



## Mandatory Reporting Policy

<p>Rationale</p>	<p><b>Legislation</b></p> <p>On 26 November 2015, the Victorian Parliament passed the Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015, which amended the Child Safety and Wellbeing Act 2005 to introduce the Child Safe Standards that would apply to all organisations involved in child related work in Victoria.</p> <ul style="list-style-type: none"> <li>• Grovedale West Primary School must meet the Mandatory Reporting requirements of the <i>ACT</i> as well as meet the school's duty of care obligations to students.</li> <li>• Ministerial Order 870 - Child Safe Standards - Managing the Risk of Child Abuse in Schools provides guidance on how the Standards apply to a school setting. It came into effect on 1 August 2016.</li> <li>• When teachers form a belief that a child may be at risk of harm due to sexual abuse or physical injury that results from abuse or neglect, they have a legal responsibility to notify the Department of Human Services.</li> </ul>
<p>Purpose</p>	<p>The purpose of this policy is to ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.</p> <p>Grovedale West Primary School is committed to providing a child safe environment where children and young people are safe and feel safe, and their voices are heard about decision that affect their lives. Particular attention will be paid to the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds, as well as the safety of children with a disability.</p>
<p>Definitions</p>	<p>Child abuse can be defined as an act by parents or caregivers which endangers a child or young person's physical or emotional health or development. Child abuse can be a single incident, but usually takes place over time.</p> <p>In Victoria, under the Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015, a child or young person is a person under eighteen years of age. Child abuse can occur in the following ways:</p> <ul style="list-style-type: none"> <li>▪ <b>Physical abuse</b> occurs when a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical</li> </ul>

	<p>punishment or physically aggressive treatment of a child. The injury may take the form of bruises, cuts, burns or fractures.</p> <ul style="list-style-type: none"> <li>▪ <b>Sexual abuse</b> occurs when a person uses power or authority over a child to involve the child in sexual activity and the child’s parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity. It includes fondling of the child’s genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or other object, or exposure of the child to pornography.</li> <li>▪ <b>Emotional abuse</b> occurs when a child’s parent or caregiver repeatedly rejects the child or uses threats to frighten the child. This may involve name calling, put downs or continual coldness from the parent or caregiver, to the extent that it significantly damages the child’s physical, social, intellectual or emotional development.</li> <li>▪ <b>Neglect</b> is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, medical attention or supervision, to the extent that the child’s health and development is, or is likely to be, significantly harmed. (Source: Department of Health and Human Services)</li> </ul> <p>Children and young people have the right to be protected from abuse and neglect. When teachers form a belief that a child may be at risk of harm due to sexual abuse or physical injury that results from abuse or neglect, they have a legal responsibility to notify the Department of Human Services.</p>
<p>Mandatory Reporting</p>	<p><b>All 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 are mandated to make a report to the <i>Department of Health and Human Services (DHHS) Child Protection</i> or make a referral to <i>Child FIRST</i> if they have significant concerns for the safety and/or well-being of a child.</b></p> <p>If, in the course of his or her duties, a teacher or principal forms the belief on reasonable grounds that a child is in need of protection on the grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child’s parents have not protected or are unlikely to protect the child from harm of that type; the person must notify the Department of Human Services Child Protection of that belief and of the reasonable grounds for it, as soon as practicable –</p> <ul style="list-style-type: none"> <li>▪ After forming the belief; and</li> <li>▪ After each occasion on which he or she becomes aware of any further reasonable grounds or the belief.</li> </ul>

### **Forming a belief**

The *Children, Youth and Families Act 2005* states that teachers must notify the Department of Human Services when they form a belief on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or as a result of sexual abuse.

A belief is considered to be more than a suspicion. One may be considered to have formed a belief if one is more likely to accept rather than reject the suspicion that a child is at risk of harm from physical or sexual abuse.

### **Proof is not required that abuse has occurred or is likely to occur.**

A belief is sufficient. It is the role of the Department of Human Services to determine whether that belief should be investigated.

### **Reasonable Grounds**

Reasonable grounds can be thought of as the mechanism used for forming the belief. These include situations where:

- A child tells the teacher they have been abused
- Someone else tells the teacher (perhaps a relative, friend, neighbour or sibling of the child) that a child has been abused or is at risk of abuse.
- A child tells the teacher that they know someone who has been abused (often a child is referring to him or herself), and the teacher's own observation of a particular child's behaviour/injuries or their knowledge of children generally leads them to suspect that abuse is occurring.

### **Implementation**

Any person who is registered as a teacher or principal under the *Victorian Institute of Teaching Act 2001* or has been granted permission to teach under that Act are mandated to report physical injury to **any person 17 years of age or younger** that results from abuse or neglect, and sexual abuse, to the Department of Human Services Child Protection.

Teachers will be informed annually (new staff through the induction process, and existing staff annually at the beginning of each school year) of their legal responsibilities to report child abuse and neglect to the Department of Human Services and will be provided with information on how to recognise and respond to child abuse.

If a teacher suspects that a child is in need of protection from physical and/or sexual abuse it is essential that he/she document any concerns and observations in a confidential file. In all cases, teachers are advised to inform the principal of his or her concerns as early as possible. Over a period of time it may become apparent to the teacher that there are reasonable grounds on which to form a belief that the child needs protection.

Following a discussion with the Principal or Principal's nominee about his/her concerns and observations:

- The teacher may form the belief that it is necessary to make a report. In this case the teacher must make a report to the Department of Human Services as soon as practicable. It is the responsibility of the individual teacher to ensure that this notification has occurred and that all reasonable grounds supporting the belief have been reported.
- The teacher may continue to suspect that a child is in need of protection. In this case the teacher should continue to monitor and support the child.
- Those involved in any process of consultation around mandatory reporting must maintain confidentiality regarding the child, the family, the notifier and any alleged perpetrator.
- A teacher does not need permission from parents or caregivers to notify, nor do you need to inform them that you are notifying.
- 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.
- A teacher may notify the Department of Human Services Victoria of his/her belief without the prior knowledge of the Principal. It is strongly recommended that the teacher inform the Principal or Principal's nominee of his/her action as soon as practicable.
- It may be necessary for the Department of Human Services to interview a child at school when a notification of abuse has been made. Such requests may be directed to the Principal or the Principal's nominee.
- It is important to advise children or young people of their right to have a supportive adult present at such an interview. This may be the Principal or a teacher.
- When Officers of Child Protection Victoria or the Police seek an interview with a child, the Principal should cooperate with the authorised agency.

He or she should:

- Arrange for the child to choose a supportive adult to be present.
- Follow the recommended procedures from the Department of Human Services and the
- Ensure that arrangements are in order for any interview which is to take place at the school.
- Seek or offer appropriate pastoral support for the reporting staff member.
- Observe confidentiality at all times in the management of a mandatory reporting case.

	Where any report to the DHS Child Protection involves a Koorie student, the Principal must advise the Regional Office. The Regional Office, with the Koorie support officer, ensures support is arranged.
Review cycle	This policy was last updated on 25/11/20 and is scheduled for review in November 2022