



MANDATORY REPORTING

POLICY

Introduction

Wodonga Federation of Government Schools (The Federation) and its member schools: Wodonga Primary School, Wodonga South Primary School, Wodonga West Primary School, Melrose Primary School, Baranduda Primary School, Wodonga Middle Years College, Wodonga Senior Secondary College and Belvoir Special School believe that all children have a right to feel safe and to be safe. Member schools have a legal responsibility and duty of care to protect all its student through preventing and responding to child abuse and neglect.

Purpose

The purpose of this policy is to ensure staff are aware of their roles and responsibilities in protecting the safety and wellbeing of children and young people and are able to:

1. 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
2. Identify indicators that a child or young person has been, is being, or is at risk of being abused
3. Make a report about a child or young person who has been, is being, or is at risk of being abused.

Policy

Reporting obligations

The following table summarises the mandatory and other reporting obligations where there is a concern that a child or young person has been, is being, or is at risk of being abused.

Type of reporting	Obligation
Mandatory reporting Note: the following professionals are considered mandatory reporters	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 for 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.

<ul style="list-style-type: none"> • 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 	<p>A mandatory reporter who fails to comply with these reporting obligations may be committing a criminal offence.</p>
<p>Failure to disclose</p>	<p>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.</p> <p>To read more information about the ‘failure to disclose’ offence, see: Department of Justice and Regulation – Failure to disclose offence.</p>
<p>Failure to Protect</p>	<p>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</p>
	<p>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.</p> <p>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.</p> <p>For more information about managing and responding to the risk of abuse see: Reporting to Student Sexual Offending and Risk Management under Department resources below. See also, the Four Critical Actions on the PROTECT portal.</p>

The table below describes other reporting obligations.

Type of reporting	Obligation
Child in need of protection	<p>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:</p> <ul style="list-style-type: none"> • The child has suffered or is likely to suffer significant harm as a result of: <ul style="list-style-type: none"> ○ 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.
	<ul style="list-style-type: none"> • 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 medical care. <p>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 Victoria Police. In the case of school staff, they must also discuss their concerns with the Principal or member of the school leadership team.</p>
Child need of therapeutic treatment	<p>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 should make a report to DHHS Child Protection.</p> <p>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).</p> <p>In the case of students 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.</p>

Significant concerns for the Wellbeing of a child	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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. <p>For more information, see PROTECT – Responding to other concerns about the wellbeing of a child.</p>
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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
Duty of care	<p>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.</p>

	<p>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):</p> <ul style="list-style-type: none"> • 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. <p>For more information or responding to all forms of child abuse, see PROTECT: Four Critical Actions.</p>
Child Safe Standards	<p>The Child Safe Standards are compulsory minimum standards for all Victorian early childhood services and schools to ensure they are well prepared to protect children from abuse and neglect. 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.</p> <p>See: School Policy & Advisory Guide - Child Safe Standards.</p>

Mandatory Reporters	<p>Are defined as:</p> <ul style="list-style-type: none"> • Teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic) (including students in training to become teachers) • Principals of Government and Non-Government Schools • Registered Medical Practitioners (including psychiatrists) • Nurses (including school nurses) • All members of the Police Force <p>There may be times when two or more mandated staff members, for example a teacher and 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 obligated 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.</p>
Non-mandated staff/contractors/volunteers	<p>In order to discharge duty of care, non-mandated staff/contractors/volunteers, need to report a belief 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.</p>

Procedures

The Federation has a three-phase approach to Mandatory Reporting – Education, Intervention and Post Incident Review

A. Education

- Annually all school staff attend a Child Safety professional development session and complete the Mandatory Reporting eLearning Module.
- All staff are required to accept and sign the Child Safety Code of Conduct.
- All new staff will be informed of this Policy and their mandatory reporting responsibilities and procedures.
- Students are provided education on what is unacceptable behaviour towards them and how to disclose these behaviours to appropriate staff.

B. Intervention

- All schools staff/volunteers/contractors who form reasonable grounds for belief that a child is in need of protection, should keep a verbatim record of the nature of the abuse or potential harm and their sources of information using the Mandatory Reporting Form (Appendix A).
- There are many indicators of child abuse and neglect (Appendix B). This list is not exhaustive. The presence of a single indicator, or even several indicators, does not prove that abuse and neglect exists. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert teachers to the possibility of child abuse or neglect.
- All Child Protection and Child First concerns must be reported immediately to the School Executive and Head of Wellbeing.
- All reasonable grounds for belief must be reported to Child Protection or Child First using the Step-by-step guide to making a report Child Protection or Child First (Appendix C).
- All reports, Mandatory Reporting Procedure document and subsequent discussions and information are to be recorded and remain strictly confidential.
- All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported.

C. Post Incident Review

- All staff and students involved will be offered ongoing support.
- A review of the Mandatory Reporting Policy or procedure requires modification to better protect children under the school's care.

Protecting the Identity of the Report

Confidentiality is provided for reporters under the Children, Youth and Families Act 2005 (CYFA). The CYFA prevents disclosure of 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 circumstance.

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, 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 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 CFYA 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 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.

Failure to report

A failure by mandated professionals and staff members to report a reasonable grounds for belief that a child is in need of protection from significant harm as a result of physical or sexual may result in the person being prosecuted and a court imposing a fine under the Children, Youth and Families Act 2005 (section 184(1)).

In addition to mandatory reporting and duty of care obligations, any adult who forms reasonable grounds for belief that a sexual offence has been committed by an adult against a child must report that information to the police. Failure to disclose the information to police is a criminal offence except in limited circumstances, such as where information has already been reported to Child Protection or the child is older than 16 when the belief is formed.

More information about the offence can be found at:

<http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>

Breach of Policy by Staff

Any breach of this Policy may be considered misconduct and disciplinary action taken, which may also result in a report to the relevant professional association/body.

Review

This policy will be reviewed every two years or more often if necessary due to changes in legislation or circumstances.

Related Policies

- Wodonga Federation of Government Schools' Duty of Care Policy
 - Wodonga Federation of Government Schools' Police and DHS Interviews
 - Wodonga Federation of Government Schools' Requests for Information about Students
 - Wodonga Federation of Government Schools' Risk Management
 - Wodonga Federation of Government Schools' Subpoenas and Witness Summonses
- 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

- PROTECT
- Protecting the safety and wellbeing of children and young people
- Protecting Children - Mandatory Reporting and Other Obligations - eLearning module log-in

Other resources

- Daniel Morcombe Child Safety Curriculum:
 - Government schools, see: FUSE (Edumail password is required before searching Daniel Morcombe Child Safety Curriculum)
 - Non-government schools, see: Scootle
 - Parents, see: Daniel Morcombe Child Safety Curriculum Parent Guides - Queensland Department of Education, Training and Employment.
- 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:
 - Failure to disclose offence
 - Failure to protect offence
 - Grooming offence