



Mandatory Reporting Policy

This policy has been adapted from the Catholic Education Melbourne *Policy 2.19 Child Protection – Reporting obligations (2015)*

Definition of key terms:

Child. For the purpose of the relevant parts of the Children, Youth and Families Act 2005 (Vic.), a child is any person 17 years of age or younger.

Child FIRST The Family Information Referral Support Team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to family services.

Child Protection. The Victorian Government agency, provided by DHS, that protects children at risk of significant harm. Child Protection has statutory powers and can use these to protect children.

Mandatory report. A report made to Child Protection, by a person mandated under the Act, that is based on a reasonable belief that a child is in need of protection from physical injury that results from abuse or neglect or harm caused as a result of sexual abuse.

Mandatory reporter. Person(s) required under the Children, Youth and Families Act 2005 (Vic.) to make a report to the Child Protection if they believe a child is in need of protection from physical injury or sexual abuse. Mandatory reporters include registered school teachers or principals and registered nurses.

Reasonable belief. A reasonable belief is that a child is in need of protection may be formed when there is disclosure of abuse or injury by a child or someone known to the child, through professional observations of the child's behaviour or development, there are signs of physical injury or sexual abuse lead to a belief that the child has been abused.

Rationale:

All children have a right to feel safe and to be safe. All teachers, other staff, parish priests, canonical and religious order administrators of Catholic schools within Victoria must understand and abide by the professional, moral and legal obligations to implement child protection and child safety policies, protocols and practices.

Mandatory reporting arises from the requirements of the *Children, Youth and Families Act 2005 (Vic.)*, the responses to the *Betrayal of Trust* report and subsequent *Child Safe Standards* for the protection of children from harm due to physical injury and sexual abuse. School personnel mandated under this act who, in the course of carrying out their duties, form a reasonable belief that a child is in need of protection from physical injury or sexual abuse, must report that belief and the grounds for it as soon as possible.

This policy directly relates to the requirements of the Child Safe Standards.



Aims of Policy:

Schools must comply with the legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005 (Vic.)*, the *Crimes Act 1958 (Vic)* and the recommendations of the *Betrayal of Trust Report*.

This policy is designed to assist staff to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a 'reasonable belief' is formed
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law
- protect children from abuse and grooming under criminal law

Child Protection reporting obligations fall under separate pieces of legislation with differing reporting requirements. This policy sets out the actions required under the relevant legislation when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed and provides guidance and procedures on how to make a report.

Related Policies:

Child Safe Policy and related Codes of Conduct.

Elements of this Policy:

1. Mandatory Reporting
2. Types of child abuse and indicators of harm
3. Reporting child protection concerns
4. The School's Responsibilities
5. Appendices

Implementation:

1.1 Mandatory Reporting

Mandatory reporting is a legal requirement under the *Children, Youth and Families Act 2005 (Vic.) (Act)* to protect children from harm relating to physical injury and sexual abuse. A child, for the purpose of the relevant parts of the *Act*, is any person **17 years** of age or younger. School personnel mandated under this *Act* who, in the course of carrying out their duties, form a **reasonable belief** that a child is in need of protection from physical harm or sexual abuse, and that the **child's parents are unwilling or unable to protect the child**, must report that belief to DHHS Child Protection and the grounds for it as soon as possible after forming the belief. A subsequent report must be made on each occasion on which the mandatory reporter becomes aware of further reasonable grounds for the belief.



1.2 Forming a 'reasonable belief'

When staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a 'reasonable belief'.

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
- a child or young person exhibits sexually-abusive or age-inappropriate behaviours
- 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.

1.3 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. The younger a child the more vulnerable he/she is and the more serious the consequences are likely to be.

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 staff to the possibility of child abuse and neglect. While any indicators of possible child abuse or neglect are concerning, it is important to know which indicators **must** be reported.

It is **mandatory** to report concerns relating to:

- physical abuse
- Indications of grooming
- sexual abuse.

While not mandated, making a report to DHHS Child Protection may also be needed for:

- emotional abuse
- neglect
- medical neglect
- family violence
- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution)
- risk-taking behaviour
- female genital mutilation
- risk to an unborn child
- a child or young person exhibiting sexually-abusive behaviours.

Note: For full definitions for all of the types of child abuse and a comprehensive list of the indicators of harm refer to [Appendix 2: Protecting the safety and wellbeing of children and young people](#)



1.4 Reporting child protection concerns

All school staff who believe on reasonable grounds that a child or young person is in need of:

- protection from physical harm or sexual abuse – **must** report their concerns to DHHS Child Protection
- protection from harm that is not believed to involve physical harm or sexual abuse – are encouraged to report their concerns to DHHS Child Protection.
- therapeutic treatment – are encouraged to report their concerns to DHHS Child Protection or Child FIRST.

Child Protection is the Victorian Government Agency, provided by the DHHS, that protects children at risk of significant harm. Child Protection has statutory powers and can use these to protect children.

Child FIRST is the Family Information Referral Support Team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to family services.

Mandatory reporters **must report their concern to DHHS Child Protection** if there is a reasonable belief that a child or young person is in need of protection from physical injury or sexual abuse. Refer to Appendix A and/or *A step-by-step guide to making a report to Child Protection or Child FIRST*

It is essential to document the concerns and observations which contributed to the suspicion that a child is in need of protection. This information may be gathered over a period of time and should be treated confidentially and held securely.

It is recommended, however not a requirement, that concerns and observations regarding suspected physical injury or sexual abuse of a child are discussed with the principal or a senior school staff member and to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained. **All members of the Leadership Team can support staff in making a report.**

If more than one mandated reporter has formed a belief about the same child on the same occasion, it is sufficient for one professional to make a report. The other is obliged to ensure the report has been made and that all grounds for their own belief were included in the report made by the other staff member (Section 184 (2)).

If one mandated reporter directs another mandated reporter not to make a report, and the one professional continues to hold the belief that a child is in need of protection, then that professional is legally obliged to make a report to Child Protection.

The mandatory reporter may continue to suspect that a child is at risk and in need of protection. Any further observations should continue to be recorded and a report made on each separate occasion where a belief has been formed, on reasonable grounds, that a child is likely to be at risk and in need of protection. If there is any suspicion that this relates to a sexual offence involving an adult and a child **under 16** then it must be reported to the police. Refer to *Department of Justice and Regulations – Failure to disclose offence* and the *Betrayal of Trust: Fact Sheet*



1.5 The School's Responsibilities

The school will annually provide opportunities for staff to complete the online Mandatory Reporting module, as per legal requirements.

This module:

- information to ensure that mandatory reporters are aware of their legal responsibilities;
- information on how to recognise and respond to child abuse;
- advice about sharing information with Child FIRST or Child Protection;
- suggestions about informing and discussing concerns with the Principal and the Student Wellbeing Team (made up of the Principal, Student Wellbeing Coordinator and personnel as nominated by the Principal /leadership team).

The school will provide information for new staff on mandatory reporting responsibilities and procedures as part of their induction procedure.

Evaluation:

The Mandatory Reporting Policy will be evaluated and reviewed as part of the 4 year School Review cycle.

Date of last review: November 2016