

# MANDATORY REPORTING POLICY

## Rationale:

The purpose of this policy is to ensure that children's rights to be safe are maintained and each child is protected against any form of child abuse.

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger 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.

## Definitions:

### **Physical abuse:**

Physical abuse consists of any non-accidental form of injury or serious physical harm inflicted on a child or young person by any person. Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline. Physical abuse can include beating, shaking, burning and assault with implements.

Physical injury and significant harm to a child or young person may also result from the failure of a parent, carer or guardian to adequately ensure the safety of a child, exposing the child to extremely dangerous or life-threatening situations. Physical abuse also includes fabricated illness syndrome (previously known as Munchausen's syndrome by proxy) and female genital mutilation (FGM). FGM comprises all procedures that involve partial or total removal of the female external genitalia and/or injury to the female organs for cultural or any non-therapeutic reasons.

### **Sexual abuse:**

A child is sexually abused when any person uses their authority or power over the child or young person to engage in sexual activity. Child sexual abuse involves a wide range of sexual activity and may include fondling genitals; masturbation; oral sex; vaginal or anal penetration by finger, penis or any other object; voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.

### **Emotional abuse:**

Emotional abuse occurs when a child or young person is repeatedly rejected, isolated or frightened by threats or by witnessing family violence. It also includes hostility, derogatory name-calling and putdowns, or persistent coldness from a person, to the extent that the behaviour of the child or young person is disturbed or their emotional development is at serious risk of being impaired.

Psychological or emotional abuse may occur with or without other forms of abuse. The child or young person may develop personality or behavioural disorders, or become filled with self-doubt and internalised rage, unable to form sustained and intimate relationships. There are few physical indicators, although emotional abuse may cause delays in emotional, mental or even physical development.

### **Neglect:**

Neglect includes a failure to provide the child or young person with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health or development of the child is significantly impaired or placed at serious risk. A child is neglected if they are left uncared for over long periods of time or abandoned.

### **Family violence:**

Family violence is defined as violence (either actual or threatened) that occurs within a family, including physical, verbal, emotional, psychological, sexual, financial and social abuse. When there are strong indicators that incidents of family violence are placing children at significant risk or danger, Child Protection must be informed. Family violence is a criminal offence and can be liable to prosecution.

### **Risk-taking behaviour:**

While risk-taking behaviour in adolescence is a normal aspect of healthy development, some behaviour may require attention from Child Protection when it carries potentially severe or life threatening consequences. Examples include severe alcohol or drug use; unsafe sexual activity, including prostitution; solvent abuse and chroming; and violent or dangerous peer group activity (for example train-surfing).

There are community services that work with young people and their families when children are engaged in risk-taking behaviours. Parents, carers or guardians can contact their local government to find these services or may wish to contact the police if the risk-taking activity is illegal and extreme in nature or poses a high risk to the child or young person.

(Source of definitions: [Protecting the safety and wellbeing of children and young people.](http://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/protecting_children_protocol27_5_10.pdf)

[http://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/protecting\\_children\\_protocol27\\_5\\_10.pdf](http://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/protecting_children_protocol27_5_10.pdf).)

Mandatory reporting:

Since 1993 teachers have been mandated to report suspected child abuse or neglect to the Department of Human Services Child Protection. As of July 2003, this was updated to include any person who is registered as a teacher or principal under the Victorian Institute of Teaching Act 2001 or has been granted permission to teach under that Act. Any and all persons so described are mandated to report physical injury that results from abuse or neglect, and sexual abuse, to the Department of Human Services Child Protection.

This legal requirement to report child physical and sexual abuse arises from Section 184 of the Children, Youth and Families Act 2005. In summary:

If, in the course of his or her duties, a teacher or principal forms the belief on reasonable grounds that a child is in need of protection on the grounds that a child has suffered, or is likely to suffer, significant harm 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 harm of that type; the person must notify the Department of Human Services Child Protection of that belief and of the reasonable grounds for it, as soon as practicable:

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

### **Forming a belief**

The Children, Youth and Families Act 2005 states that teachers must notify the Department of Human Services 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 formed when a person has:

- More than a suspicion

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

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 (DHHS) Child Protection to determine whether that belief should be investigated.

#### Reasonable grounds

- 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 show 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 them.

#### **Implementation:**

Any person who is registered as a teacher or principal under the Victorian Institute of Teaching Act 2001 or has been granted permission to teach under that Act are mandated to report physical injury to any person 17 years of age or younger that results from abuse or neglect, and sexual abuse, to the Department of Human Services Child Protection.

Teachers will be informed annually of their legal responsibilities to report any form of child abuse to the Department of Human Services (DHHS) Child Protection and will be provided with information on how to recognise and respond to child abuse.

If a teacher suspects that a child is in need of protection from any form of child abuse it is essential that he/she document any concerns and observations in a confidential file. In all cases, teachers are advised to inform the principal of his or her concerns as early as possible. Over a period of time it may become apparent to the teacher that there are reasonable grounds on which to form a belief that the child needs protection.

Following a discussion with the Principal or Principal's nominee about his/her concerns and observations:

- 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 (DHHS) Child Protection 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.

A teacher does not need permission from parents or caregivers to notify, nor do you need to inform them that you are notifying.

A teacher may notify the Department of Human Services (DHHS) Child Protection of his/her belief without the prior knowledge of the Principal. It is strongly recommended that the teacher 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 (DHHS) Child Protection 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.

He or she should:

Arrange for the child to choose a supportive adult to be present.

Follow the recommended procedures from the Department of Human Services and CECV/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 CECV/DET

For further information on making a mandatory report please refer to appendix 1.

#### Resources:

[Child Protection - Student Safety - Health and Wellbeing - Department of Education and Early Childhood Development](#)

- [Protecting the safety and wellbeing of children and young people mandatory reporting protocol \(PDF - 1.5Mb\)](#)
- [Step-by-step guide to making a report to Child Protection or Child FIRST \(PDF - 270Kb\)](#)

#### Useful Websites:

##### Mandatory Reporting

Australian Government Institute of Family Studies  
<http://www.aifs.gov.au/nch/pubs/sheets/rs3/rs3.html>

Government schools Reference Guide  
<http://www.education.vic.gov.au/ecsmanagement/licensedchildservices/resources/csprotocols.htm>

Victorian Government publication produced 2007  
[http://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/Responding to Allegations of Student Sexual Assault - Procedures for Victorian Government Schools2.pdf](http://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/Responding_to_Allegations_of_Student_Sexual_Assault_-_Procedures_for_Victorian_Government_Schools2.pdf)

Victorian Government Step by step guide to make a mandatory report  
[http://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/flowchart\\_mandatory\\_reporting27\\_5\\_10.pdf](http://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/flowchart_mandatory_reporting27_5_10.pdf)

Victorian Government publication produced in 2010  
[http://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/protecting\\_children\\_protocol27\\_5\\_10.pdf](http://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/protecting_children_protocol27_5_10.pdf)

Australian Domestic and Family Violence Clearinghouse  
A national organisation, providing high quality information about domestic and family violence issues and practice  
[www.austdvclearinghouse.unsw.edu.au](http://www.austdvclearinghouse.unsw.edu.au)

#### National Child Protection Clearinghouse

An information, advisory and research unit focused on child abuse prevention, child prevention and out-of-home care

[www.aifs.org.au/nch](http://www.aifs.org.au/nch)

#### The Australian Centre for the Study of Sexual Assault

Aims to improve access to current information and resources in order to assist those committed to working against sexual assault

[www.aifs.gov.au/acssa/index.html](http://www.aifs.gov.au/acssa/index.html)

#### Domestic Violence Resource Centre (DVRC)

A state-wide service in Victoria, Australia. DVRC aims to reduce and prevent family violence by providing education to improve service and policy responses and by assisting people who have experienced abuse

[www.dvirc.org.au](http://www.dvirc.org.au)

#### Protecting Children Government publication 2001

<http://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/ProtectingChildrenProtocol.pdf>

#### Distribution of Medicine Policy

#### Schools Reference Guide - Student health

<http://www.eduweb.vic.gov.au/edulibrary/public/schadmin/environment/4-5.pdf>

#### Evaluation

- Feedback to Council

Date of next review: March 2019

16<sup>th</sup> August 2016

This policy was ratified by the Wallan Secondary College Council on...

Wallan Secondary College is committed to the protection and wellbeing of all students whilst participating in school activities both during and outside school hours. Staff have responsibility for building and maintaining a child safe environment. This responsibility extends to the identification and timely response to all concerns with regard the safety of any student of our College

## Appendix 1: Making a mandatory report

Who	Details
Mandated staff:	Must: <ul style="list-style-type: none"><li>• Report to the Department of Human Services (DHHS) 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 the child's parents are unable or unwilling to protect the child.</li><li>• Any person who believes on reasonable grounds that a child is in need of protection may make a protective report regarding their concerns to DHHS Child Protection.</li><li>• School staff who form a belief on reasonable grounds should inform the principal of any concerns.</li></ul>
Non-mandated school staff (section 183, CYFA 2005)	

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.

**Note:** If a staff member has unresolved suspicions that do not lead them to form a belief they should initially consult with the principal, a member of the school's leadership team or DHHS Child Protection. A referral to Child First may also be appropriate to engage support for the family.

Reasonable grounds are established when:

All school staff: Forming a belief on reasonable grounds

- 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.

Consult with:

School staff seeking consultation

- school leadership or specialist staff
- network support staff (Student Support Services)
- regional wellbeing staff
- DHHS Child Protection
- Student Critical Incident Advisory Unit on (03) 9637-2934 or (03) 9637-2487.

See: Flowchart: *A step-by-step guide to making a report to Child Protection or Child FIRST* within [Department resources](#) below

Teachers should:

Teacher & Principal actions

- only gather enough information to form the belief

Who	Details
Information required when making a report to Child Protection	<ul style="list-style-type: none"><li>• use open ended questions when talking to the student.</li></ul> <p><i>“What would you like to tell me “</i></p> <p>Teachers should not:</p> <ul style="list-style-type: none"><li>• conduct their own investigation</li><li>• ask leading questions that suggest the abuse took place</li><li>• interview witnesses</li><li>• take statements</li><li>• collect evidence</li><li>• conduct a physical examination.</li></ul> <p>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.</p> <p>The following information is required to make the report:</p> <ul style="list-style-type: none"><li>• name of family and children</li><li>• addresses, language spoken and student’s date of birth</li><li>• factual and specific reason for concern</li><li>• the reporter’s involvement with the family</li><li>• any other people or agencies involved</li><li>• concerns about a child protection workers safety in visiting the family</li><li>• best time to find the parents/guardians at home</li><li>• if the family knows the report is being made.</li></ul>
Professional Protection for Reporters	<p><b>Note:</b> 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.</p> <p>Teachers and principals making mandatory reports:</p> <ul style="list-style-type: none"><li>• are protected against legal, professional and civil actions by the CYFA as long as they are acting:<ul style="list-style-type: none"><li>- in good faith</li><li>- for the best interests of the child</li></ul></li><li>• cannot be held to have acted unprofessionally.</li></ul>
Confidentiality of identity	<p>Information about the identity of a person making a report to Child Protection must be kept confidential unless the reported consents to it being disclosed.</p> <p>Where any report to the DHHS, Child Protection involves an international student, the principal must:</p>
Reports involving international students	<ul style="list-style-type: none"><li>• advise the Departments International Division on (03) 9637-2990</li><li>• consult with the Division to ensure support is arranged.</li></ul>
Reports involving Koorie students	<p>Where any report to the DHHS, Child Protection involves a Koorie student, the principal must advise the regional office. The regional office, with the regional Koorie support officer, ensures support is arranged.</p> <p>Teachers and principals making reports or providing information to Child Protection, Child FIRST and Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT) are specifically protected against legal, professional and civil actions by the CYFA provided they are “acting in good faith” in the interests of the child.</p>
Information Sharing	<p>School staff are allowed to share information with Child Protection that may help them to make an initial assessment about a child. Any information that is relevant to the protection or development of a child when Child Protection is investigating a report, or during subsequent child protection intervention is allowed to be shared.</p>



Who

Details

See: [Other resources](#) below

A referral to Child FIRST is the best way of connecting children, young people and their families to the services they need. School staff should make a referral to Child First where school staff have concerns about a child's wellbeing but do not believe the child is in need of protection.

Referral to Child First

**Note:** *Protecting the safety and wellbeing of children and young people* provides full information for school staff about mandatory reporting, responsibilities of schools and school staff and the roles and responsibilities of other agencies see: [Department resources](#) below.

(Source:

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx#H2N100FE>. Last visited 18/08/2016)