



FRANKSTON HIGH SCHOOL

MANDATORY REPORTING POLICY AND PROCEDURES

Approved March 2021

POLICIES AND PROCEDURES

STATEMENT AND DEFINITION

A broad range of professional groups are identified in the Children Youth and Families Act 2005 (CYFA) as mandatory reporters. Mandated staff members must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds that a student or young person (including an International Student where an additional report must be made to the International Unit of DET) is in need of protection from significant harm as a result of physical injury, serious emotional or psychological harm, serious neglect or sexual abuse, and the student's parents are unable or unwilling to protect the child.

MANDATED STAFF

Section 182 (1) of the Children, Youth and Families Act 2005 (as amended in 2011) lists the following people as mandated to report :

- Person who is registered as a teacher under the Education and Training Reform Act 2006 or has been granted permission to teach under the Act
- The principal of a Government school or non-Government school within the meaning of the Education and Training Reform Act 2006
- Registered medical practitioner
- Nurse
- Midwife
- Member of the police force
- School counsellors

There may be times when two or more mandated staff members, for example a teacher and a principal, have formed a belief about the same student 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 obliged 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.

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 school staff, is able to make a report to 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.

NEW CRIMINAL OFFENCES

The Victorian Government has introduced new criminal offences to protect children from sexual abuse. Under these reforms a failure to report, or take action in relation to suspected child sexual abuse can now constitute a criminal offence, including a:

Failure to Disclose

This offence applies to all adults (not just professionals who work with children) who form a reasonable belief that another adult may have:

- Committed a sexual offence against a child under 16 years of age and
- Fail to report this information to the Victoria Police

Failing to disclose a sexual offence based on concerns for the interests of the perpetrator or organisation (e.g. concerns about reputation, legal liability or financial status) will not be regarded as a reasonable excuse.

Failure to Protect

This offence applies to a person in a position of authority within an organisation who:

- Knows of a substantial risk that a child under the age of 16, under the care, supervision or authority of the organisation will become a victim of a sexual offence committed
- By an adult associated with the organisation (e.g. employee, contractors, volunteer, visitor); and
- Negligently fails to remove or reduce the risk of harm.

Within a school setting, a position of authority includes Principals and Assistant Principals and staff in institutional management positions (for example in government schools this includes Regional Directors and other senior managers).

Forming a Belief on Reasonable Grounds

A person may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child or young person's health, safety or wellbeing is at risk and the child's parents are unwilling or unable to protect the child.

There may be reasonable grounds for forming such a belief if:

- A child or young person states that they have been physically or sexually abused
- A child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- Someone who knows the child or young person states that the child or young person has been physically or sexually abused
- A child shows signs of being physically or sexually abused
- The staff member is aware of persistent family violence or parental substance misuse,
- Psychiatric illness or intellectual disability that is impacting on the child or young person's
- Safety, stability or development
- The staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- A child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child.

Reporting a Belief

Staff members, whether or not mandated, need to report their belief when the belief is 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.

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.

Protecting the Identity of the Reporter

Confidentiality is provided for reporters under the CYFA. The CYFA prevents disclosure of the 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 circumstances.

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 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, 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 or young person 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 CYFA 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 belief that a child is in need of protection from significant harm as a result of physical or sexual abuse may result in the person being prosecuted and a court imposing a fine under the CYFA.

Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse

FOUR CRITICAL ACTIONS

1 RESPONDING TO AN EMERGENCY PAGE 26

2 REPORTING TO AUTHORITIES PAGE 27

3 CONTACTING PARENTS/CARERS PAGE 32

4 PROVIDING ON-GOING SUPPORT PAGE 34

This section outlines four critical actions which must be taken when responding to an incident, disclosure or suspicion of child abuse.

It includes critical detail and links to supporting documents (including the **Responding to Suspected Child Abuse: Template**, which must be completed when responding to any form of suspected abuse).

For easy reference a summary of these actions is available at www.education.vic.gov.au/protect as a printable PDF A3 Poster. We recommend that this resource is displayed in a prominent position for all staff members to access.

FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

PROTECT THE EDUCATION STATE VICTORIA Department of Education and Training



YOU MUST TAKE ACTION

As a school staff member, you play a critical role in protecting children in your care.

- You **must** act, by following the 4 critical actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or has a risk of being abused.
- You **must** act if you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child abuse (eg, if a victim or another person tells you about the abuse).
- You **must** use the **Responding to Suspected Child Abuse** template to keep clear and comprehensive notes.

*A reasonable belief is a different to your view about. This enables staff/teachers to investigate and take action.

1 RESPONDING TO AN EMERGENCY **2 REPORTING TO AUTHORITIES** **3 CONTACTING PARENTS/CARERS** **4 PROVIDING ONGOING SUPPORT**

1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to **Action 2**.

If a child is at immediate risk of harm you **must** ensure their safety by:

- separating alleged victim and others involved
- administering first aid
- calling **000** for urgent medical and/or police assistance to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

2 REPORTING TO AUTHORITIES

As soon as immediate health and safety concerns are addressed you **must** report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Q: Where does the source of suspected abuse come from?

WITHIN THE SCHOOL

VICTORIA POLICE
You **must** report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police.

You **must** also report **internally** to:

GOVERNMENT SCHOOLS

- School Principal and/or leadership team
- Employee Conduct Branch
- DET Security Services Unit

CATHOLIC SCHOOLS

- School Principal and/or leadership team
- Diocesan education office

INDEPENDENT SCHOOLS

- School Principal and/or school chaplain/ess

WITHIN THE FAMILY OR COMMUNITY

DHHS CHILD PROTECTION
You **must** report to DHHS Child Protection if a child is considered to be:

- In need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

VICTORIA POLICE
You **must** also report all instances of suspected sexual abuse (including grooming) to Victoria Police.

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you **must** still act. This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DHHS Child Protection or Victoria Police.

You **must** also report **internally** to:

GOVERNMENT SCHOOLS
You **must** also report to:

- School Principal and/or leadership team
- DET Security Services Unit

CATHOLIC SCHOOLS
You **must** also report to:

- School Principal and/or leadership team
- Diocesan education office

INDEPENDENT SCHOOLS
You **must** also report to:

- School Principal and/or chaplain/ess

3 CONTACTING PARENTS/CARERS

Your Principal **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact the parents/ carer (eg, in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/ carer to be contacted)
- to contact the parents/ carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

4 PROVIDING ONGOING SUPPORT

Your school **must** provide support for children impacted by abuse. This should include the development of a **Student Support Plan** in consultation with well-being professionals. This is an essential part of your duty of care requirements. Strategies may include development of a safety plan, direct support and referral to well-being professionals.

You **must** follow the **Four Critical Actions** every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

CONTACT

DHHS CHILD PROTECTION
AIEA
North Division **1300 664 3777**
South Division **1300 655 795**
East Division **1300 360 391**
West Division (Rural) **1300 375 595**
West Division (Metro) **1300 664 3777**

AFTER HOURS
After hours, weekends, public holidays **15 3278**

CHILD FIRST
www.chf.vic.gov.au

VICTORIA POLICE
000 or your local police station

DET SECURITY SERVICES UNIT
(03) 9599 6266

STUDENT INCIDENT AND RECOVERY UNIT
(03) 9637 2534

EMPLOYEE CONDUCT BRANCH
(03) 9637 2595

DIOCESAN OFFICE
Melbourne (03) 9367 0228
Ballarat (03) 5337 7135
Sun (03) 522 6600
Shepparton (03) 5443 2337

INDEPENDENT SCHOOLS VICTORIA
(03) 9625 7200

Making a Report to Child Protection

The CYFA allows for two types of reports to be made in relation to significant concerns for the safety or wellbeing of a child – a report to Child Protection or a referral to Orange Door.

A report to Child Protection should be considered if, after taking into account all of the available information, the staff member forms a view that the child or young person is in need of protection because:

- The harm or risk of harm has a serious impact on the child's immediate safety, stability or development
- The harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability or development
- The child's parents cannot or will not protect the child or young person from harm.

Where during the course of carrying out their normal duties, a school staff member forms the belief on reasonable grounds that a child is in need of protection, the staff member must make a report to Child Protection regarding this belief and the reasonable grounds for it as soon as practicable.

Staff members may form a professional judgement or belief, in the course of undertaking their professional duties based on:

- Warning signs or indicators of harm that have been observed or inferred from information about the child
- Legal requirements, such as mandatory reporting
- Knowledge of child and adolescent development
- Consultation with colleagues and other professionals
- Professional obligations and duty-of-care responsibilities
- Established protocols
- Internal policies and procedures in an individual licensed children's service or school.

Upon receipt of a report, Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required.

In most circumstances, Child Protection will inform the reporter of the outcome of the report. When the report is classified by Child Protection as a Wellbeing Report, Child Protection will, in turn, make a referral to Orange Door.

Any person who is registered as a teacher under the Education and Training Reform Act 2006, or any person who has been granted permission to teach under that Act, including principals, is mandated to make a report to Child Protection. In the course of undertaking their professional duties, mandated staff members are required to report their belief, when the belief is formed on reasonable grounds, that a child is in need of protection from significant harm as a result of sexual abuse or physical injury.

School policy and procedures stipulate how teaching staff fulfil their duty of care towards children and young people in their school.

Teachers are encouraged to discuss any concerns about the safety and wellbeing of students with the principal class team or a member of the wellbeing team. If a principal class team member or member of the wellbeing team does not wish to make a mandatory report, this does not discharge the teacher's obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the teacher's

concerns continue, even after consultation with the principal class member or member of the wellbeing team, that teacher is still legally obliged to make a mandatory report of their concerns.

Information about the identity of a person making a report to Child Protection must be kept confidential unless the reporter consents to the disclosure of their identity. If the staff member wishes to remain anonymous, this information should be conveyed at the time that the reporter makes the mandatory report.

The Role of School Staff

School staff have a duty of care to protect and preserve the safety, health and wellbeing of children and young people in their care and staff must always act in the best interests of those children and young people. If a staff member has any concerns regarding the health, safety or wellbeing of a child or young person it is important to take immediate action.

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

The roles and responsibilities of staff in supporting children and young people who are involved with Child Protection may include acting as a support person for students, attending Child Protection case plan meetings, observing and monitoring students' behaviour, and liaising with professionals.

Confidentiality

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

When a child or young person has moved to another school, professional judgement should be exercised as to what information needs to be passed on. This will be guided by usual procedures for passing on information about a child's general wellbeing or special needs, and the role of the school in any ongoing care plans.

Interviews at Victorian Schools

Child Protection may conduct interviews of children and young people at school without parental knowledge or consent. However, a child will be interviewed at a Victorian school only in exceptional circumstances and if it is in the child's best interests to proceed in this manner. Child Protection will notify the school of any intention to interview a child or young person. This may occur regardless of whether the school is the source of the report to Child Protection.

When Child Protection practitioners arrive at the school, the Principal or their nominee should ask to see their identification before allowing Child Protection to have access to the child or young person.

Support Persons

Children and young people should be advised of their right to have a supportive adult present during interviews. If a child is too young to understand the significance of the interview, a staff member should make arrangements for a supportive adult to attend with the child.

A staff member may be identified as a support person for the child or young person during the interview. Prior to the commencement of the interview, the Child Protection practitioner should always authorise the staff member to receive information regarding Child Protection's investigation.

This may occur verbally or in writing using the relevant Child Protection proforma.

Independent persons must refrain from providing their opinions or accounts of events during interviews. A principal or their delegate may act as an independent person when the child or young person is to be interviewed, unless they believe that doing so will create a conflict of interest.

Advising parents, Carers or Guardians

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

It is the responsibility of 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.

Ensuring that a Child Protection Interview Takes Place

The school does not have the power to prevent parents, carers or guardians from removing their children from the school and should not attempt to prevent the parents, carers or guardians from collecting the child. If a parent/carer or guardian removes a child before a planned interview has taken place, the Principal and/or their nominee should contact Child Protection or Victoria Police immediately.

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 in their staff handbook.

Updates will take place annually as part of the Performance and Development/Staff meeting rotation.

Other Forms of Child Abuse

As a school staff member, you play a critical role in protecting children from child abuse. In some cases you may be the best-placed, or only adult in a child's life who is in a position to identify and respond to signs that a:

- Child is being abused, or is at risk of abuse
- School community member (including a school staff member) may be a perpetrator
- Of child abuse.

There are different types of abuse and staff should recognise the possible physical and behavioural indicators of:

- Physical abuse
- Sexual abuse
- Grooming
- Emotional or physiological harm

- Neglect
- Family violence

When identifying child abuse, it is critical to remember that:

- The trauma associated with child abuse can significantly impact upon the wellbeing and development of a child
- All concerns about the safety and wellbeing of a child, or the conduct of a staff member, contractor or volunteer must be acted upon as soon as practicable.

References

<http://www.education.vic.gov.au/school/principals/health/Pages/childprotection.aspx>

<http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/protecting-children-together>

<http://www.dhs.vic.gov.au/for-service-providers/children%2c-youth-and-families/child-protection/specialist-practice-resources-for-child-protection-workers/child-development-and-trauma-specialist-practice-resource>

http://www.dhs.vic.gov.au/_data/assets/pdf_file/0007/586465/information-guide-registered-teachers-principals.pdf

<http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/about-child-abuse>