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MANDATORY REPORTING POLICY

PURPOSE

To define the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people and to enable staff to:

- identify indicators that a child or young person may be in need of protection
- make a report about a child or young person who may be in need of protection
- comply with reporting obligations under child protection law and criminal law and fulfil their duty of care

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if:

- a child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been physically or sexually abused
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused
- signs of abuse lead to a belief that the child has been physically or sexually abused.

'Mandatory Reporters': The following professionals are prescribed as mandatory reporters under section 182 of the Children Youth and Families Act 2005 (CYFA) –

- Primary and secondary school teachers and principals, including students in training to become teachers
- Registered medical practitioners, including psychiatrists
- Nurses, including school nurses
- Police

Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

- The offence applies to **all adults** in Victoria, not just professionals who work with children
- Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to Department of Health and Human Services (DHHS) Child Protection.

All other school staff members who form a belief on reasonable grounds that a child or young person:

- is in need of protection, should report their concerns to DHHS Child Protection or Victoria Police or Child FIRST
- is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to DHHS Child Protection.

School staff have a duty of care to protect the safety, health and well-being of children in their care. If a staff member has concerns about the safety, health and well-being of children in their care they should take immediate action. In cases where staff have concerns about a child or young person, they should also discuss their concerns with the Principal. 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, school staff can discharge this duty of care by taking action which included the following:

- reporting the concerns to the DHHS Child Protection or another appropriate agency
- notifying the Principal of their concerns and the reason for those concerns

OBJECTIVES

- To ensure that staff respond to serious incidences involving abuse and neglect of students with whom they have contact.
- To inform staff of the protocols that must be followed, where there are reasonable grounds to believe that a student is in need of protection from physical or sexual abuse or neglect.

GUIDELINES FOR IMPLEMENTATION

- Any person who is registered as a teacher under the *Education and Training Reform Act (2006)* or any person who has been granted to teach under the Act, including principals, is mandated to make a report to Child Protection.
- Any person, including non-mandated school staff, who believes on a reasonable grounds that a child or young person is at risk of harm or is in need of protection, may report their concerns to Child Protection.
- All members of the Teaching Service are mandated by law to report signs of physical and/or sexual abuse, and neglect.
- 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 the Principal regarding this belief and the reasonable grounds for it, as soon as practicable.
- The Principal will keep a confidential record of all discussions about a student with whom there is a concern.
- The Principal will contact Child Protection by telephone as soon as possible to make an official notification.
- The Principal will also inform the reporting teacher that Child Protection has been notified.
- In cases where a teacher or the Principal directs another teacher not to make a report and the teacher continues to hold the belief that a student is in need of protection, then that teacher is legally obliged to make a 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.
- Members of Child Protection, or associated support or intervention services that visit the school following a notification, will interview staff and students only in the presence of a Principal class member or his/her nominee.
- 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
- All reports, teacher notes and subsequent discussions and information are to be recorded and remain strictly confidential.
- All incidents will be monitored, and any subsequent signs or indications of abuse are also to be reported.
- Where a report is classified by Child Protection as a Wellbeing Report, Child Protection will in turn, make a referral to Child FIRST.

- While only mandated by law to report incidents of physical and sexual abuse and neglect, teachers are also encouraged to report incidents of emotional abuse or neglect.
- Students who disclose to staff a desire to harm themselves or others, must be reported by staff to the Principal.
- In accordance with DET's *'School Policy and Advisory Guide'* (SPAG) and the CYFA the identity of a staff member making a notification will be kept confidential, except in specific circumstances where:
 - 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
- 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.
- 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
- 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.
- 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.
- 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.
- It is the responsibility of Child Protection to advise 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.
- Breaches of the Mandatory Reporting provisions may result in a teacher or a member of the Principal Team being subject to prosecution and conviction.
- All staff will undertake Mandatory Reporting Training as part of their induction process.
- New staff will be informed of Mandatory Reporting responsibilities and procedures as part of their induction procedure.
- Staff will be reminded of Mandatory Reporting responsibilities annually and will be provided with supporting documentation in their staff handbook.
- All staff members can refer to the DET's *'School Policy and Advisory Guide'* for detailed information relating to Mandatory Reporting.

EVALUATION

Evaluation of this policy will be carried as a part of the Policy Committee's cyclic review process, in three years time, or beforehand, if a significant issue arises.

Date Implemented	June 2008
Author	Education Committee Adriana Grisold, Melitta Elliott, Sue Fergeus
Approved By	School Council
Approval Authority (Signature & Date)	<i>Sue Ferg</i> #DDMAR
Date Reviewed	October 2015
Responsible for Review	Education Committee
Review Date	November 2018