



WARRINGA PARK SCHOOL

MANDATORY REPORTING POLICY

AND PROCEDURES

PURPOSE

To ensure school staff are aware of their roles and responsibilities in protecting the safety and wellbeing of children and young people and are able to:

- understand their various legal obligations to report and take other reasonable steps to discharge the duty of care that may be owed to the child or young person
- identify indicators that a child or young person has been, is being, or is at risk of being abused
- make a report about a child or young person who has been, is being, or is at risk of being abused.

The **Child Safe Standards** reinforce the importance of ensuring schools take reasonable precautions to minimise the risk of child abuse. The Standards support all Victorian early childhood services and schools to embed a culture of no tolerance for child abuse but, where necessary, to respond appropriately to actual or suspected abuse.

STATEMENT

School staff play a vital role in protecting children from harm and are well placed to observe signs or behaviours that may indicate risks of child abuse, neglect or exploitation. A broad range of professional groups are identified in the *Children Youth and Families Act 2005* (CYFA) as mandatory reporters. Mandated staff members must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person is in need of protection from significant harm as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.

REPORTING OBLIGATIONS

TYPE OF REPORTING

Mandatory Reporting – The following professionals are considered mandatory reporters:

- Teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic)
- Principals of government and non-government schools
- Registered medical practitioners, nurses and all members of the police force

OBLIGATION

Mandatory reporters must make a report to the Department of Health and Human Services (DHHS) (Child Protection) as soon as practicable if, in the course of practising their profession or carrying out their duties, they form reasonable belief that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child from that abuse.

A mandatory reporter who fails to comply with these reporting obligations may be committing a criminal offence.

FAILURE TO DISCLOSE

All adults, not just professionals who work with children, have a legal obligation to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16. Failure to disclose the information may

amount to a criminal offence unless you have a “reasonable excuse” or have an “exemption” from doing so.

To seek more information about the ‘failure to disclose’ offence, see: [Department of Justice and Regulation – Failure to disclose offence](#)

FAILURE TO PROTECT

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. This may include, for example, removing the adult from child-related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

The offence applies only to adults in a position of authority within an organisation. In a school context, this may include Principals, Assistant Principals, and Campus Principals. To read more information about the 'failure to protect offence', see: [Department of Justice and Regulations – Failure to protect offence.](#)

For more information about managing and responding to the risk of abuse see: DET Responding to Student Sexual Offending and Risk Management and the Four Critical Actions on the PROTECT portal.

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.

OTHER REPORTING OBLIGATIONS

TYPE OF REPORTING

OBLIGATION

Any person can make a report to DHHS Child Protection if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:

the child has suffered or is likely to suffer significant harm as a result of:

- physical injury and their parents are unable or unwilling to protect the child
 - sexual abuse and their parents are unable or unwilling to protect the child
 - emotional or psychological harm and their parents are unable or unwilling to protect the child.
 - the child has been abandoned and there is no other suitable person who is willing and able to care for the child.
 - the child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.
 - the child's physical development or health has been or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.
 - Department policy requires all staff who form a belief on reasonable grounds that a child or young person is in need of protection to report their concerns to DHHS Child Protection or
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Child in need of Protection

Victoria Police. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.

Child in need of therapeutic treatment

Any person who believes on reasonable grounds that a child over 10 but under 15 years of age has been exhibiting sexually abusive behaviours and may be in need of therapeutic treatment should make a report to DHHS Child Protection.

Sexually abusive behaviours can be exhibited when a child uses their power, authority or status to engage another person in sexual activity that is unwanted, or where the other party is incapable of giving informed consent (such as other children who are younger or who have cognitive impairments).

In the case of student sexual offending, Department policy requires staff to also report to the Victoria Police.

In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.

Significant concerns for the wellbeing of a child

Any person who has a significant concern for the wellbeing of a child should report these concerns to DHHS Child Protection or refer the child and their family to Child FIRST.

A significant concern for the wellbeing of a child may arise, for instance, where any of the following factors may have a significant adverse impact on a child's care, welfare or development:

- significant parenting problems
- family conflict or family breakdown
- pressure due to a family member's physical/mental illness, substance abuse, or disability
- vulnerability due to youth, isolation or lack of support
- significant social or economic disadvantage. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.

For more information, see [PROTECT - Responding to other concerns about the wellbeing of a child](#)

REFER TO APPENDIX A FOR AN EXAMPLE OF A DET RECORDING TEMPLATE

ADDITIONAL LEGAL OBLIGATIONS

In addition to the mandatory reporting and other reporting obligations mentioned above, all school staff have duty of care obligations and obligations arising out of the **Child Safe Standards**. The table below contains information about these obligations.

OBLIGATION	DESCRIPTION
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Duty of care	All school staff have a duty of care to take reasonable steps to prevent reasonably foreseeable injury to children and young people under the care. This includes taking reasonable steps to protect their safety, health and wellbeing.
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In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, reasonable steps may include (but are not necessarily limited to):

- acting on concerns and suspicions of abuse as soon as practicable
- seeking appropriate advice or consulting with other professionals or agencies when the school staff member is unsure of what steps to take
- reporting the suspected child abuse to appropriate authorities such as Victoria Police and DHHS Child Protection
- arranging counselling and/or other appropriate welfare support for the child
- providing ongoing support to the child and young person – this may include attending DHHS Child Protection Case Planning meetings, and convening regular Student Support Group meetings
- sharing information with other school-based staff who will also be responsible for monitoring and providing ongoing support to the child or young person.

For more information on responding to all forms of child abuse, see **PROTECT: Four Critical Actions** – REFER TO APPENDIX B

1. Responding to an emergency
 2. Reporting to authorities
 3. Contacting Parents/Carers
 4. Providing ongoing support
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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 non-mandated school staff, 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.

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.

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.

REPORTING A BELIEF

Staff members, whether or not mandated, need to report their belief when the belief is formed in the course of undertaking their professional duties. A report must be made as soon as practicable after forming the belief and on each occasion on which they become aware of any further reasonable grounds for the belief. At Warringa Park School the most appropriate pathway for staff to follow is to discuss the concern with Team Leader and Wellbeing Staff. Wellbeing staff can then support school staff with the reporting process.

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. For further information on how to make a report, see: [Child Protection - Making a Report](#)

PROTECTING THE IDENTITY OF THE REPORTER

Confidentiality is provided for reporters under the CYFA. The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances.

The identity of a reporter must remain confidential unless:

- the reporter chooses to inform the child, young person or family of the report
- the reporter consents in writing to their identity being disclosed

- a court or tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child
- a court or tribunal decides that, in the interests of justice, the reporter is required to attend court to provide evidence.

Information provided during a protective investigation may be used in a court report if the risks to the child or young person require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

If Child Protection decides that the report is about a significant concern for the wellbeing of a child, they may refer the report to a community-based child and family service and disclose the identity of the reporter to that service. However, the CYFA provides that neither Child Protection nor the community-based child and family service may disclose the reporter's identity to any other person without the reporter's consent.

PROFESSIONAL PROTECTION OF 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.

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.

MAKING A REPORT TO CHILD PROTECTION

The CYFA allows for two types of reports to be made in relation to significant concerns for the safety or wellbeing of a child – a report to Child Protection or a referral to Child FIRST.

A report to Child Protection should be considered if, after taking into account all of the available information, the staff member forms a view that the child or young person is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability or development
- the child's parents cannot or will not protect the child or young person from harm.

Where during the course of carrying out their normal duties, a school staff member forms the belief on reasonable grounds that a child is in need of protection, the staff member must make a report to Child Protection regarding this belief and the reasonable grounds for it as soon as practicable.

Staff members may form a professional judgement or belief, in the course of undertaking their professional duties based on:

- warning signs or indicators of harm that have been observed or inferred from information about the child
- legal requirements, such as mandatory reporting
- knowledge of child and adolescent development
- consultation with colleagues and other professionals
- professional obligations and duty-of-care responsibilities
- established protocols
- internal policies and procedures in an individual licensed children's service or school.

Upon receipt of a report, Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required.

In most circumstances, Child Protection will inform the reporter of the outcome of the report. When the report is classified by Child Protection as a Wellbeing Report, Child Protection will, in turn, make a referral to Child FIRST.

Any person who is registered as a teacher under the *Education and Training Reform Act 2006*, or any person who has been granted permission to teach under that Act, including principals, is mandated to make a report to Child Protection. In the course of undertaking their professional duties, mandated staff members are required to report their belief, when the belief is formed on reasonable grounds, that a child is in need of protection from significant harm as a result of sexual abuse or physical injury.

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

Teachers are encouraged to discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. If a principal or member of the leadership team does not wish to make a mandatory report, this does not discharge the teacher's obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the teacher's concerns continue, even after consultation with the principal or member of the leadership team, that teacher is still legally obliged to make a mandatory report of their concerns.

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.

THE ROLE OF SCHOOL STAFF

School staff have a duty of care to protect and preserve the safety, health and wellbeing of children and young people in their care and staff must always act in the best interests of those children and young people. If a staff member has any concerns regarding the health, safety or wellbeing of a child or young person it is important to take immediate action.

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

The roles and responsibilities of staff in supporting children and young people who are involved with Child Protection may include acting as a support person for students, attending Child Protection case plan meetings, observing and monitoring students' behaviour, and liaising with professionals.

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.

When a child or young person has moved to another school, professional judgement should be exercised as to what information needs to be passed on. This will be guided by usual procedures for passing on information about a child's general wellbeing or special needs, and the role of the school in any ongoing care plans.

INTERVIEWS AT VICTORIAN SCHOOLS

Child Protection may conduct interviews of children and young people at school without parental knowledge or consent. However, a child will be interviewed at a Victorian school only in exceptional circumstances and if it is in the child's best interests to proceed in this manner. Child Protection will notify the school of any intention to interview a child or young person. This may occur regardless of whether the school is the source of the report to Child Protection.

When Child Protection practitioners arrive at the school, the principal or their nominee should ask to see their identification before allowing Child Protection to have access to the child or young person.

SUPPORT PERSONS

Children and young people should be advised of their right to have a supportive adult present during interviews. If a child is too young to understand the significance of the interview, a staff member should make arrangements for a supportive adult to attend with the child.

A staff member may be identified as a support person for the child or young person during the interview. Prior to the commencement of the interview, the Child Protection practitioner should always authorise the staff member to receive information regarding Child Protection's investigation.

This may occur verbally or in writing using the relevant Child Protection proforma.

Independent persons must refrain from providing their opinions or accounts of events during interviews. A principal or their delegate may act as an independent person when the child or young person is to be interviewed, unless they believe that doing so will create a conflict of interest.

ADVISING PARENTS, CARERS OR GUARDIANS

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.

It is the responsibility of Child Protection to advise the parents, carers or guardians of the interview at the earliest possible opportunity. This should occur either before, or by the time the child arrives home.

ENSURING THAT A CHILD PROTECTION INTERVIEW TAKES PLACE

The school does not have the power to prevent parents, carers or guardians from removing their children from the school and should not attempt to prevent the parents, carers or guardians from collecting the child. If a parent/carer or guardian removes a child before a planned interview has taken place, the principal and/or their nominee should contact Child Protection or Victoria Police immediately.

STAFF TRAINING OBLIGATIONS

Staff will be required to undertake the Protecting Children – Mandatory Reporting and Other Obligations eLearning module (the module) annually. DET will email staff an annual reminder when the e-learning Module is due for completion. Staff will be required to print their certificate and present it to the Principal.

Staff will be informed of Mandatory Reporting requirements as part of their initial induction to the school and will be provided with supporting documentation in their staff handbook.

Every person involved in Warringa Park School has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make.

Requirements - school staff

Staff in schools who are:

- mandated reporters must undertake the training once per calendar year
- not mandated reporters are strongly encouraged to undertake the training once per calendar year.

REFERENCES AND RELATED DET POLICIES

- Duty of Care Policy

- Privacy Policy
- Student Welfare and Engagement Policy
- Child Safe Code of Conduct Policy
- Commitment to child safety policy

RELATED LEGISLATION

Children, Youth and Families Act 2005

Crimes Act 1958

Education and Training Reform Act 2006

Victorian Institute of Teaching Act 2001

DEPARTMENT RESOURCES

<https://www.education.vic.gov.au/about/programs/health/protect/Pages/default.aspx?Redirect=1> - PROTECT

www.elearn.com.au/deecd/mandatoryreporting - eLearning module log-in

OTHER RESOURCES

Government schools, see: FUSE

Department of Health and Human Services:

Child Protection

Child FIRST

Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT)

Department of Justice and Regulation:

REVIEW CYCLE

This policy will be reviewed on a **three-yearly review cycle** but also occurs on a regular basis prompted by changing circumstances and raised concerns.

This policy was reviewed and shared with the school community on **18TH June 2019**
and is *scheduled for review in June 2022*