, however such reports can be made voluntarily.
- Details of a mandatory report should remain confidential.
- Children can only be reported under the age of 17 years.

Under the Children, Youth and Families Act 2005 (Vic.), the identity of the notifier remains confidential unless:

- they choose to inform the child and/or the child's parents or guardians of the notification themselves.
- they consent in writing to their identity as the notifier being disclosed by family services.
- the court decides that it needs the information provided in the report in order to ensure the safety and wellbeing of the child.
- the court decides that it is satisfied that in the interests of justice evidence be given.

For courts to order disclosure of a notifier's identity, there is a requirement that exceptional circumstances exist.

Non-mandated people who believes on reasonable grounds, that a child is in need of protection, should report their concerns to the Principal immediately.

Non-mandated staff include:

- Registered Psychologists
- Social workers, Speech Pathologists, Aides
- Non-teaching staff including administration, canteen staff, cleaners

See also the link below:

http://www.dhs.vic.gov.au/data/assets/pdf_file/0003/582591/flowchart-mandatory-reporting-27-5-10.pdf
for practical advice on the steps to be taken when making a mandatory report.

Consequences for not complying

If a mandated reporter fails to notify of their belief on reasonable grounds, it is an offence under the Children, Youth and Families Act 2005 (Vic.) and can lead to criminal prosecution.