



Date written: 2015
School Council Ratified: 1st April 2019

Date reviewed: 2019
Next review: 2022

**This policy has been developed by members of School Council.
This includes both parent and DET representatives.**

RATIONALE

Every child and young person has the right to a full and productive life. It is up to all of us to ensure our children grow up in environments that build confidence, friendship, security and happiness, irrespective of a person's family circumstances or background. Child Welfare is based on the principles of partnership and shared responsibility.

AIM

To protect children and young people from abuse and neglect by ensuring school staff:

- Understand their mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse including physical, sexual abuse and neglect.
- Know how to make a mandatory report to DHS Child Protection when they have formed a belief on reasonable grounds that a child or young person is at risk of significant harm.
- Are able to identify and be aware of the indicators of abuse and/or neglect.

MANDATORY REPORTERS

All staff who are Victorian Institute of Teaching (**VIT**) registered teachers (including principals) or who have been granted permission to teach by the VIT are 'mandatory reporters'. This means that in the course of undertaking their professional duties, they must report to the Department of Health and Human Services (**DHHS**) Child Protection a belief on reasonable grounds that a child is in need of protection from significant harm as a result of sexual abuse or physical injury and the child's parents / carers are unable or unwilling to protect the child. They must report as soon as practicable after forming the belief.

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 report to Child Protection. 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.

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.



NON MANDATED STAFF MEMBERS

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 or Victoria Police 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.

In order to discharge duty of care, staff members, **whether or not mandated**, need to report a belief 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

FAILURE TO DISCLOSE OFFENCE

In addition to mandatory reporting and duty of care obligations, **any adult** who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must report that information to police. 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 Child Protection or the child is older than 16 when the belief is formed. More information about the offence can be found at

<http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>

DUTY OF CARE

School staff have a duty of care to take reasonable steps to protect the safety, health and wellbeing of children in their care.

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 Child Protection, Victoria Police or another appropriate agency
- Notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.

Duty of care obligations are separate and additional to mandatory reporting and 'failure to disclose' reporting obligations.

MAKING A REPORT

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.

Staff are expected to follow the Department policy for making a report set out at:

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>

Reports to Child Protection and Victoria Police are confidential unless you consent or a court or tribunal decides that it is necessary in the interests of justice for your identity to be disclosed.



STAFF TRAINING

As part of their initial induction to the school, staff will be informed of child protection reporting requirements and Department policy

(<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>) and will be provided with supporting documentation in their staff handbook.

IMPLEMENTATION

STAFF MUST REPORT WHEN THEY FORM A BELIEF A CHILD NEEDS PROTECTION.

FORMING A BELIEF ON REASONABLE GROUNDS

- To form a belief, the teacher or principal must think that a child needs protection based on the information they have.
- A “belief on reasonable grounds” is formed if a reasonable person in the same position would form the belief on the same set of circumstances and information.
- You do not have to prove that harm has, or will, take place – this is the role of DHS.

REASONABLE GROUNDS FOR FORMING A BELIEF

- When a child states that they have been physically or sexually abused.
- When a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves).
- When someone who knows the child states that the child has been physically or sexually abused.
- When a child shows signs of being physically or sexually abused.
- When a staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child’s safety, stability or development.
- When a staff member observes signs or indicators of abuse – unexplained injury, persistent neglect, poor care or lack of appropriate supervision.
- When 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

- All concerns must be reported immediately to the Principal or the Assistant Principal.
- The principal will keep a record of all discussions about the student of concern.
- If a member of staff has the belief that a child needs protection, the concerned staff member will contact child protection DHS on 1300 664 977 (Preston office).
- If a principal does not share the belief that a child needs protection but the teacher still thinks the child is at risk, the teacher should still make the notification. However, the teacher should also advise the principal they are doing so.
- Members of DHS, or associated support or intervention services may seek further information and visit the school to interview personnel involved in order to determine whether further action is required.
- Child protection may conduct interviews of children at school without parental knowledge or consent.
- Child Protection Workers must provide identification before gaining access to the child. Interviews must be conducted in the presence of the principal or nominated person.
- All reports, information and subsequent discussions and information are to be recorded and remain strictly confidential.

PROTOCOLS

New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.

All staff will be reminded of their mandatory reporting responsibilities annually.

The role of investigation around any allegations of child abuse rests solely with Child Protection (DHS) and or Victoria Police.

All concerns around a child's safety and wellbeing must be reported immediately to the principal, or in their absence, the assistant principal.

All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported.

While only mandated by law to report incidents of actual or potential physical and sexual abuse; teachers are encouraged to report incidents of emotional abuse or neglect.

All mandated staff are required to complete the DET online (30 minutes) mandatory reporting eLearning module at: www.elearn.com.au/DET/mandatoryreporting



REFERENCES

DET, School Policy and Advisory Guidelines

<http://www.education.vic.gov.au/school/principals/health/Pages/childprotection.aspx>

EVALUATION & REVIEW

The Greenhills Primary School Child Protection Reporting Policy will be reviewed annually per School Council Policy and School Council will evaluate its relevance in line with DET guidelines and community expectations as represented by parent members on School Council.

RATIFIED