

Mandatory Reporting

PURPOSE:

- ✈ To ensure Carrington Primary School complies with the Mandatory Reporting requirements of the *Children, Youth and Families Act (2005)*, the *Crimes Act (1958)* and other legislation.
- ✈ To define the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people.
- ✈ To enable staff to identify the indicators of a child or young person who may be in need of protection.
- ✈ To empower staff to make a report of a child or young person who may in need of protection.

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 incidents 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.
- ✈ All members of the Teaching Service are mandated by law to report signs of physical and/or sexual abuse, and neglect.
- ✈ Mandatory reporting may relate to sexual harassment which is unlawful behaviour under the *Commonwealth Sex discrimination Act (1984)* and the *Victorian Equal Opportunity Act (1995)*.
- ✈ Quite apart from mandatory reporting requirements, a teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable. A breach of this duty of care may lead to legal action.
- ✈ The major emphasis is on prevention, with the goal of providing population based strategies as well targeted programs to provide young people with the skills and strategies to enhance their resilience.

GUIDELINES FOR IMPLEMENTATION:

- ✈ Mandatory reporters, who form a belief 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.
- ✈ All staff should keep comprehensive notes that are dated, include reasons for the concerns and action taken.
- ✈ All concerns also must be reported immediately to the Principal, or in his/her absence, the Assistant Principal. Proof is not required.
- ✈ Reasonable grounds for reporting child abuse are when
 - a child informs a teacher that he / she has been abused
 - someone else informs a teacher that a child has been abused
 - a child informs a teacher that he /she knows someone who has been abused
 - a teacher's own observations lead to suspicions that a child has suffered abuse.
- ✈ The school will not interview the child; the role is only to gather sufficient facts to make the report.
- ✈ Members of the Department of Human Services, or associated support or intervention services that visit the school following a notification, will interview staff and children only in the presence of the Principal or his / her nominee.

- ✧ It is important that, after a critical incident occurs or is disclosed, the school develops strategies to support all students who may have been involved in or impacted on by the incident. Management Support Plans and Supportive Behaviour Management Plans are the most effective strategy to ensure appropriate support occurs. This plan should be developed in consultation with relevant school staff and parents/carers. It is also important to involve in the planning process any external organisations that are providing support to students.
- ✧ All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.
- ✧ All incidents will be monitored, and any subsequent signs or indications of abuse are also to be reported.
- ✧ While only mandated by law to report incidents of physical and sexual abuse, and neglect, staff members are encouraged to report incidents of emotional abuse or neglect.
- ✧ Students who disclose to staff a desire to harm themselves or others, must be reported by staff to the Principal or Student Welfare Coordinator.
- ✧ In some cases, students will disclose abuse or neglect including allegations of sexual assault that may have occurred sometime in the past. In some cases, the incident disclosed may have occurred a number of years ago and may have occurred off-site or within a family or community context. These disclosures should still be responded to immediately. The time elapsed between the incident occurring and its disclosure is not relevant. Appropriate actions and support processes must still be undertaken.
- ✧ All allegations that a teacher or school employee has committed a sexual assault must be reported directly to the Victoria Police Sexual Offences and Child Abuse (SOCA) Unit and the Department of Education and Training's Conduct and Ethics Branch, which provides advice about misconduct issues on (03) 9637 2594 or 9637 2595. The Emergency and Security Management Unit should also be notified.
- ✧ The Principal will maintain ongoing contact with the Regional Office.
- ✧ An annual professional learning session will be held on protecting the safety and wellbeing of children and young people (mandatory reporting protocol).
- ✧ New staff will be briefed about their mandatory reporting responsibilities and procedures as part of the induction procedure.
- ✧ 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.
- ✧ The identity of a reporter must remain confidential unless the reporter chooses to inform the child, young person or parent of the report, the reporter consents in writing to their identity being disclosed or a Court or Tribunal decides that it is necessary for the identity of the reporter to be disclosed or the reporter is required to provide evidence.
- ✧ Please refer also to the school's [Duty of Care Policy](#) and the [Information Privacy Policy](#).

EVALUATION:

Major evaluation of this document will be carried out by the Policy and Procedures Committee as part of the cyclic review process, in four years time or before, if the committee deems it necessary.

Approved Date: 1/3/16

Review Date: 1/3/20