

1. Purpose

The purpose of this Mandatory Reporting Policy is to enable staff to make a report of a child or young person who may be in need of protection and comply with reporting regulations. The College will ensure staff:

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

2. Scope

This policy applies to assist members of the governing body, the Principal, all school staff, volunteers, contracted service providers working in the school environment. The policy applies to allegations or disclosures of child abuse made by or in relation to a child.

3. Statement of Commitment to Child Safety & Wellbeing

The College is committed to preventing harm to children in our care from abuse and neglect under the Children, Youth and Families Act 2005.

4. Definitions

4.1 Child Abuse – as per the definition in section 3 of the Child Wellbeing and Safety Act 2005 (Vic) (CWS Act) includes:

- any act committed against a child involving a sexual offence or a grooming offence under section 49M(1) of the Crimes Act 1958 (Vic)
- the infliction of physical violence
- the infliction of “serious” emotional or psychological harm; and
- the “serious” neglect of a child.

4.2 Grooming - predatory conduct by adults designed to facilitate later sexual activity with a child. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity. Since 2014, grooming for sexual conduct with a child under the age of 16 years has been a crime.

4.3 Mandatory Reporting

The Children, Youth and Families Act 2005 places a legal obligation on principals, teachers and others working in schools to make a report to Child Protection (DHHS) if they believe, on reasonable

grounds, that a child has been physically or sexually abused or a child needs protection from significant harm because of physical or sexual abuse.

4.4 Mandated Notifiers

Under section 182 of the CYFA mandated notifiers include:

- registered principals and teachers (including pre-service and visiting teachers)
- registered medical practitioners and psychiatrists
- registered nurses including school nurses
- members of the police force
- registered psychologists
- people in religious ministry
- staff who provide direct support to students for mental, emotional, or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare officers, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff.

4.5 Non-mandated Person

May make a report to Child Protection if they are concerned for a child's welfare even if they are not required to do so as a mandatory notifier (for example, volunteers). Any person making a voluntary (non-mandated) report is also protected regarding confidentiality and immunity from legal liability.

5. Implementation

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. Students with disabilities can be at increased risk and the younger a child is, the more vulnerable they are likely to be and the more damaging the effects are likely to be.

Types of child abuse include:

- Physical
- Emotional
- Neglect
- Medical neglect
- Sexual abuse
- Family Violence
- Female Genital Mutilation
- Risk-taking behaviour that cannot be managed and compromises the child's safety

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 teachers to the possibility of child abuse and neglect. It is not the role of school staff to make a judgement as to whether abuse is happening.

Staff are mandated to report to Child Protection if indicators are present. Teachers may observe:

- One or several indicators are displayed
- Indicators occur repeatedly
- Changes in relation to the child's behaviour
- 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

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's or young person's safety, stability or development.
- The staff member observes signs or indicators of abuse, including nonaccidental 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

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. In the course of undertaking their professional duties, mandated staff members are required to report their belief, when the belief is formed on reasonable grounds that a child is in need of protection from significant harm as a result of sexual abuse or physical injury.

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. 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 or sexual abuse may result in the person being prosecuted and a court imposing a fine under the CYFA.

Making a report to Child Protection

In case of emergency or if a child is in immediate danger contact Triple Zero (000) or the local police station. Alternatively, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hours 7 days, toll free). 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 and 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.

When making a report staff should gather the relevant information necessary. This should include the following information:

- Full name, date of birth, and residential address of the child or young person
- Your relationship with the child
- 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, if known

Where, during the course of carrying out their normal duties, a WPS 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.

6.Related Policies & Legislation

Duty of Care Policy
Child Safety Policy

Children, Youth & Families Act 2005
Crimes Act 1958
Education and Training Reform Act 2006
Victorian Institute of Teaching Act 2001

7.Communication

This policy will be made available on the school's website and will be shared through regular community statements and other internal communications to demonstrate our collective commitment to ensure all children and students are safe from harm.

8.Policy Review

Approved by: Principal and School Board, April 2025
Next review: April 2027

Resources

- Department of Education 4 Critical Actions for Schools
<https://content.sdp.education.vic.gov.au/media/four-critical-actions-childabuse-973>
- A step-by-step guide to making a report to Child Protection or Child First
<https://www.education.vic.gov.au/Documents/childhood/parents/health/mandreportsep10.pdf>