



# Somerville Primary School Mandatory Reporting Policy

<b>Policy Name:</b>	Mandatory Reporting	<b>Date of approval:</b>	09/2015
<b>Responsible:</b>	Principal	<b>Expected review date:</b>	2018

## **RATIONALE:**

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 or neglect.

## **Mandatory Reporting**

### **Mandated Staff Members**

School teachers, principals and teachers in training have a legal obligation to make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person is in need of protection from significant harm as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.

Teachers, principals and teachers in training are mandated by law under section 184 of the Children and Families Act 2005 (CYFA) to make a report to Child Protection at the Department of Human Services (DHS).

### **Non-Mandated Staff Members**

Section 183 of the CYFA states that **any person** who believes on reasonable grounds that a child is in need of protection may report their concerns to Child Protection. This means that any person, including non-mandated licensed children's services or school staff, is able to make a report to 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.

## **AIMS:**

To ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.

To protect students from abuse and neglect by ensuring school staff:

- a. understand their mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse including physical and sexual abuse
- b. know how to make a mandatory report to the Department of Human Services (DHS) Child Protection when they have formed a belief on reasonable grounds that a child or young person is at risk of significant harm
- c. are able to identify and be aware of the indicators of abuse.

## **IMPLEMENTATION:**

Staff must report when they form a belief a child needs protection.

### **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 15
- the staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- 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.

### **Reporting a belief:**

Staff members, whether or not mandated, 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. 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 Child Protection.

### **Reporting to Child Protection or Child First**

The CYFA allows for two types of reports to be made in relation to significant concerns for the safety or wellbeing of a child – a report to Child Protection or a referral to Child FIRST. If a staff member forms a belief on reasonable grounds that a child is in need of protection they should make a report to Child Protection. If a staff member or family day carer has general concerns for the wellbeing of the child, but has assessed that the child is not at immediate risk of harm, a referral to Child FIRST should be made.

A report to Child Protection should be considered if, after taking into account all of the available information, the staff member forms a view that the child or young person is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development

- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability or development
- the child's parents cannot or will not protect the child or young person from harm.

Where during the course of carrying out their normal duties, a Victorian 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 Child Protection regarding this belief and the reasonable grounds for it as soon as practicable.

Staff members of licensed children's services and schools may form a professional judgement or belief, in the course of undertaking their professional duties based on:

- warning signs or indicators of harm that have been observed or inferred from information about the child
- legal requirements, such as mandatory reporting
- knowledge of child and adolescent development
- consultation with colleagues and other professionals
- professional obligations and duty-of-care responsibilities
- established protocols
- internal policies and procedures in an individual licensed children's service or school.

### **Information Required When Making a Report**

Relevant information will include specific information about the child and/or other members of the child's family, or people living with the child, whose behaviour has an impact on the child. Child FIRST and Child Protection practitioners may ask questions about the following:

- name and age of the child and their address
- name of parents, carers or guardians and addresses
- name of sibling/s, age/s and addresses
- language spoken in family
- background or cultural status (for example refugee)
- whether the family is aware of the report to Child Protection or referral to Child FIRST
- any services being received by the child and family
- the staff member's relationship to the child
- the reason for the report and nature of concerns for the child
- the time and dates of incidents of abuse.

Upon receipt of a report, Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required. In most circumstances, Child Protection will inform the reporter of the outcome of the report. When the report is classified by Child Protection as a Wellbeing Report, Child Protection will, in turn, make a referral to Child FIRST.

### **Protocols:**

- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.

- All staff will be reminded of their mandatory reporting responsibilities annually.
- The role of investigation around any allegations of child abuse rests solely with Child Protection (DHS) and or Victoria Police.
- All concerns around a child's safety and wellbeing must be reported immediately to the principal, or in their absence, the assistant principal.
- All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported.
- While only mandated by law to report incidents of actual or potential physical and sexual abuse; teachers are encouraged to report incidents of emotional abuse or neglect.
- All mandated staff are required to complete the DET online (60 minutes) mandatory reporting eLearning module at: <http://www.elearn.com.au/det/protectingchildren/> User name: education  
Password: employee

**EVALUATION:**

This policy will be reviewed as part of the three year school review cycle or sooner if there is a change in the law.

References:

[http://www.dhs.vic.gov.au/\\_data/assets/pdf\\_file/0018/527211/Protocol-DEECD-updated-2013.pdf](http://www.dhs.vic.gov.au/_data/assets/pdf_file/0018/527211/Protocol-DEECD-updated-2013.pdf)