Mandatory Reporting

Rationale:
All children have a right to feel safe and be safe, and to develop to their potential. Teachers 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, emotional abuse, sexual abuse or neglect.

Aims:
To protect students 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. comply with reporting obligations under child protection law and criminal law and fulfil their duty of care.

c. know how to make a mandatory report to the Department of Human Services (DHS) Child Protection when they have formed a belief on reasonable grounds that a child or young person is at risk of significant harm

d. are able to identify and be aware of the indicators of abuse.

Duty of Care:
Apart from mandatory reporting requirements, a teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable. The Duty of Care obliges a teacher to act to protect children.

Implementation
• Any person who is registered as a teacher under the Education and Training Reform Act (2006), or any person who has been granted to teach under the Act, including principals, is mandated to make a report to the Department of Human Services (DHS) Child Protection. 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.

• Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DHHS Child Protection. The offence applies to all adults in Victoria, not just professionals who work with children. Education and Training Reform Amendment (Child Safe Schools) Act 2015

• Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. The failure to act offence applies to adults in a position of authority within an organisation, including Principals, senior school staff, regional directors and other senior managers.

Ratified in 2015
• A report should be made when there are:
  ➢ Concerns that have a serious impact on a child’s immediate safety such that the child is in need of protection.
  ➢ Concerns that are persistent and entrenched and likely to have a serious impact on the child’s development. This being ‘harm accumulated through a series of continuing acts, omissions or circumstances’.
  ➢ Concerns that a child is displaying sexually abusive behaviours and is in need of therapeutic treatment

• Forming a belief that a child is at risk of harm or has been harmed may include:
  ➢ a child states that they have been physically or sexually abused
  ➢ a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
  ➢ someone who knows a child states that the child has been physically or sexually abused
  ➢ professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused
  ➢ signs of abuse lead to a belief that the child has been physically or sexually abused

• A report should be made on the same day as the belief of abuse is formed.
• A staff member is required to make a further report if they become aware of further grounds for the belief that a child is at risk, or is suffering abuse.
• The person reporting to DHS will not be revealed unless permission is given by that person.
• The person making the report can contact DHS to find the action that has been taken, within the limits of confidentiality.
• Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are encouraged to speak to their principal as well as being able to make a report to DHS Child Protection.
• School staff who have concerns about a child or young person because they have been made aware of possible harm via their involvement in the community external to their professional role may make a (protective) report to DHS Child Protection.

• New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
• Staff will be reminded of mandatory responsibilities and DET resources annually.
• Staff will complete Mandatory Reporting eLearning Module annually.
• Staff will be made aware of supports within the DET available to discuss issues of child safety and wellbeing including
  ➢ school leadership or specialist staff
  ➢ network support staff (Student Support Services)
  ➢ regional wellbeing staff

Ratified in 2015
- DHS Child Protection
- Student Critical Incident Advisory Unit on (03) 9637-2934 or (03) 9637-2487

- Where any report to the DHS, 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.

**Evaluation:**
- Staff are trained and supported in the process of Mandatory reporting to protect students from harm.
- All will be for 3 year review unless otherwise stated.

**Reference:**

Education and Training Reform Amendment (Child Safe Schools) Act 2015

Mandatory Reporting Obligation and eLearning Module 2015

Updated 30/7/2015
