MANDATORY REPORTING

RATIONAL

- All children have a right to feel safe and to be safe. As teachers, we have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse, emotional abuse or neglect.
- All members of the Teaching Service are mandated by law to report signs of physical and/or sexual abuse, and neglect.
- Mandatory reporting may relate to sexual harassment which is unlawful behaviour under the Commonwealth Sex discrimination Act (1984) and the Victorian Equal Opportunity Act (1995).
- Quite apart from mandatory reporting requirements, a teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable. A breach of this duty of care may lead to legal action.
- The major emphasis is on prevention, with the goal of providing population based strategies as well targeted programs to provide young people with the skills and strategies to enhance their resilience.

AIMS

- To ensure Bolinda Primary School complies with the Mandatory Reporting requirements of the Children, Youth and Families Act 2005 and other legislation including
  - being aware of their legal responsibilities and DET’s policy and procedures
  - ensuring staff are trained in recognising potential child abuse (physical and emotional) or neglect and responding appropriately.
  - ensuring critical incidents are immediately reported to the Emergency and Security Management Unit.

IMPLEMENTATION

- New staff will be trained in mandatory reporting responsibilities and Bolinda Primary School procedures as part of their induction process.
- An annual professional learning session is held on protecting the safety and wellbeing of children and young people (mandatory reporting protocol).
- All concerns must be reported immediately to the Principal. Proof is not required.
- 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 DHS Child Protection. The offence applies to all adults in Victoria, not just professionals who work with children. (More information about 'failure to disclose' offence, see: Department of Justice and Regulation – Failure to disclose offence)
• Reasonable grounds for reporting child abuse are when
  - A child informs a teacher that he / she has been abused
  - Someone else informs a teacher that a child has been abused or they suspect abuse
  - A child informs a teacher that he /she knows someone who has been abused
  - A teacher’s own observations lead to suspicions that a child has suffered abuse.
  - signs of abuse lead to a belief that the child has been physically or sexually abused.
  - 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)

**TYPES OF CHILD ABUSE AND INDICATORS OF HARM**
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
- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution).

A report should be made to DHS Child Protection in circumstances where, for example:
- the child is engaging in risk-taking behaviour
- female genital mutilation has occurred, or there is a risk of it occurring
- there is a risk to an unborn child
- a child or young person is exhibiting sexually-abusive behaviours
- there are indications that a child is being groomed. *(For information see: Department of Justice and Regulation – Grooming offence).*

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert teachers to the possibility of child abuse and neglect.

**WHEN TO REPORT**
The following table sets out when to report a concern that a child or a young person has been abused, or is in need of protection.

<table>
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<tr>
<th>Type of Reporting</th>
<th>By Whom</th>
<th>To Whom</th>
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| Mandatory Reporting - DHS Child Protection | • Mandatory reporters  
  • Teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic)  
  • Principals of government and non-government schools  
  • Registered medical | • DHS Child Protection |
### Child in need of protection

Any person may make a report if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:

- 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 has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child.
- The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child.
- The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect 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.

### Child displaying sexually abusive behaviours and in need of therapeutic treatment

Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours.

### Significant concerns about wellbeing of a child

Any person may make a report if they have significant concerns for the wellbeing of a child.

### Reasonable belief that a sexual offence has been committed by an adult against a child under 16.

Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to police. It is a criminal offence not to make a report, except in the following circumstances:

- The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police.
- The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor.
- The victim turned 16 years of age before 27 October 2014.

Reasonable excuses for failing to comply with the requirement include:

- a reasonable belief that the information has already been reported to police or DHS Child Protection disclosing all of the information
- a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm
This table describes how to make a mandatory report, to report child abuse or child protection concerns.

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<tr>
<th>Step</th>
<th>Description</th>
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| 1    | **In case of emergency or if a child is in immediate danger contact Triple Zero (000) or Romsey Police Station (03) 54295461.**  
Alternatively, to report concerns about the immediate safety of a child within their family unit to DHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hours 7 days, toll free). |
| 2    | Keep comprehensive notes that are dated and include the following information:  
- information that has led to concerns about the child's safety (e.g. physical injuries, student behaviour)  
- the source of this information (e.g. observation of behaviour, report from child or another person)  
- the actions taken as a result of the concerns (e.g. consultation with principal, report to DHS Child Protection etc.). |
| 3    | Discuss any concerns about the safety and wellbeing of students with the principal. The individual staff member should then make their own assessment about whether they should make a report about the child or young person and to whom the report should be made. |
| 4    | Gather the relevant information necessary to make the report. This should include the following information:  
- full name, date of birth, and residential address of the child or young person  
- the details of the concerns and the reasons for those concerns  
- the individual staff member’s involvement with the child and young person  
- details of any other agencies who may be involved with the child or young person, if known. |
| 5    | Make a report to the relevant agency  
To report concerns that are life threatening phone 000 or Romsey Police Station (03) 54295461.  
To report concerns about the immediate safety of a child within their family unit to DHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hrs 7 days, toll free)  
To report concerns to DHS Child Protection, contact Bendigo Office 5434 5555. |
| 6    | Make a written record of the report which includes the following information:  
- the date and time of the report and a summary of what was reported  
- the name and position of the person who made the report and the person who received the report. |
| 7    | The teacher and / or the Principal will contact the Department of Human Services and the Emergency and Security Management Unit on (03) 9589 6266 (24 hours) as soon as possible to make an official notification.  
(The Emergency and Security Management Unit will notify the Student Critical Incident Advisory Unit of any incidents of a sexual nature as soon as it is reported by the school.  
The Student Critical Incident Advisory Unit is available 24-hours a day, and immediately liaises with the School, and where required, the regional office, the Victoria Police Sexual Offences and Child Abuse (SOCA) Unit or the Department of Human Services, Child Protection or the Conduct and Ethics Branch.)  
In the case of international students, the principal must notify the International Education Division on (03) 9637 2990 to ensure that appropriate support is arranged for the student.  
In the case of Koorie students, the principal must notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student. |
### POTENTIAL CONSEQUENCES OF MAKING A REPORT

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| **Confidentiality**   | The identity of a reporter must remain confidential unless:  
|                       | • the reporter chooses to inform the child, young person or parent of the report.  
|                       | • the reporter consents in writing to their identity being disclosed.  
|                       | • a Court or Tribunal decides that it 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 provide evidence. |
| **Professional Protection** | 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. |
| **Interviews**        | • DHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent’s knowledge or consent.  
|                       | • Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.  
|                       | • DHS Child Protection and/or Victoria Police will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises.  
|                       | • When officers from DHS Child Protection or Victoria Police come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person.  
|                       | • When a child or young person is being interviewed by DHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.  
|                       | *(For more information on these requests and school responsibilities, see: Police and DHS Interviews)* |
| **Support for the child or young person** | The roles and responsibilities of staff members in supporting children who are involved with DHS Child Protection may include the following:  
|                       | • acting as a support person for the child or young person  
|                       | • attending DHS Child Protection case planning meetings  
|                       | • observing and monitoring the child’s behaviour  
|                       | • liaising with professionals. |
| **Requests for Information** | • DHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.  
|                       | • In certain circumstances, DHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHS Child Protection. For more information *(see: Requests for Information About Students)* |
| **Witness Summons**   | If DHS Child Protection makes a Protection Application in the Children’s Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings. *(see: Subpoenas and Witness Summonsces)* |

*This policy is written in consultation with DET Guidelines.*
**ADDITIONAL INFORMATION**

- The school will not interview the child; the role is only to gather sufficient facts to make the report.
- It is important that, after a critical incident occurs or is disclosed, the school develops strategies to support all students who may have been involved in or impacted on by the incident. Management Support Plans and Supportive Behaviour Management Plans are the most effective strategy to ensure appropriate support occurs. This plan should be developed in consultation with relevant school staff and parents/carers. It is also important to involve in the planning process any external organisations that are providing support to students.
- In certain circumstances, the Department offers Counselling Assistance Payments to former students who report having been sexually abused while attending, or in connection with, a Victorian government school.
- Schools that receive a report of sexual abuse from a former student should contact the Department’s Student Critical Incident Advisory Unit on (03) 9589 6266.
- All reports, information sheets and subsequent discussions and information are to be recorded.
- All reported cases will be monitored and any subsequent signs or indications of abuse are also to be reported.
- 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 some cases, students will disclose abuse or neglect including allegations of sexual assault that may have occurred sometime in the past. In some cases, the incident disclosed may have occurred a number of years ago and may have occurred off-site or within a family or community context. These disclosures should still be responded to immediately. The time elapsed between the incident occurring and its disclosure is not relevant. Appropriate actions and support processes must still be undertaken.
- All allegations that a teacher or school employee has committed a sexual assault must be reported directly to the Victoria Police Sexual Offences and Child Abuse (SOCA) Unit and the Department of Education Conduct and Ethics Branch, which provides advice about misconduct issues on (03) 9637 2594 or 9637 2595. The Student Critical Incident Advisory Unit should also be notified (03) 95889 6266.
- The Principal will maintain ongoing contact with the Regional Office. The Principal may be in contact with the Regional Director or Assistant Regional Director, Area Executive Director, SEIL, regional student wellbeing staff or Regional Emergency Management Coordinator.

**EVALUATION**

- This policy will be reviewed annually.

**REFERENCES**

- Child Protection - Reporting Obligations  
- Children, Youth and Families Act 2005  
- Failure to disclose offence  
- Department of Justice and Regulation – Grooming offence  
- Police and DHS Interviews -  

*This policy is written in consultation with DET Guidelines.*
- Requests for Information About Students -
- Subpoenas and Witness Summons -

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