

Mandatory Reporting

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| Written by | <i>Principal</i> |
| Date approved by School Council | <i>June 2017</i> |
| Date of Review | <i>June 2020</i> |

Rationale:

All children have a right to feel safe and to be safe. School staff members have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom they have contact, and to report instances that they believe involve physical abuse, sexual abuse or neglect.

Aims:

To ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.

Department Policy:

Ministerial Order No. 870 (available at www.vrqa.vic.gov.au/childsafe) sets out specific actions that registered schools need to take to manage the risk of child abuse in schools. All Victorian schools are required to have a **child safe** policy or statement of commitment to child safety.

Mandatory reporters (see page 3), who believe on reasonable grounds that a child or young person is in need of protection from physical injury, sexual abuse or other forms of abuse, must report their concerns to Department of Human Services (DHS) Child Protection.

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

- protection are encouraged to report their concerns to DHS Child Protection or Victoria Police.
- therapeutic treatment are encouraged to report their concerns to DHS Child Protection.

If staff members have significant concerns for the wellbeing of a child or young person they are encouraged to report their concerns to DHS Child Protection or Child First.

Related School Policy:

Child Safe

Types of Child Abuse:

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. Types of child abuse include:

- **Physical abuse** of, or non-accidental or unexplained injury to, a child
- A disclosure of **sexual abuse** by a child or witness, or a combination of factors suggesting the likelihood of sexual abuse – the child exhibiting concerning behaviours, for example after the child's mother takes on a new partner or where a known or suspected perpetrator has had unsupervised contact with the child
- **Emotional abuse and ill treatment** of a child impacting on the child's stability and emotional development
- Persistent **neglect**, poor care or lack of appropriate supervision, where there is a likelihood of significant harm to the child, or the child's stability and development

- Persistent **family violence or parental substance misuse**, psychiatric illness or intellectual disability – where there is a likelihood of significant harm to the child or the child’s stability and development
- Where a **child’s actions or behaviour** may place them at **risk** of significant harm and the parents are unwilling or unable to protect the child
- Where the child appears to have been **abandoned**, or where the child’s parents are dead or incapacitated, and no other person is properly caring for the child

Other reports to DHS Child Protection may be needed for:

- risk-taking behavior such as self-harm
- female genital mutilation
- unborn child
- child or young person exhibiting sexually-abusive behaviours.

Implementation:

1. **Training:** the Child Safe Officer will oversee the annual completion by all staff members of the Mandatory Reporting online training module.

2. Responding to and reporting suspected child abuse:

a. If a child discloses an incident of non-sexual abuse to you:

1. Try and separate them from the other children discreetly and listen to them carefully.
2. Let the child use their own words to explain what has occurred.
3. Reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
4. Explain to them that this information may need to be shared with others, such as with their parent/carer, specific people in your organisation, or the police.
5. Do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
6. Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
7. Provide them with an incident report form (see **Appendix 1**) to complete, or complete it together, if you think the child is able to do this.
8. As soon as possible after the disclosure, record the information (see **Appendix 2**) using the child’s words and report the disclosure to the Principal or Child Safety Officer, police or Child Protection.
9. Ensure the disclosure is recorded accurately, and that the record is stored securely.
10. See the Department of Health and Human Services website for information about [how to make a report to child protection](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first) <www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first>.

11. **If you believe a child is at immediate risk of abuse phone 000.**

b. Immediate compulsory actions for allegations of **student sexual assault or inappropriate sexualised behaviour.** (see **Appendix 4** for age-appropriate sexual behaviour)

Once school staff are informed of or form a belief about child abuse or neglect, student sexual assault, sexual harassment or inappropriate behaviour under 10 years, there must be an immediate response.

The table below outlines the actions:

| Stage | Description |
|-------|---|
| 1 | <p>Provide all the victims with an environment that is safe and separated from others involved.</p> <p>See Appendix 3 for responding to a disclosure.</p> <p>Note: The role of investigating an allegation rests solely with Victoria police and DHHS Child Protection. Schools must not investigate an allegation.</p> |
| 2 | <p>Inform the student of the obligation to report the incident to the Department of Education and Training, Victoria Police, and the Department of Health and Human Services Child Protection as appropriate to the nature of the concern.</p> |
| 3 | <p>Report to the necessary authorities including:</p> <ul style="list-style-type: none"> ▪ 000 if the incident is an emergency requiring immediate medical or police assistance ▪ Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT) on 000 if the incident relates to: <ul style="list-style-type: none"> - student sexual assault - child abuse - child pornography/youth produced sexual imagery see: Other resources ▪ Security Services Unit on (03) 9589-6266 ▪ Conduct and Ethics Branch on (03) 9637-2594 or (03) 9637-2595 if the incident involves allegations of sexual assault by a teacher or school staff member and/or ▪ Department of Health and Human Services, Child Protection on 131 278 if the principal believes the student would not be supported at home. ▪ Contact the parents/carers unless the circumstances indicate this should not occur. |
| 4 | <p>Ensure the duty of care to provide support for all students involved is met. This may include:</p> <ul style="list-style-type: none"> ▪ developing short-term action plans for all students involved in an allegation of student sexual assault, including the alleged perpetrator, in consultation with the regional support person and the SCIAU ▪ working collaboratively and communicating regularly with parents and carers to ensure appropriate supports are in place for student/s involved. <p>Note: Allegations of sexual assault must be managed in partnership with the SCIAU and the regional office, which will provide ongoing advice and support to schools.</p> |
| 5 | <p>Consult with the Department's Media Unit and the regional director if there is the possibility of media interest.</p> |

c. **If a parent/carer says their child has been abused in your organisation or raises a concern:**

1. Explain that the school has processes to ensure all abuse allegations are taken very seriously.
2. Ask about the wellbeing of the child.
3. Allow the parent/carer to talk through the incident in their own words.
4. Advise the parent/carer that you will take notes during the discussion to capture all details.

5. Explain to them the information may need to be repeated to authorities or others, such as the Principal or Child Safety Officer, the police or Child Protection.
6. Do not make promises at this early stage, except that you will do your best to keep the child safe.
7. Provide them with an incident report form to complete, or complete it together.
8. Ask them what action they would like to take and advise them of what the immediate next steps will be.
9. Ensure the report is recorded accurately, and that the record is stored securely.
10. See the Department of Health and Human Services website for information about [how to make a report to child protection](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first) <www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first>.
11. If you believe a child is at immediate risk of abuse phone 000.

3. Barriers to consider:

- a. Be aware that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. You need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member).
- b. If an allegation of abuse involves an Aboriginal child, you will need to ensure a culturally appropriate response. A way to help ensure this could include engaging with parents of Aboriginal children, local Aboriginal communities or an Aboriginal community controlled organisations to review policies and procedures.
- c. Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters.

4. Legal responsibilities

Every adult who reasonably believes that a child has been abused, whether in their organisation or not, has an obligation to report that belief to authorities.

The **failure to disclose** criminal offence requires all adults (aged 18 and over) who hold a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 to disclose that information to police (unless they have a reasonable excuse not to, for example because they fear for their safety or the safety of another).

While failure to disclose only covers child sexual abuse, all adults should report other forms of child abuse to authorities. Failure to disclose does not change mandatory reporting responsibilities.

Mandatory reporters (doctors, nurses, midwives, teachers (including early childhood teachers), principals and police) must report to child protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

5. A Child First referral?

A **referral to Child First** should be considered if, after consideration of the available information you are, on balance, more inclined to form a view that the concerns currently have a low to moderate impact on the child, where the immediate safety of the child is not compromised.

- Significant **parenting problems** that may be affecting the child's development
- **Family conflict**, including family breakdown
- Families under pressure due to family member's **physical or mental illness, substance abuse, disability or bereavement**

- Young isolated and/or **unsupported families**
- Significant **social or economic disadvantage** that may adversely impact on a child's care or development

6. Potential consequences of making a report:

| Potential consequence | Description |
|---------------------------------------|---|
| Confidentiality | <p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> • the reporter chooses to inform the child, young person or parent of the report. This could be done in a Student Support Group Meeting. • the reporter consents in writing to their identity being disclosed. • a Court or Tribunal decides that it 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 provide evidence. <p>The details of a mandatory report should remain confidential.</p> |
| Professional Protection | <p>If a report is made in good faith:</p> <ul style="list-style-type: none"> • 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 at school | <ul style="list-style-type: none"> • DHS 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. • DHS 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 DHS Child Protection practitioners/Victoria Police officers 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 DHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person. |
| Support for the child or young person | <p>The roles and responsibilities of staff members in supporting children who are involved with DHS Child Protection may include the following:</p> <ul style="list-style-type: none"> • Acting as a support person for the child or young person. • Attending DHS Child Protection case planning meetings. • Observing and monitoring the child's behaviour. • Liaising with professionals. |
| Requests for Information | <ul style="list-style-type: none"> • DHS 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, DHS 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 DHS Child |

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| | Protection, see: Requests for Information About Students |
| Witness Summons | If DHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings, see: Subpoenas and Witness Summonses |

Evaluation:

This policy will be reviewed as part of the school's three year review cycle.