



Mandatory Reporting Policy

Rationale

Mandatory reporting arises from the requirements of the Children, Youth and Families Act 2005 (Vic.) for the protection of children from harm due to physical injury and sexual abuse. School personnel mandated under this Act who, in the course of carrying out their duties, form a reasonable belief that a child is in need of protection from physical injury or sexual abuse, must report that belief and the grounds for it as soon as possible.

This policy assists schools to comply with this requirement and fulfil their responsibilities regarding the welfare and protection of children at risk. This policy complements the guidelines *Protecting the safety and wellbeing of children and young people*. A joint protocol of the Department of Human Services Child Protection, the Department of Education and Early Childhood Development, Licensed Children's Services and Victorian schools (*the Protocols*).

Definitions

Child. For the purpose of the relevant parts of the Children, Youth and Families Act 2005 (Vic.), a child is any person 17 years of age or younger.

Child FIRST. The Family Information Referral Support Team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to family services.

Child Protection. The Victorian Government agency, provided by DHS, that protects children at risk of significant harm. Child Protection has statutory powers and can use these to protect children.

Mandatory report. A report made to Child Protection, by a person mandated under the Act, that is based on a reasonable belief that a child is in need of protection from physical injury that results from abuse or neglect or harm caused as a result of sexual abuse.

Mandatory reporter. Person(s) required under the Children, Youth and Families Act 2005 (Vic.) to make a report to the Child Protection if they believe a child is in need of protection from physical injury or sexual abuse. Mandatory reporters include registered school teachers or principals and registered nurses.

Reasonable belief. 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.

A reasonable belief that a child is in need of protection is more likely formed in circumstances where:

- a child states that they have been physically injured or sexually abused (self-disclosure);
- a child states that they know someone who has been physically injured or sexually abused (sometimes the child may be talking about him or herself);
- someone who knows the child states that the child has been physically injured or sexually abused;
- professional observations of the child's behaviour or development lead the mandated professional to form a belief that the child has been physically injured or sexually abused;
- signs of physical injury or sexual abuse lead to a belief that the child has been 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.

School Advisory Group. A committee, formed upon a report of abuse, consisting of the principal and one or two key school personnel to discuss any concerns and observations in relation to child physical or sexual abuse recorded by a teacher and to offer support to the teacher concerned. A gender balance within the group is an important consideration.

Procedures

1. Forming a belief

A requirement of the Children, Youth and Families Act 2005 (Vic.) and detailed further in the Protocols is that when a mandatory reporter forms a reasonable belief that a child is in need of protection from physical injury or sexual abuse and the child's parents are unable or unwilling to protect the child, he/she must make a report to Child Protection 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 or more mandated professionals have formed a belief about the same child on the same occasion it is sufficient that only one professional make a report. The other is obliged to ensure that the report has been made and that all the grounds for their own belief were included in the report made by the other staff member. (s. 184(2)).

Staff members, whether mandated or not, need to report their belief when the belief is formed in the course of undertaking their professional duties.

If one mandated professional directs another mandated professional not to make a report, and the one professional continues to hold the belief that a child is in need of protection, then that professional is legally obliged to make a report to Child Protection.

It should be noted that although it is not mandatory to report suspected incidents of emotional abuse or neglect, mandatory reporters should make a referral to Child FIRST where they have a significant concern for a child's wellbeing, or a report to Child Protection where they form a reasonable belief that a child is in need of protection.

If a mandatory reporter suspects that a child is in need of protection it is essential that he/she document any concerns and observations in a confidential file. This process of documentation may occur over a period of time.

A series of documents published by the DHS and the Department of Education and Training (DET), see the [*Protocols*](#) and the [*Mandatory Reporting*](#) section of the Victorian Government's School Policy & Advisory Guide, provide background information and guidance for professionals mandated to make a report. These resources have been prepared to:

- ensure that mandatory reporters are aware of their legal responsibilities to report child abuse and neglect to Child Protection;
- provide mandatory reporters with information on how to recognise and respond to child abuse;
- provide mandatory reporters with advice about sharing information with Child FIRST or Child Protection.

It is important that the recommended procedures are followed to support and protect the child at risk.

1.1 Discussing concerns

It is recommended that the mandatory reporter's concerns and observations regarding the suspected physical injury or sexual abuse of a child are discussed with the School Advisory Group formed to support all involved in matters of this nature. The confidentiality of these discussions must be maintained.

A mandatory reporter may make a referral to Child FIRST or a report to Child Protection without the prior knowledge of the principal. However, it is good practice for the mandatory reporter to inform the principal of his/her action as soon as practicable.

2 Report to relevant agencies

2.1 Department of Human Services Child Protection

The mandatory reporter may form the belief that it is necessary to make a report to Child Protection. In this case, the teacher is required to make a report as soon as practicable (see [Appendix 1](#) for a list of Child Protection offices).

The mandatory reporter may continue to suspect that a child is in need of protection. In this case, the mandatory reporter should continue to record any further observations made and make a report on each occasion where they form a belief, on reasonable grounds, that a child is or is likely to be at risk of physical or sexual abuse.

The [*Step-by-Step guide to making a report to Child Protection or Child FIRST*](#) provides a summary of school and DHS processes for the mandatory reporting of child physical and sexual abuse.

[Appendix 2](#) provides a summary of the responsibilities of principals and teachers for the mandatory reporting of child physical and sexual abuse.

2.2 Contact with Child FIRST

A registered school teacher or principal in Victoria can seek advice from or make a referral to Child FIRST if they have a significant concern for the wellbeing of a child and where the immediate safety of the child is not compromised. The teacher or principal should share relevant

information with Child FIRST to help them complete their assessment of the referral. Contact should be made with the nearest Child FIRST office (see [Appendix 1](#)) for information and advice.

A mandated reporter may wish to keep their identity confidential when they make a referral to Child FIRST or a report to Child Protection, or when they share information with these agencies. A Child First or Child Protection worker cannot disclose the identity of the person making a referral or report without their consent. The publications listed in Appendix 1 provide advice on why it may be appropriate for a person making a referral or report to disclose their identity.

3 Ongoing support

The principal has a role in seeking or offering appropriate pastoral support for the staff member making the report, for the student and student's family. The principal's actions in this regard should be informed by the school's policies and procedures for ensuring the safety and wellbeing of students.

References

Department of Education and Early Childhood Development Victoria 2007, *Allegations of Student Sexual Assault in Schools: Information for school staff*

Department of Human Services 2007, *Providing Support to Vulnerable Children and Families: An information sharing guide for registered school teachers and principals in Victoria*

Department of Education and Early Childhood Development and Department of Human Services Victoria 2010, *Protecting the safety and wellbeing of children and young people*. A joint protocol of the Department of Human Services Child Protection, the Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools (*The Protocols*)

Resource Sites

Department of Education and Training (DET), Victoria

- [Catholic Schools Operational Guide](#) (CEVN site, password required)
- [Victorian Government School Policy and Advisory Guide](#)
- [Student Wellbeing Branch](#)
- [Student Critical Incident Advisory Unit](#)
- [Emergency and Security Management](#)

Victoria Police

- [Sexual Offences and Child Abuse Unit](#)

Department of Human Services

- [Protecting Children Together](#)
- [Office for Children, Youth and Families \(Child Protection\)](#)

Department of Justice

- [Betrayal of Trust: fact sheet](#)

Australian Government

- [NetAlert \(providing a safe online environment for all families, especially children\)](#)

Support Centres

- [Centres Against Sexual Assault](#)
- [Child and Adolescent Mental Health Service](#)
- [Children's Protection Society](#)
- [Australian Childhood Foundation](#)