



Policy Title	Mandatory Reporting Policy		
Date approved	23 March 2017	Review Date:	March 2020
Revision No:		Revision Date:	

Rationale:

Reservoir High School is committed to providing a safe environment for all students. As a school we are committed to acting in the best interest of our students. Reservoir High School will provide a positive culture where risk to students is not accepted and compliance with legal obligations that relate to the management of the risk of child abuse is paramount.

Guidelines:

Mandated Staff Members:

Principals, teachers, teachers in training, nurses (including school nurses) registered medical practitioners (including psychiatrists) and police are mandated by law under section 184 of the Children Youth and Families Act 2005 (CYFA) to make a report to the Department of Health & Human Services (DHHS) if they 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 unable or unwilling to protect the child. Mandated staff members must make a report to DHHS Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person 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.

There may be times when two or more mandated staff members, for example a teacher and a principal, have formed a belief about the same child or young person on the same occasion. In this situation it is sufficient for only one of the mandated staff members to make a report. The other staff member is obliged to ensure that the report has been made and that all of the grounds for their own belief were included in the report made by the other staff member.

Non-mandated staff members:

Section 183 of the CYFA states that **any person**, who believes on reasonable grounds that a child is in need of protection, may report their concerns to Child Protection. This means that any person, including a non-mandated school staff member, is able to make a report to Child Protection 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.

Note: All mandated/non-mandated staff members are to raise their concerns with the Child Safety Officer/Principal.

Reporting child sexual abuse is a community-wide responsibility and a new criminal offence has been created in Victoria that imposes a clear legal duty upon **all adults** to report information about child sexual abuse to police.

Any adult who forms a reasonable belief that a sexual offence including grooming has been committed by an adult against a child under 16 has an obligation to report that information to police. The Crimes Amendment (Grooming) Act 2014, introduces the offence of Grooming for sexual conduct with a child under the age of 16 years. This offence targets predatory conduct designed to facilitate later sexual activity with a child.

Forming a belief on reasonable grounds:

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. A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

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.

Aim:

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

- Understand their mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse including physical and sexual abuse.
- Know how to make a mandatory report to the Department of Health & Human Services (Victoria) (DHHS) when 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.

Implementation:

New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.

At the commencement of each school year all staff will be reminded of mandatory responsibilities

All mandated staff are required to annually complete the DET online (60 minutes) mandatory reporting eLearning module at: www.elearn.com.au/deecd/mandatoryreporting

Reporting a belief:

Where during the course of carrying out their normal duties, a Reservoir High School staff member forms the belief that a child is in need of protection, the staff member must make a report to DHHS regarding this belief and the reasonable grounds for it as soon as practicable and on each occasion on which they become aware of any further reasonable grounds for the belief.

- All concerns around a child's safety and wellbeing must be reported to the Child Safety Officer/Principal class.
- All notes on Mandatory Reporting concerns will remain filed in the Students Confidential File.
- All subsequent signs or indications of abuse are to be reported.

If one staff member has a different view from another staff member about making a report and the staff member continues to hold the belief that a child is in need of protection, that person is obliged to make a report to Child Protection.

Information about the identity of a person making a report to Child Protection must be kept confidential unless the reporter consents to the disclosure of their identity. If the staff member wishes to remain anonymous, this information should be conveyed at the time that the reporter makes the mandatory report.

Professional protection for reporters:

If a report is made in good faith:

- it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter
- the reporter cannot be held legally liable in respect of the report.

This means that a person who makes a report in accordance with the legislation will not be held liable for the eventual outcome of any investigation of the report.

Note: The role of investigating an allegation of child abuse rests solely with DHHS and/or Victoria Police.

Failure to report:

A failure by mandated professionals and staff members to report a reasonable belief that a child is in need of protection from significant harm as a result of physical or sexual abuse may result in the person being prosecuted and a court imposing a fine under the CYFA.

School policy and procedures stipulate how teaching staff fulfil their duty of care towards children and young people in their school.

Confidentiality:

Staff must respect confidentiality when dealing with a case of suspected child abuse and neglect, and may discuss case details and the identity of the child or the young person and their family only with those involved in managing the situation.

Advising parents, carers or guardians:

Staff do not require the permission of parents, carers or guardians to make a report to DHHS, nor are they required to tell parents, carers or guardians that they have done so.

Note: This policy is to be read in conjunction with Reservoir High School Child Safety Policy.

References:

School Policy & Advisory Guide – Child Protection – Reporting Obligations

<https://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotectobligation.aspx>

Children, youth and families Act 2005 (CYFA)

http://austlii.edu.au/au/legis/vic/consol_act/cyafa2005252/

Mandatory Reporting Website:

www.elearn.com.au/deecd/mandatoryreporting

Evaluation:

To be reviewed and updated as required by new laws and developments in relevant legislation or Department of Education and Training requirements. To also be reviewed as part of the school's three year review process.