



MACLEOD COLLEGE  
A STATE P~12 SCHOOL

## Mandatory Reporting Policy

### 1. Preamble

Protecting children from abuse is a whole of community responsibility. Victorian schools play an important role in the prevention of child abuse and neglect through their access to information about family functioning and needs of children.

### 2. Aim:

To ensure that each student is protected against physical, emotional and sexual abuse and neglect.

### 3. Implementation:

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.

#### 3.1 Mandated reporters

All staff who are Victorian Institute of Teaching (VIT) registered teachers (including principals) or who have been granted permission to teach by the VIT are 'mandatory reporters'. This means that in the course of undertaking their professional duties, they must report to the Department of Health and Human Services (DHHS) Child Protection Services\* a belief on reasonable grounds that a child is in need of protection from significant harm as a result of sexual abuse or physical injury and the child's parents are unable or unwilling to protect the child. They must report as soon as practicable after forming the belief

- see Appendix 1 for "guide for making a report" flowchart
- see Appendix 2 for detailed reporting guidelines and protocols

There may be times when two or more mandated staff members, for example a teacher and a principal, have formed a belief about the same young person on the same occasion. In this situation it is sufficient for only one of the mandated staff members to report to Child Protection. The other staff member is obliged to ensure that the report has been made and that all of the grounds for their own belief were included in the report made by the other staff member. 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.

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#

#### **\*Child Protection Services**

*The statutory child protection service provided by the Department of Human Services, which is able to intervene to protect children and young people at risk of significant harm.*

<http://www.cyf.vic.gov.au/child-protection-family-services/home>

**#Child FIRST** (Family Information Referral and Support Team)

*A family services community-based intake and referral service. Child FIRST ensures that vulnerable children, young people and their families are effectively linked to relevant services, including Child Protection.* <http://www.cyf.vic.gov.au/family-services/child-first>

### **3.2 Non-mandated staff members**

Any person including non-mandated school staff, is able to make a report to Child Protection or Victoria Police 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. 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.

#### **233 Failure to disclose offence**

Any adult who forms a reasonable belief that an offence has been committed by an adult against a child under 16 must report 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 Child Protection or the child is older than 16 when the belief is formed. More information about the offence can be found at

<http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>.

### **3.4 Making a report**

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.

Staff are expected to follow the Department policy for making a report.

Reports to Child Protection and Victoria Police are confidential unless you consent or a court or tribunal decides that it is necessary in the interests of justice for your identity to be disclosed.

**The role of investigating an allegation of child abuse rests solely with Child Protection and/or Victoria Police.**

### **3.5 Staff training**

As part of their initial induction to the school, staff will be informed of child protection reporting requirements and Department policy and will be provided with supporting documentation in their staff handbook.

## **4. Related Documents/Resources:**

<http://www.education.vic.gov.au/school/principals/health/Pages/childprotection.aspx>

<http://www.dhs.vic.gov.au>

## **5. Endorsement:**

College Council endorsement date: 17th February, 2016

## **5. Evaluation and review**

This policy will be reviewed annually or more often if necessary due to changes in legislation or local circumstances. It is to be evaluated and re-endorsed as part of the College's three year review cycle.

## A step-by-step guide to making a report to Child Protection or Child FIRST

### Protective concerns

You are concerned about a child because you have:

- received a disclosure from a child about abuse or neglect
- observed indicators of abuse or neglect
- been made aware of possible harm via your involvement in the community external to your professional role.

### At all times remember to:

- record your observations
- follow appropriate protocols
- consult notes and records
- consult with appropriate colleagues if necessary
- consult with other support agencies if necessary

STEP 1	RESPONDING TO CONCERNS	STEP 2	FORMING A BELIEF ON REASONABLE GROUNDS	STEP 3	MAKING A REFERRAL TO Child FIRST	STEP 4	MAKE A REPORT TO CHILD PROTECTION
	<ol style="list-style-type: none"> <li>1. If your concerns relate to a child in need of immediate protection; or you have formed a belief that a child is at significant risk of harm*. <b>Go to Step 4</b></li> <li>2. If you have significant concerns that a child and their family need a referral to Child FIRST for family services. <b>Go to Step 3</b></li> <li>3. In all other situations <b>Go to Step 2.</b></li> </ol> <p>* Refer to Appendix 2: Definitions of child abuse and indicators of harm in the Protocol – <i>Protecting the safety and wellbeing of children and young people</i></p>		<ol style="list-style-type: none"> <li>1. Consider the level of immediate danger to the child. Ask yourself:               <ol style="list-style-type: none"> <li>a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm? <b>YES / NO</b> and</li> <li>b) Am I in doubt about the child's safety and the parent's ability to protect the child? <b>YES / NO</b></li> </ol> </li> <li>2. If you answered yes to a) or b) <b>Go to Step 4</b></li> <li>3. If you have significant concerns that a child and their family need a referral to Child FIRST for family services. <b>Go to Step 3</b></li> </ol>		<b>Child Wellbeing Referral</b> <ol style="list-style-type: none"> <li>1. Contact your local Child FIRST provider.               <ul style="list-style-type: none"> <li>• See over for contact list for local Child FIRST phone numbers.</li> </ul> </li> <li>2. Have notes ready with your observations and child and family details.</li> </ol>		<b>Mandatory/Protective Report*</b> <ol style="list-style-type: none"> <li>1. Contact your local Child Protection Intake provider immediately.               <ul style="list-style-type: none"> <li>• See over for contact list for local Child Protection phone numbers.</li> <li>• For <b>After Hours Child Protection</b> Emergency Services, call <b>131 278</b>.</li> </ul> </li> <li>2. Have notes ready with your observations and child and family details.</li> </ol> <p>* <i>Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection</i></p>

For further information refer to *Protecting the safety and wellbeing of children and young people – A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools*

## Contact Numbers

### Department of Education and Early Childhood Development

METROPOLITAN REGIONS	
Eastern	(03) 9265 2400
Northern	(03) 9488 9488
Western	(03) 9291 6500
Southern	(03) 9794 3555
RURAL REGIONS	
Barwon South Western	5225 1000
Gippsland	5127 0400
Grampians	5337 8444
Hume	5761 2100
Loddon Mallee	5440 3111

#### Office for Children and Licensed Children's Services:

METROPOLITAN REGIONS	
Eastern	(03) 9265 2400
Northern	(03) 9412 5333
Western	(03) 9275 7000
Southern	(03) 9096 9555
RURAL REGIONS	
Barwon South Western	5225 1000
Gippsland	5127 0400
Grampians	5337 8444
Hume	5761 2100
Loddon Mallee	5440 3111

#### Important information for government schools

Principals of Victorian Government schools must report all incidents to the Emergency and Security Management Unit on **03 9589 6266**.

Victorian Government schools should contact the Student Critical Incident Advisory Unit (SCIAU), Student Wellbeing Division, for advice and support when responding to allegations of student sexual assault or inappropriate sexual behaviours.

The SCIAU can be contacted on **03 9637 2934** or **03 9637 2487**.

Victorian Government School Principals should refer to the flowchart – *Responding to Allegations of Student Sexual Assault Compulsory Actions for Principals* at:

<http://www.education.vic.gov.au/healthwellbeing/safety/childprotection/childprotection.htm>

### Department of Human Services Child Protection

METROPOLITAN REGIONS		METROPOLITAN REGIONS	
Intake Unit		Regional Office	
Eastern	1300 360 391	Box Hill	(03) 9843 6000
North and West	1300 664 977	Preston	1300 664 977
		Footscray	1300 360 462
Southern	1300 655 795	Dandenong	(03) 9213 2111

RURAL REGIONS			
Intake Unit		Regional Office	
Barwon South Western			
	1800 075 599	Geelong	(03) 5226 4540
Gippsland	1800 020 202	Traralgon	(03) 5177 2500
Grampians	1800 000 551	Ballarat	(03) 5333 6530
Hume	1800 650 227	Wangaratta	(03) 5722 0555
		Wodonga	(02) 6055 7777
Loddon Mallee	1800 675 598	Bendigo	(03) 5434 5555

#### After hours Child Protection Emergency Services (AHCPEs)

Statewide number for all emergency child protection matters outside of normal business hours (24 hours, 7 days a week): **131 278**

Victoria Police	000
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#### Catholic Education Offices

Catholic Education Office, Melbourne	(03) 9267 0228
Catholic Education Office, Ballarat Diocese	5337 7135
Catholic Education Office, Sale Diocese	5622 6600
Catholic Education Office, Sandhurst Diocese	5443 2377

Independent Schools Victoria	(03) 9825 7200
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#### Other

Victorian Aboriginal Education Association, Inc.	(03) 9481 0800
Victoria Police Sexual Offences and Child Abuse Unit	(03) 9247 6666
Centre Against Sexual Assault	1800 806 292
Gatehouse Centre, Royal Children's Hospital (for specialist counselling and medical assistance)	(03) 9345 6391
Child Safety Commissioner	(03) 8601 5884
Victorian Aboriginal Child Care Agency	(03) 8388 1855

### CHILD FIRST

Local Catchment Area	Contact
Barwon South Western	Greater Geelong, Queenscliff, Surf Coast
	1300 551 948
	Colac – Otway, Corangamite
	5232 5500
Gippsland	Warrnambool, Moyne, Glenelg, Southern Grampians
	1300 889 713
	East Gippsland
	5152 0052
Grampians	Wellington
	5144 7777
	La Trobe, Baw Baw
	1800 339 100
Hume	South Gippsland, Bass Coast
	5662 5150
	Northern Grampians, West Wimmera, Hindmarsh, Yarrambat, Horsham
	1800 195 114
Loddon Mallee	Ararat, Pyrenees, Hepburn, Ballarat, Golden Plains, Moorabool
	1300 783 341
	Wodonga, Towong, Indigo
	1800 705 211
Eastern Metropolitan	Alpine, Benalla, Mansfield, Wangaratta
	1800 705 211
	Greater Shepparton, Strathbogie, Moira
	1300 854 944
North and West Metropolitan	Mitchell, Murrindindi
	1800 663 107
	Greater Bendigo, Campaspe, Central Goldfields, Loddon, Macedon Ranges, Mount Alexander
	1800 260 338
Southern Metropolitan	Buloke, Goonawarra, Swan Hill, Mildura
	1800 625 533
	1800 MALLEE
	Yarra Ranges, Knox, Maroondah
North and West Metropolitan	1300 369 146
	Monash, Whitehorse, Manningham, Booroondarra
	1300 762 125
	Nilumbik, Whittlesea, Banyule, Yarra and Darebin
Southern Metropolitan	(03) 9450 0955
	Brimbank, Melton
	1300 138 180
	Hume, Moreland
Southern Metropolitan	1300 786 433
	Hobson's Bay, Maribymong, Melbourne, Moonee Valley and Wyndham
	1300 775 160
	Casey, Cardinia, Greater Dandenong
Southern Metropolitan	(03) 9705 3939
	Aboriginal children and families (Casey, Cardinia and Great Dandenong)
	(03) 9794 5973
	Frankston, Mornington Peninsula
Southern Metropolitan	1300 721 383
	Kingston, Bayside, Glen Eira, Stonington, Port Phillip
	1300 367 441

## **APPENDIX 2: Detailed guidelines for making a report**

### **1. 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/young person states that they have been physically or sexually abused
- a child/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 person is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child/young person's safety, stability or development
- the person 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.

### **2. 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.

### **3. Protecting the identity of the reporter**

Confidentiality is provided for reporters under the Child Youth Family Act.

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.

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.

### **4. Professional protection for reporters**

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.

### **5. Failure to report**

A failure by mandated professionals and staff members to report a reasonable belief that a child is in need of protection from significant harm as a result of physical, emotional or sexual abuse or neglect may result in the person being prosecuted and a court imposing a fine under the CYFA.

### **6. Making a report to Child Protection**

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.

A report to Child Protection should be considered if, after taking into account all of the available information, the staff member forms a belief 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

Staff members 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.

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.

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.

### **7. The role of school staff**

School staff have a duty of care to protect and preserve the safety, health and wellbeing of children and young people in their care and staff must always act in the best interests of those children and young people. If a staff member has any concerns regarding the health, safety or wellbeing of a child it is important to take immediate action.

The roles and responsibilities of staff in supporting children and young people who are involved with Child Protection may include acting as a support person for students, attending Child Protection case plan meetings, observing and monitoring students' behaviour, and liaising with professionals.

### **8. Confidentiality**

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.

### **9. Interviews at Victorian schools**

Child Protection may conduct interviews of children and young people at school without parental knowledge or consent. However, a child will be interviewed at a Victorian school only in exceptional circumstances and if it is in the child's best interests to proceed in this manner. Child Protection will notify the school of any intention to interview a child or young person. This may occur regardless of whether the school is the source of the 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.

### **10. Support persons**

Children and young people should be advised of their right to have a supportive adult present during interviews. If a child is too young to understand the significance of the interview, a staff member should make arrangements for a supportive adult to attend with the child.

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 regarding Child Protection's investigation.

This may occur verbally or in writing using the relevant Child Protection proforma.

Independent persons must refrain from providing their opinions or accounts of events during interviews. A principal or their delegate may act as an independent person when the child or young person is to be interviewed, unless they believe that doing so will create a conflict of interest.

### **11. Advising parents, carers or guardians**

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.

It is the responsibility of Child Protection to advise the 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

### **12. Ensuring that a Child Protection interview takes place**

The school does not have the power to prevent parents, carers or guardians from removing their children from the school and should not attempt to prevent the parents, carers or guardians from collecting the child. 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.