

Child Protection – Mandatory Reporting Policy

1.0 Introduction

St Michael's Grammar School is committed to the safety and wellbeing of all children and young people accessing the School's services. The School supports the rights of the child and young person and will act without hesitation to ensure a child-safe environment is maintained at all times. It also supports the rights and wellbeing of all staff and volunteers and encourages their active participation in building and maintaining a secure environment for all students.

Children and young people have the right to be physically and emotionally safe at all times. They are the most vulnerable members of our community and they do not have the **power** to stop abuse – they rely on others to help them. Therefore at St Michael's, it is the responsibility of **all staff** to ensure that the students are safe and their needs are met. This responsibility should be shared between the School staff and the School community.

Child abuse damages children physically and emotionally. The initial effects and the long-term consequences of child abuse impact on the individual, their family and the community at large.

Early identification and effective intervention can lessen the initial and long-term effects of child abuse and promote recovery of the children and families concerned.

In 1993, the Victorian Government introduced mandatory reporting of child sexual and physical abuse. The introduction of mandatory reporting has been successful in uncovering serious and hidden abuse and making a strong statement about the criminal nature of child physical and sexual abuse.

In 2014, *The Crimes Amendment (Protection of Children) Act 2014* (Vic) was introduced to play an important role in redefining the legal framework for responding to risks of child sexual abuse. The new reporting obligations ensure all members of the School Community aged 18 and over (who may not be Mandatory Reporters) who form a reasonable belief that a sexual offence has been committed by an adult against a child under 16, report that information to police.

Refer to the Child Protection – Child Sexual Abuse Crimes Act Policy for further guidance.

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2.0 Purpose of this policy

To define the roles and responsibilities of the school staff in protecting the safety and wellbeing of all children and young people and to enable staff to:

- Comply with reporting obligations under law
- Identify the indicators of a child or young person who may be in need of protection
- Follow School Protocols to make a report of a child or young person who is in need of protection

3.0 Legislative Requirements

The moral imperative to act to protect the child is backed up by the law.

The Victorian *Children, Youth and Families Act 2005 (as amended in 2015)* requires members of professional groups (mandated reporters) to report cases where they believe, based on reasonable grounds, that a child is in need of protection.

The *Crimes Amendment (Protection of Children) Act 2014* requires **all adults** in Victoria, not just the mandated professionals, to report cases to Police where they believe, based on reasonable grounds, that a sexual offence has been committed in Victoria by an adult against a child under 16.

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 DHS Child Protection.

4.0 Mandated Reporters

Section 182 (1) of the *Children, Youth and Families Act 2005 (as amended in 2015)* lists a broad range of professional groups and community members that are identified 'mandatory reporters'. The following people are prescribed as mandatory reporters under section 182 of the Act:

- a registered medical practitioner
- a nurse
- a midwife
- a person who is registered as a **teacher** under the Education and Training Reform Act 2006 or has been granted permission to teach under the Act

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- the **principal** of a Government school or non-Government school within the meaning of the Education and Training Reform Act 2006
- a member of the police force
- the proprietor of, or a person with a post-secondary qualification in the care, education or minding of children who is employed by, a children's service to which the Children's Services Act 1996 applies or a person who is a nominee within the meaning of that Act for the children's service;
- the **approved provider or nominated supervisor** of, or a person with a post-secondary qualification in the care, education or minding of children who is employed or engaged by an education and care service within the meaning of the Education and Care Services National Law (Victoria);
- a person with a post-secondary qualification in youth, social or welfare work who works in the health, education or community or welfare services field and who is not referred to in paragraph (h);
- (h) a person employed under Part 3 of the Public Administration Act 2004 to perform the duties of a youth and child welfare worker;
- a **registered psychologist**
- a youth justice officer
- a youth parole officer
- a member of a prescribed class of persons.

Note: Any person may make a report if they form a reasonable belief that a child has been abused or is in need of protection. If the belief is that a sexual offence has been committed **all adults** (any person aged 18 or over) have a responsibility to make a report. Refer to Child Protection – Child Sexual Abuse Crimes Act Policy for further guidance.

Responsibilities of a Mandated Reporter

- Must report to Child Protection a belief, based on reasonable grounds, that a child or young person is in need of protection from child abuse as soon as practicable
- Refer to the Department of Education & Early Childhood Development Step-by-Step guide that follows for further assistance.

Must make a report without delay to a School **Child Safety Officer** ('**CSO**') as follows: Mr Andrew Tomaszewski, Commercial Manager. The Mandated Reporter, CSO and potentially the School's Critical Incident Team ('**CIT**') can consult with the Department of Human Services for advice before deciding on a formal report. (See School Protocols which follow).

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The mandated reporter has a personal responsibility to report his/her belief – it is not the responsibility of his/her supervisor, Head of the School or other members of staff. **This responsibility cannot be discharged by the mandated reporter. The CSO and the CIT are support mechanisms for the mandated reporter as part of the School's protocols. *If the CSO or CIT does not wish to make a report, this does not discharge the staff member's obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the staff member's concerns continue, even after consultation with the CSO or CIT, that staff member is still legally obligated to make a mandatory report of their concerns.***

- Must report each time he/she becomes aware of any further reasonable grounds for his/her belief
- The mandated reporter does not have to be able to prove the abuse has occurred
- If a group of mandated notifiers have formed a belief about the same child or young person on the same occasion. It is sufficient for only one mandated staff member to make the report. The other staff member is obliged to ensure the report has been made and that the grounds for their own belief were included in the report made by the other staff member. (See School Protocols which follow).

5.0 Types of Child Abuse and Indicators of Harm

Child abuse can have a significant effect on a child's physical and emotional health, development and wellbeing.

Types of child abuse include:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect
- Medical neglect
- Family violence
- Human trafficking (including forced marriage)
- Sexual exploitation (including pornography and prostitution)

A report should be made to DHHS Child Protection in circumstances where, for example:

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- the child is engaging in risk-taking behaviour
- female genital mutilation has occurred, or there is a risk of it occurring
- there is a risk to an unborn child
- a child or young person is exhibiting sexually-abusive behaviours
- there are indications that a child is being groomed

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 staff to the possibility of child abuse and neglect.

Note: For full definitions for all 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*.

<http://www.education.vic.gov.au/school/principals/spag/safety/Documents/protectionofchildren.PDF>

6.0 Forming a 'reasonable belief'

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation.

A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed 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 a child or young person states that the child or young person has been 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
- signs of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision, lead to a belief that the child or young person has been physically or sexually abused

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- 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

7.0 When to Report

The following table from the Department of Education and Training sets out when to report a concern that a child or a young person has been abused, or is in need of protection.

Type of Reporting	By Whom	To Whom
<p><i>Mandatory Reporting - DHHS Child Protection</i></p> <p>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.</p>	<p><i>Mandatory reporters</i></p> <ul style="list-style-type: none"> • Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006 (Vic)</i> • Principals of government and non-government schools • Registered medical practitioners • Nurses 	<ul style="list-style-type: none"> • DHHS Child Protection

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Type of Reporting	By Whom	To Whom
	<ul style="list-style-type: none"> All members of the police force 	
<p><i>Child in need of protection</i></p> <p>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:</p> <ul style="list-style-type: none"> 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 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 	<ul style="list-style-type: none"> Any person 	<ul style="list-style-type: none"> DHHS Child Protection Victoria Police

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Type of Reporting	By Whom	To Whom
<p>harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.</p>		
<p><i>Child displaying sexually abusive behaviours and in need of therapeutic treatment</i></p> <p>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</p>	<ul style="list-style-type: none"> ▪ Any person 	<ul style="list-style-type: none"> ▪ DHHS Child Protection

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Type of Reporting	By Whom	To Whom
<p><i>Significant concerns about wellbeing of a child</i></p> <p>Any person may make a report if they have significant concerns for the wellbeing of a child.</p>	<ul style="list-style-type: none"> Any person 	<ul style="list-style-type: none"> DHHS Child Protection Child
<p><i>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</i></p> <p>Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to police. It is a criminal offence not to make a report, except in the following circumstances:</p> <ul style="list-style-type: none"> The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor. The victim turned 16 years of age before 27 October 2014. <p>Reasonable excuses for failing to comply with the requirement include:</p> <ul style="list-style-type: none"> a reasonable belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information 	<ul style="list-style-type: none"> Any person aged 18 or over 	<ul style="list-style-type: none"> Victoria Police

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Type of Reporting	By Whom	To Whom
<ul style="list-style-type: none"> a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm 		

8.0 Reporting Procedures – School Protocols

Step 1

In case of emergency or if a child is in immediate danger contact (000) or the local police station.

Otherwise, make observations and keep dated notes of the concerns that exist that have led to the belief that a report may be necessary. Include the following:

- A description of the concerns (e.g. physical injuries, student behaviour)
- The source of those concerns (e.g. observation, report from the child or other person)
- The actions taken as a result of the concerns (e.g. consultation with CSO, CIT, report to DHS Child Protection)

Step 2

Discuss concerns with a Child Safety Officer. The CSO will manage the reports in a caring confidential manner and give support to the reporting teacher/s.

Step 3

Gather the relevant information necessary to make the **Incident Report Form – Child Abuse**. This should include the following information:

- Full name, date of birth and address of the child or young person
- The 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

Step 4

After these internal discussions, the CSO can seek advice from the relevant child protection agency to determine if a report is justified. They will then nominate a person to report to the relevant child protection agency. This process will be well documented in school records to protect the individual teachers not making the report.

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If the CSO or CIT does not wish to make a report, this does not discharge the staff member's obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the staff members concerns continue, even after consultation with the CSO or CIT, that staff member is still legally obligated to make a mandatory report of their concerns.

Step 5

Make a report to the relevant agency as soon as practicable.

- To report concerns that are **life threatening** phone **000** or the St Kilda Police Station on **(03) 9536 2666**.
 - The nearest Victoria Police Sexual Offences and Child Abuse Investigation Team can be contacted on **(03) 9556 6124**.
- To report concerns about the **immediate safety** of a child within their family unit to DHS Child Protection, call the Child Protection Crisis Line on **13 12 78** (24 hrs 7 days, toll free)
- To report **concerns that are not the above** call DHS Child Protection on **1300 655 795** or Child FIRST on **1300 367 441**

Refer to the Department of Education & Early Childhood Development Step-by-Step guide that follows for further assistance.

Step 6

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

- 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 and the person who received the report.

Step 7

It should then be decided who else, if anyone, should be informed. The need for confidentiality should be remembered at all times in the interests of the child and family. Only where the welfare of the child will be affected should the matter be discussed with anyone else.

Step 8

If, following a report, a family approaches the School, it is recommended that any interview be conducted with a minimum of two school staff members present (e.g. the Head of the School and one other, not necessarily including the reporting staff member/s). The focus of such a meeting should be the welfare of the child, not on justifying the actions of the staff involved.

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Step 9

Support for the reporting staff and the student that is the cause for concern, and anyone else affected, should be arranged. The School should be aware that a wide range of people may be affected. Support should continue to be provided if necessary, as the role of the staff member with the student and Child Protection Services maybe ongoing.

Confidentiality

Confidentiality is crucial to a fair and effective reporting procedure. It is unacceptable, and potentially defamatory, for concerns of child abuse (and abusers) to be spread throughout the School, rather than being directed through a formal complaints procedure (as set out in the School Protocols). All participants must understand the importance of following the set reporting guidelines when concerns arise. Confidentiality protects the child, the reporter, the respondent, and the School, and ensures a fair and proper process.

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The most current copy of this policy is found in electronic form. Printed copies may not be current.

Reporting Procedures – School Protocols List

Step 1

- Make observations and keep dated notes of the concerns that exist that have led to the belief that a report may be necessary. Include the following:
 - A description of the concerns (e.g physical injuries, student behaviour)
 - The source of those concerns (e.g observation, report from the child or other person)
 - The actions taken as a result of the concerns (e.g consultation with CSO, CIT, report to DHS Child Protection)

Step 2

- Discuss concerns with a CSO or a member of the CIT. The CIT will manage the reports in a caring confidential manner and give support to the reporting teacher/s.

Step 3

- Gather the relevant information necessary to complete the Incident Report Form - Child Abuse. This should include the following information:
 - Full name, date of birth and address of the child or young person
 - The 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

Step 4

- After these internal discussions, the CSO or CIT can seek advice from the relevant child protection agency to determine if a report is justified. They will then nominate a person to report to the relevant child protection agency. This process will be well documented in school records to protect the individual teachers not making the report.
- *If the CSO or CIT does not wish to make a report, this does not discharge the staff member's obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the staff member's concerns continue, even after consultation with the CSO or CIT, that staff member is still legally obligated to make a mandatory report of their concerns.*

Step 5

- Make a report to the relevant agency **as soon as practicable**.
 - To report concerns that are **life threatening** phone 000 or the St Kilda Police Station on (03) 9536 2666.
 - The nearest Victoria Police Sexual Offences and Child Abuse Investigation Team can be contacted on (03) 9556 6124.
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 - To report **concerns that are not the above** call DHS Child Protection on 1300 655 795 or Child FIRST on 1300 367 441
- Refer to the Department of Education & Early Childhood Development Step-by-Step guide that follows for further assistance.

Step 6

- Make a written record of the report which includes the following information:
 - 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 and the person who received the report.

Step 7

- It should then be decided who else, if anyone, should be informed. The need for confidentiality should be remembered at all times in the interests of the child and family. Only where the welfare of the child will be affected should the matter be discussed with anyone else.

Step 8

- If, following a report, a family approaches the School, it is recommended that any interview be conducted with a minimum of two school staff members present (e.g. the Head of the School and one other, not necessarily including the reporting staff member/s). The focus of such a meeting should be the welfare of the child, not on justifying the actions of the staff involved.

Step 9

- Support for the reporting staff and the student that is the cause for concern, and anyone else affected, should be arranged. The School should be aware that a wide range of people may be affected. Support should continue to be provided if necessary, as the role of the staff member with the student and Child Protection Services may be ongoing.

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