

Mandatory Reporting Policy

Rationale

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. If a staff member has concerns about the safety, health and wellbeing of children in their care it is important to take immediate action.

Mandatory Reporting

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 form 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. A mandatory reporter who fails to comply with these reporting obligations may be committing a criminal offence.

Definition

Mandatory reporting is the obligation by law of persons belonging to the following categories of persons to report concerns about the health, safety, wellbeing of children and young people:

- principals of government and non-government schools
- teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic)
- school counsellors
- registered medical practitioners
- all members of the police force
- nurses
- midwives
- police officers
- out of home care workers (excluding voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- registered psychologists
- people in religious ministry.

Failure to Disclose

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.



Failure to Protect

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 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. The offence applies only to adults in a position of authority within an organisation. In a school context, this may include Principals and Assistant Principals.

To read more information about the 'failure to protect offence', refer to:

Department of Justice and Regulations – Failure to protect offence

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

Other reporting obligations relate to:

Children in Need of Protection

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:

The child has suffered or is likely to suffer significant harm as a result of:

- 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
- 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 remedial care.

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 a member of the school leadership team.



Child in Need of Therapeutic Treatment

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 treatment should make a report to DHHS Child Protection.

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).

In the case of student 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.

Significant Concern for the Wellbeing of a Child

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.

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:

- 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.

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. 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.

For further information, see:

Child Protection and Child Safe Standards

<https://education.vic.gov.au/school/teachers/health/childprotection/Pages/default.aspx>

Responding to concerns about the wellbeing of a child

<https://www.education.vic.gov.au/childhood/professionals/health/childprotection/Pages/ecresponding.aspx>



Duty of Care

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):

- 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.

For more information on responding to all forms of child abuse, refer to
Critical Actions

PROTECT Four

https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_SSO.pdf

Child Safe Standards

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.

Purpose

- To ensure Mackellar Primary School complies with the Mandatory Reporting requirements of the Children, Youth and Families Act 2005, the Crimes Act 1958 and other legislation.
- To ensure the school complies with DET policy and guidelines.
- To ensure the safety of children through the creation and maintenance of a child safe environment.
- To ensure the school complies with Child Safe Standard 5
- To develop a child safe school that fosters and develops a culture in which everyone – staff, volunteers, parents/carers and children, feel confident, enabled and supported to safely disclose child safety concerns.
- To define the roles and responsibilities of school staff in protecting the safety and wellbeing of children
- 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: 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, identify indicators that a child or young person has been, is being, or is at risk of being abused, and make a report about a child or young person who has been, is being, or is at risk of being abused.



Implementation

- The safety of every child at the school is our highest priority
- The school has a **zero tolerance of child abuse**
- Mandatory reporters, who believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse, will make a report as soon as practicable to the Department of Health and Human Services (DHHS) Child Protection as soon as practicable
- All other school staff who form a belief on reasonable grounds that a child or young person is in need of protection are encouraged to report their concerns to DHHS Child Protection or Victoria Police.

The school will refer to the following resources:

- PROTECT
<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/report.aspx>
- Protecting the safety and wellbeing of children and young people
<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/report.aspx>
- Protecting Children - Mandatory Reporting and Other Obligations - eLearning module log-in
- Speak Up Child Wise.
http://childwise.blob.core.windows.net/assets/uploads/files/SpeakUp_booklet_VIC.pdf
- Betrayal of Trust Fact Sheet <https://www.buv.com.au/documents/item/266>

Please refer also to the school's Duty of Care Policy, Police & DHHS Interviews Policy, Risk Management Policy, Responding to Student Sexual Offences Policy, Risk Management Policy, Access to Reports & Other Information about Students Policy, Information Privacy Policy and the Child Safe Standards.

The school will ensure that all staff are aware of their responsibilities under the 'Failure to Disclose' and 'Failure to Protect' legislation as described above including that failure to comply with the reporting obligations may be committing a criminal offence.

Evaluation:

- Policy to be reviewed as part of the school's three-year review process

This policy was last ratified by School Council in June 2021

