



Mandatory Reporting

(Child Safe Standard 5)

Rationale

All students at Craigieburn South Primary School have the right to feel safe and be safe. Craigieburn South Primary School staff have a legal and moral responsibility to protect the safety and wellbeing of all students, and in particular to respond to serious incidences involving abuse and neglect of the students in our care, and to report instances that the school believes involves child abuse or neglect.

Aim

To protect children and young people from abuse and neglect by law under section 184 of the Children Youth and Families Act 2005 by ensuring school staff:

- 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
- make a report about a child or young person who has been, is being, or is at risk of being abused.

Types of Child Abuse

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing.

Types of child abuse include:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect
- Medical neglect
- Family violence
- Risk-taking behaviours

Definitions

Physical abuse

Physical abuse consists of any non-accidental form of injury or serious physical harm inflicted on a child or young person by any person. Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline. Physical abuse can include beating, shaking, burning and assault with implements.

Physical injury and significant harm to a child or young person may also result from the failure of a parent, carer or guardian to adequately ensure the safety of a child, exposing the child to extremely dangerous or life-threatening situations. Physical abuse also includes fabricated illness syndrome (previously known as Munchausen's syndrome by proxy) and female genital mutilation (FGM). FGM comprises all procedures that involve partial or total removal of the female external genitalia and/or injury to the female organs for cultural or any non-therapeutic reasons.

Sexual abuse

A child is sexually abused when any person uses their authority or power over the child or young person to engage in sexual activity. Child sexual abuse involves a wide range of sexual activity and may include fondling genitals; masturbation; oral sex; vaginal or anal penetration by finger, penis or any other object; voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.

Emotional abuse

Emotional abuse occurs when a child or young person is repeatedly rejected, isolated or frightened by threats or by witnessing family violence. It also includes hostility, derogatory name-calling and putdowns, or persistent coldness from a person, to the extent that the behaviour of the child or young person is disturbed or their emotional development is at serious risk of being impaired.

Psychological or emotional abuse may occur with or without other forms of abuse. The child or young person may develop personality or behavioural disorders, or become filled with self-doubt and internalised rage,

unable to form sustained and intimate relationships. There are few physical indicators, although emotional abuse may cause delays in emotional, mental or even physical development.

Neglect

Neglect includes a failure to provide the child or young person with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health or development of the child is significantly impaired or placed at serious risk. A child is neglected if they are left uncared for over long periods of time or abandoned.

Family violence

Family violence is defined as violence (either actual or threatened) that occurs within a family, including physical, verbal, emotional, psychological, sexual, financial and social abuse. When there are strong indicators that incidents of family violence are placing children at significant risk or danger, Child Protection must be informed. Family violence is a criminal offence and can be liable to prosecution.

Risk-taking behaviour

While risk-taking behaviour in adolescence is a normal aspect of healthy development, some behaviour may require attention from Child Protection when it carries potentially severe or life threatening consequences. Examples include severe alcohol or drug use; unsafe sexual activity, including prostitution; solvent abuse and chroming; and violent or dangerous peer group activity (for example train-surfing).

There are community services that work with young people and their families when children are engaged in risk-taking behaviours. Parents, carers or guardians can contact their local government to find these services or may wish to contact the police if the risk-taking activity is illegal and extreme in nature or poses a high risk to the child or young person.

Implementation

- 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.
- For allegations of sexual assault or child abuse the person making a report may also report their belief to Victoria Police SOCIT, as these reports may also constitute reports of criminal offences. Protocols between DHHS Child Protection and Victoria Police require that all reports received by DHHS Child Protection relating to physical abuse, sexual abuse or serious neglect must be reported to Victoria Police SOCIT.
- However if the concerns are life threatening the police must be contacted.
- Teachers will be informed annually of their legal responsibilities to report any form of child abuse to the Department of Health and Human Services (DHHS) Child Protection and will be provided with information on how to recognise and respond to child abuse.
- All students in training to be teachers are also mandated by law to report signs or risks of harm, disclosures of abuse or neglect, or a reasonable belief a student is subjected to sexual abuse or physical harm.
- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- **Non-mandated staff members**, such as ES staff, who believe on reasonable grounds that a child is in need of protection, may report their concerns to Department of Health and Human Services (DHHS) 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. However they should report their concerns to the Principal.

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 of 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.

Following a discussion with the Principal or Principal's nominee about his/her concerns and observations:

- The teacher may form the belief that it is necessary to make a report. In this case the teacher must make a report to the Department of Health and Human Services (DHHS) Child Protection as soon as practicable. It is the responsibility of the individual teacher to ensure that this notification has occurred and that all reasonable grounds supporting the belief have been reported.
- The teacher may continue to suspect that a child is in need of protection. In this case the teacher should continue to monitor and support the child.
- Those involved in any process of consultation around mandatory reporting must maintain confidentiality regarding the child, the family, the notifier and any alleged perpetrator.
- A teacher does not need permission from parents or caregivers to notify, nor do you need to inform them that you are notifying.
- A teacher may notify the Department of Health and Human Services (DHHS) Child Protection of his/her belief without the prior knowledge of the Principal. However it is strongly recommended that the teacher inform the Principal or Principal's nominee of his/her action as soon as practicable.
- It may be necessary for the Department of Health and Human Services (DHHS) Child Protection to interview a child at school when a notification of abuse has been made. Such requests may be directed to the Principal or the Principal's nominee.
- It is important to advise children or young people of their right to have a supportive adult present at such an interview. This may be the Principal or a teacher.
- When Officers of Child Protection Victoria or the Police seek an interview with a child, the Principal should cooperate with the authorised agency.

The Principal or Principal nominee should

- Arrange for the child to choose a supportive adult to be present
- Follow the recommended procedures from the Department of Health and Human Services (DHHS) Child Protection and Department of Education and Training (DET)
- Ensure that arrangements are in order for any interview which is to take place at the school
- Seek or offer appropriate pastoral support for the reporting staff member
- Observe confidentiality at all times in the management of a mandatory reporting case
- If legal assistance is required, contact Department of Education and Training (DET)

Reporting a belief

- Staff members 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.
- Teachers are encouraged to discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. If a principal or member of the leadership 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 or member of the leadership team, that teacher is still legally obliged to make a mandatory report of their concerns.
- The Principal will keep a record of all discussions about a student with whom there is a concern.
- 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 Department of Health and Human Services (DHHS) Child Protection regarding this belief and the reasonable grounds for it as soon as practicable. A "Mandatory Reporting Information Sheet" available from the Principal must be completed and filed in the Principal's office.
- All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.
- 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 Department of Health and Human Services (DHHS) Child Protection.

- The teacher and/or the Principal class officer will contact the Department of Health and Human Services (DHHS) Child Protection by telephone as soon as possible to make an official notification on:
(03) 9479 6222 or after school hours crisis line 131278
- The police must also be contacted when concerns are life threatening.
- All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported.
- Students, who disclose to staff a desire to harm themselves or others, must be reported by staff to the principal.

Protecting the identity of the reporter

- Confidentiality for reporters under the Children Youth and Families Act 2005 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 Department of Health and Human Services (DHHS) 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 Children Youth and Families Act 2005 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 under 16 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 Children Youth and Families Act 2005.

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>

Evaluation

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

This policy was last updated in 2018

The policy will be reviewed in 2021