



RIVER GUM PRIMARY SCHOOL

Mandatory Reporting Policies and Procedures

Statement

A broad range of professional groups are identified in the *Children Youth and Families Act 2005* (CYFA) as mandatory reporters. Mandated staff members must 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.

The following professionals are prescribed as mandatory reporters under section 182 of the 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.

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 child or young person on the same occasion. In this situation it is sufficient for only one of the mandated staff members to make a report. 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.

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 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.



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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.

Purpose of this Policy

This policy provides clear guidelines for all staff members at River Gum Primary School in regards to their legal and moral obligations to report cases of children they suspect may need protection from significant harm.

This policy defines the roles and responsibilities of River Gum Primary staff in protecting the safety and well-being of children and young people. It enables staff to identify the indicators of a child or young person who may be in need of protection. Staff will be informed of the procedures for making a report about a child or young person who may in need of protection.

Policy

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 or young person it is important to take immediate action.

Note: The role of investigating an allegation of child abuse rests solely with Child

Protection and/or Victoria Police.

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 Human Services (DHS) Child Protection. All other school staff who believe on reasonable grounds that a child or young person is in need of:

- Protection- Are encouraged to report their concerns to DHS Child Protection or Victoria Police.
- Therapeutic treatment- Is encouraged to report their concerns to DHS Child Protection.

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When to Make a Report

If staff has significant concerns for the wellbeing of a child or young person they are encouraged to report their concerns to DHS Child Protection or Child FIRST. In cases where staffs have concerns about a child or young person, they should discuss their concerns with the principal or a member of the school leadership team.

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. 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.

Legal obligations

Type of Reporting

By Whom

To Whom

Mandatory Reporting

Mandatory reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.

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 practitioners
- Nurses
- All members of the police force

- 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

- Any person

- DHS Child Protection
- Victoria Police

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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 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.

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|--|---|
| <ul style="list-style-type: none"> ▪ Any person | <ul style="list-style-type: none"> ▪ DHS Child Protection |
| <ul style="list-style-type: none"> • Any person | <ul style="list-style-type: none"> • DHS Child Protection • Child FIRST |

Duty of care

River Gum Primary School staff have a duty of care to protect the safety, health and wellbeing of children in their care.

River Gum is committed to child safety. We have a zero tolerance for child abuse, and all allegations and safety concerns will be treated very seriously and consistently with our robust policies and procedures.

If a staff member has concerns about the safety, health and wellbeing of children in their care it is important to take immediate action.

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 includes the following:

- Reporting their concerns to the DHS Child Protection or another appropriate agency (as identified above)
- Notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.

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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. The younger a child the more vulnerable he/she is and the more serious the consequences are likely to be.

Types of child abuse include:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect
- Medical neglect
- Family violence.

Other reports to DHS Child Protection may be needed for:

- Risk-taking behaviour
- Female genital mutilation
- Unborn child
- Child or young person exhibiting sexually-abusive behaviours.

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.

Note: For full definitions for all of the types of child abuse and a comprehensive list of the indicators of harm, see: *Appendix 2*. in *Protecting the safety and wellbeing of children and young people* within [Department resources](#) below.

Making a report

This table describes how to make a mandatory report.

Step Description

School staff should keep comprehensive notes that are dated and include the following information:

- 1
 - Description of the concerns (e.g. physical injuries, student behaviour)
 - Source of those concerns (e.g. observation, report from child or another person)
 - Actions taken as a result of the concerns (e.g. consultation with principal, report to DHS Child Protection etc).
- 2 School staff should discuss any concerns about the safety and wellbeing of students with

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the principal or a member of the school leadership team. The individual staff member should then make their own assessment about whether they must or may make a report about the child or young person.

School staff should gather the relevant information necessary to make the report. This should include the following information:

- 3
 - Full name, date of birth, and residential address of the child or young person
 - 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 .
- 4 Make a report to the relevant agency.

Make a written record of the report which includes the following information:

- 5
 - 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
 - The person who received the report.

Notify relevant school staff and/or Departmental staff of the report.

- 6
 - School staff should advise the principal or a member of the leadership team if they have made a report.
 - In the case of international students, the principal must notify the International Education Division of the Department 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.
- 7 Notify the Victoria Police if there is concern that a criminal offence may have been committed.

Potential consequences of making a report

This table describes the potential consequences of making a report.

Potential consequence

Description

Confidentiality

The identity of a reporter must remain confidential unless:

- the reporter chooses to inform the child, young person or parent of

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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.

If a report is made in good faith:

Professional Protection

- 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.

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.

Interviews

When DHS Child Protection practitioners/Victoria Police officers 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](#)

The roles and responsibilities of staff members in supporting children who are involved with DHS Child Protection may include the following:

Support for the child or young person

- 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.



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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.

Requests for Information

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, 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 Summonses](#)

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

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.

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 or sexual abuse may result in the person being prosecuted and a court imposing a fine under the CYFA.



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Staff Training

Staff will be informed of Mandatory Reporting requirements as part of their initial induction to the school and will be provided with supporting documentation in their staff handbook.

Updates will take place annually as part of the Performance and Development/Staff meeting rotation.

References:

Refer to River Gum Primary School's Child Safe Policy 2016

Refer to River Gum Primary School Code of Conduct 2016

<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>

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