



PARK ORCHARDS PRIMARY SCHOOL

Policy and Procedures: Child Protection Reporting (formerly known as the Mandatory Reporting Policy)

1. PURPOSE:

To define the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people and to enable staff to:

- identify indicators that a child or young person may be in need of protection.
- make a report about a child or young person who may be in need of protection
- comply with reporting obligations under child protection law and criminal law and fulfil their duty of care.

2. GUIDELINES:

Duty of Care

School staff have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care they should take immediate action.

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, school staff can discharge this duty of care by taking action which includes the following:

- reporting their concerns to the Department of Health and Human Services (DHHS) Child Protection or another appropriate agency (as identified above)
- notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.

Mandated staff members:

The following professionals are prescribed as **mandatory reporters** under section 182 of the *Children Youth and Families Act 2005* (CYFA):

- Primary and secondary school teachers and Principals (including students in training to become teachers)
- Registered medical practitioners (including psychiatrists)
- Nurses (including school nurses)
- Police

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 licensed children's services or school staff, is able to make a report to DHHS 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 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if:

- 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.

Types of child abuse and indicators of harm:

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

Types of child abuse include:

- physical abuse
- sexual abuse
- emotional abuse
- neglect
- medical neglect
- family violence
- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution).

A report should be made to DHHS Child Protection in circumstances where, for example:

- the child is engaging in risk-taking behaviour
- female genital mutilation has occurred, or there is a risk of it occurring
- there is a risk to an unborn child
- a child or young person is exhibiting sexually-abusive behaviours
- there are indications that a child is being groomed.

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert teachers to the possibility of child abuse and neglect.

3. IMPLEMENTATION:

Reporting Child Protection Concerns

Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to DHHS Child Protection.

All other school staff members who form a belief on reasonable grounds that a child or young person:

- is in need of protection, should report their concerns to DHHS Child Protection or Victoria Police.
- is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to DHHS Child Protection.

If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to DHHS Child Protection or Child FIRST.

In cases where staff have concerns about a child or young person, they should also discuss their concerns with the principal or a member of the school leadership team.

Reporting Criminal Child Sexual Abuse - failure to disclose offence

- 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. To read more information about the 'failure to disclose' offence

Protecting Children from the Risk of Sexual Abuse - failure to protect offence

- 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, including Principals, senior school staff, regional directors and other senior managers.

Making a Report

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

1. **In case of emergency or if a child is in immediate danger contact Triple Zero (000) or the local police station.** Alternatively, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hours 7 days, toll free)
2. Keep comprehensive notes that are dated and include the following information:
 - information that has led to concerns about the child's safety (e.g. physical injuries, student behaviour)
 - the source of this information (e.g. observation of behaviour, report from child or another person)
 - the actions taken as a result of the concerns (e.g. consultation with principal, report to DHHS Child Protection etc.).
3. Discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. The individual staff member should then make their own assessment about whether they should make a report about the child or young person and to whom the report should be made.
4. Gather the relevant information necessary to make the report. This should include the following information:
 - full name, date of birth, and residential address of the child or young person
 - the details of the concerns and the reasons for those concerns
 - the individual staff member's involvement with the child and young person
 - details of any other agencies who may be involved with the child or young person, if known.
5. Make a report to the relevant agency
 - to report concerns that are life threatening phone 000 or the local police station. To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station
 - to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hrs 7 days, toll free)
 - to report concerns to DHHS Child Protection, contact your local child protection office.
6. Make a written record of the report which includes the following information:
 - the date and time of the report and a summary of what was reported
 - the name and position of the person who made the report and the person who received the report.
7. Notify relevant school staff and/or Department staff of a report to DHHS Child Protection or Child FIRST. For Victorian government schools, the allegations must be reported to the:
 - Principal or member of the school leadership team
 - Department's Security Services Unit on (03) 9589 6266

- Relevant Regional Office
- Student Critical Incident Advisory Unit on (03) 9637 2934 or (03) 9637 2487.

In the case of international students, the principal must notify the International Education Division on (03) 9637 2990 to ensure that appropriate support is arranged for the student.

In the case of Koorie students, the principal must notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student.

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

Potential Consequences of Making a Report

The identity of a reporter must remain confidential unless:

- The reporter chooses to inform child, young person or parent 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 the reporter is required to give evidence.

Professional Protection - 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.

Interviews:

- DHHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent's knowledge or consent.
- Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.
- DHHS Child Protection and/or Victoria Police will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises.
- When officers from DHHS Child Protection or Victoria Police come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person.
- When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.
- For more information on these requests and school responsibilities, see: [Police and DHHS Interviews](#)

Support for the child or young person:

The roles and responsibilities of staff members in supporting children who are involved with DHHS

Child Protection may include the following:

- acting as a support person for the child or young person
- attending DHHS Child Protection case planning meetings
- observing and monitoring the child's behaviour

- liaising with professionals.

Request for Information

- DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.
- In certain circumstances, DHHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection

Advising parents, carers or guardians

- Staff do **not require** the permission of parents, carers or guardians to make a report to DHHS Child Protection, nor are they required to tell parents, carers or guardians that they have done so.
- It is the **responsibility of DHHS 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.

Staff Training

Staff will be informed of Mandatory Reporting requirements as part of their initial induction to the school and will be provided with supporting documentation. Updates will occur annually for all staff. Staff will also be provided with the on-line Mandatory Reporting Professional Development.

Other policies which underpin this policy:

- Child Safety Policy and Procedures
- Duty of Care Policy & Procedures
- Student Engagement and Wellbeing Policy & Procedures
- Student Welfare Policy & Procedures