



Child Safety Reporting Obligations (Mandatory Reporting) Policy

Rationale

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

Definitions

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>

Child Protection

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>

Requirements

A broad range of professional groups are identified in the *Children Youth and Families Act 2005* (CYFA) as mandatory reporters. Any person who is registered as a teacher under the *Education and Training Reform Act 2006*, or any person who has been granted permission to teach under that Act, including Principals, is mandated to make a report to Child Protection. 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.

Actions

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.

Forming a belief on reasonable grounds

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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
- 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.

Protecting the identity of the reporter

Confidentiality is provided for reporters under the CYFA. The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances.

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.

Information provided during a protective investigation may be used in a court report if the risks to the child or young person require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

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.

Professional protection for reporters

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.

This means that 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.

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.

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 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 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 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.

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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.

School policy and procedures stipulate how teaching staff fulfil their duty of care towards children and young people in their school.

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.

Information about the identity of a person making a report to Child Protection must be kept confidential unless the reporter consents to the disclosure of their identity. If the staff member wishes to remain anonymous, this information should be conveyed at the time that the reporter makes the mandatory report.

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.

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.

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.

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.

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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.

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.

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.

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:

Review

This policy will be reviewed regularly, as part of the school's policy review process.

References

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
	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*. Go to Step 4 2. If you have significant concerns that a child and their family need a referral to Child FIRST for family services. Go to Step 3 3. In all other situations Go to Step 2. * 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>		1. Consider the level of immediate danger to the child. Ask yourself: a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm? YES / NO and b) Am I in doubt about the child's safety and the parent's ability to protect the child? YES / NO 2. If you answered yes to a) or b) Go to Step 4 3. If you have significant concerns that a child and their family need a referral to Child FIRST for family services. Go to Step 3		Child Wellbeing Referral 1. Contact your local Child FIRST provider. <ul style="list-style-type: none"> • See over for contact list for local Child FIRST phone numbers. 2. Have notes ready with your observations and child and family details.		Mandatory/Protective Report* 1. Contact your local Child Protection Intake provider immediately. <ul style="list-style-type: none"> • See over for contact list for local Child Protection phone numbers. • For After Hours Child Protection Emergency Services, call 131 278. 2. Have notes ready with your observations and child and family details. * <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>

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*

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Catholic Education Office, Sandhurst Diocese	5443 2377																																																																																																																																													
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	(03) 9345 6391																																																																																																																																													
(for specialist counselling and medical assistance)																																																																																																																																														
Child Safety Commissioner	(03) 8601 5884																																																																																																																																													
Victorian Aboriginal Child Care Agency	(03) 8388 1855																																																																																																																																													
Local Catchment Area	Contact																																																																																																																																													
Barwon South Western	Greater Geelong, Queenscliff, Surf Coast 1300 551 948																																																																																																																																													
Western	Colac – Otway, Corangamite 5232 5500																																																																																																																																													
	Warrnambool, Moyne, Glenelg, Southern Grampians 1300 889 713																																																																																																																																													
Gippsland	East Gippsland 5152 0052																																																																																																																																													
	Wellington 5144 7777																																																																																																																																													
	La Trobe, Baw Baw 1800 339 100																																																																																																																																													
	South Gippsland, Bass Coast 5662 5150																																																																																																																																													
Grampians	Northern Grampians, West Wimmera, Hindmarsh, Yarrambat, Horsham 1800 195 114																																																																																																																																													
	Ararat, Pyrenees, Hepburn, Ballarat, Golden Plains, Moorabool 1300 783 341																																																																																																																																													
Hume	Wodonga, Towong, Indigo 1800 705 211																																																																																																																																													
	Alpine, Benalla, Mansfield, Wangaratta 1800 705 211																																																																																																																																													
	Greater Shepparton, Strathbogie, Moira 1300 854 944																																																																																																																																													
	Mitchell, Murrindindi 1800 663 107																																																																																																																																													
Loddon Mallee	Greater Bendigo, Campaspe, Central Goldfields, Loddon, Macedon Ranges, Mount Alexander 1800 260 338																																																																																																																																													
	Buloke, Goonawarra, Swan Hill, Mildura 1800 625 533																																																																																																																																													
Eastern Metropolitan	Yarra Ranges, Knox, Maroondah 1300 369 146																																																																																																																																													
	Monash, Whitehorse, Manningham, Boroondarra 1300 762 125																																																																																																																																													
North and West Metropolitan	Nilumbik, Whittlesea, Banyule, Yarra and Darebin (03) 9450 0955																																																																																																																																													
	Brimbank, Melton 1300 138 180																																																																																																																																													
	Hume, Moreland 1300 786 433																																																																																																																																													
	Hobson's Bay, Maribyrnong, Melbourne, Moonee Valley and Wyndham 1300 775 160																																																																																																																																													
Southern Metropolitan	Casey, Cardinia, Greater Dandenong (03) 9705 3939																																																																																																																																													
	Aboriginal children and families (Casey, Cardinia and Great Dandenong) (03) 9794 5973																																																																																																																																													
	Frankston, Mornington Peninsula 1300 721 383																																																																																																																																													
	Kingston, Bayside, Glen Eira, Stonington, Port Phillip 1300 367 441																																																																																																																																													

<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>