

MANDATORY REPORTING OF CHILD ABUSE POLICY

PURPOSE

Under the Commonwealth Family Law Act 1975 and the Children, Youth and Families Act 2005 (Vic), mandatory reporting is designed to help protect children from harm due to physical injury, sexual or emotional abuse or neglect. School personnel mandated under this Act who, in the course of carrying out their duties, form a reasonable belief that a child is in need of protection from physical injury, sexual or emotional abuse or neglect, must report that belief and the grounds for it as soon as possible.

This policy assists school personnel to comply with this requirement and fulfil their responsibilities regarding the welfare and protection of children at risk. This policy complements guidelines provided by the Department of Health and Human Services (DHHS) to all Victorian schools.

SCOPE

The School commits to ensuring that:

1. Mandatory reporters are aware of their legal responsibilities to report child abuse and neglect to Child Protection.
2. Mandatory reporters are informed on how to recognise and respond to child abuse.
3. Mandatory reporters are provided with advice about referring children or families to Child FIRST or reporting a belief of a child's need for protection to Child Protection.

DEFINITIONS

At-Risk Child: A child who is believed to be at risk of abuse or neglect.

Child: A child is any person 16 years of age or younger.

Child FIRST: The Family Information Referral Support Team is run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to DHHS.

Child Protection: The Victorian Government agency, provided by DHHS, that protects children at risk of significant harm. Child Protection has statutory powers and can use these to protect children.

Mandatory Report: A report made to Child Protection, by a person mandated under the Act, based on a reasonable belief that a child is in need of protection from sexual or emotional abuse, physical injury or neglect.

Mandatory Reporter: The following people are mandatory reporters under the Children Youth and Families Act 2005:

- a person who is registered as a teacher under the Victorian Institute of Teaching Act 2001 or has been granted permission to teach under that Act
- the head teacher or principal of school

Reasonable belief: formed if a reasonable person in the same position would have formed the belief on the same grounds.

1. LEGAL RESPONSIBILITIES

If you have a [reasonable belief](#) that a child is in need of protection, then you must make a report without delay. Seeking assistance or advice should not hold-up the reporting process. You should attempt to file the report on the same day as the belief is formed. [Section 327 of the Crimes Act](#) imposes a clear legal duty upon **all adults** to report information about child sexual abuse to police.

- 1.1 You are required to notify Child Protection each time you become aware of any further reasonable grounds for your belief.
- 1.2 You do not have to be able to prove that the child has been abused to notify Child Protection.
- 1.3 If the Principal does not share your belief that a child or young person is in need of protection, **you must still** notify Child Protection of your belief. However, it is recommended that you inform the Principal that you have made a report.

As a mandatory reporter you are both legally and professionally protected. That means that you cannot be successfully sued or subjected to any legal liability, nor can you be disciplined for unprofessional conduct by your professional body.

2. RECOGNISE AND RESPOND

Individual teachers should make observations and keep note of the concerns that have led them to form the belief that a report may be necessary. It may assist teachers to think in terms of reporting behaviour or a series of behaviours and a concern or a series of concerns rather than reporting an individual family.

- 2.1 These concerns should be discussed, in the first instance, with the Principal.
- 2.2 It should then be decided who else, if anyone, should be informed. The need for confidentiality should be remembered at all times in the interests of the student and family. Only where the welfare of the student will be affected should the matter be discussed with anyone else.
- 2.3 It is important that the recommended procedures are followed to support and protect the child at risk.
- 2.4 All teaching staff will be given regular training on Mandatory Reporting of Child Abuse procedures.

3. REPORT TO RELEVANT AGENCIES

Department of Health and Human Services Child Protection

- 3.1 The reporter may form the belief that it is necessary to make a report to Child Protection. In this case, the teacher is required to make a report as soon as practicable.
- 3.2 The reporter may continue to suspect that a child is in need of protection. In this case, the reporter should continue to record any further observations made and make a report on each occasion where they form a belief, on reasonable grounds, that a child is or is likely to be at risk of physical, sexual, emotional abuse and neglect.

Referral to Child FIRST

The primary purpose of Child FIRST is to ensure that vulnerable children, young people and their families are linked effectively into relevant services. A referral to Child FIRST may be the best way of connecting children, young people and their families to the services they need, where families exhibit any of the following factors that may affect a child's safety, stability or development:

- significant parenting problems that may be affecting the child's development
- serious family conflict, including family breakdown
- families under pressure due to a 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.

If, following a report to either agency, a family approaches the School, it is recommended that any interview be conducted with a minimum of two school staff members present (eg the Principal and one other, not necessarily including the reporting staff member/s) to provide support in what could be a difficult situation. The focus of such a meeting should be the welfare of the student not on justifying the actions of the teacher/s involved.

Support for the reporting teacher/s and the student that is the cause for concern and anyone else affected should be arranged as necessary. The School should be aware that a wide range of people may be affected. Support should continue to be provided if necessary, as the role of the teacher with the student and Department of Health and Human Services Child Protection may be ongoing.

A registered school teacher or principal can seek advice from or make a referral to Child FIRST if they have a significant concern for the wellbeing of a child and where the immediate safety of the child is not compromised. The teacher or Principal should share relevant information with Child FIRST to help them complete their assessment of the referral. Contact should be made with the nearest Child FIRST office for information and advice.

A reporter may wish to keep their identity confidential when they make a referral to Child FIRST or a report to Child Protection, or when they share information with these agencies. A Child FIRST or Child Protection worker cannot disclose the identity of the person making a referral or report without their consent.

If the alleged perpetrator is a staff member, principal or any other person employed by the School, contact should be made in the first instance with the Principal but if this is not appropriate, then with the MMS Board Chair.

CONTACT DETAILS**For Mandatory Reporting**

Child Protection
Department of Health & Human Services
DHS Southern Region
Tel: 1300 655 795

For Referrals & Community Support

Child FIRST
Southern Metropolitan
Bayside
Tel: 1300 721 383

<https://services.dhhs.vic.gov.au/child-protection>

After Hours Child Protection Emergency Services
Tel: 131 278
24 Hours/7 days per week

REVIEWED: 2017

LINKED WITH:
Health and Wellbeing Policy
OH&S Policy