

Mandatory Reporting Policy

Child Safe Standard 5

Rationale

Mandatory reporting arises from the requirements of the Children, Youth and Families Act 2005 (Vic.) and the Ministerial Order No. 870 (2016) for the protection of children from harm due to physical injury and sexual abuse. School personnel mandated under this Act who, in the course of carrying out their duties, form a reasonable belief that a child is in need of protection from physical or sexual abuse, must report that belief and the grounds for it as soon as possible.

Purpose

All teachers, other staff and volunteers (staff) within Malvern Central School are bound by legal and professional obligations to implement child protection and child safety policies, protocols and practices and to ensure the requirements of the duty of care are satisfied.

This policy defines the roles and responsibilities of staff in protecting the safety and wellbeing of children and young people at risk. It complements the guidelines protecting the safety and wellbeing of children and young people which is a joint protocol of the Department of Health Human Services (DHHS) Child Protection, the Department of Education and Training (DET), Licensed Children's Services and Victorian schools (the Protocols). All staff members are provided annual training and resources to provide assistance and respond appropriately if such an incident were to arise. Please refer here for full Department of Education and Training (DET) policy documents:

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/default.aspx>

This policy is designed to assist staff to:

- identify the indicators of a child or young person who may be in need of protection
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law and criminal law.

Implementation

- All members of the Teaching Service are mandated by law to report signs of physical and/or sexual abuse, and neglect.
- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- Staff will complete annual Mandatory Reporting P.D. Modules online.
- All concerns must be reported immediately to the Principal or the Assistant Principal.
- The Principal will keep a record of all discussions about a student with whom there is a concern.
- If a belief has been formed by a staff member that sexual or physical abuse has taken place a "Mandatory Reporting Information Sheet" obtained from the Principal must be filed in the Principal's office.

- The teacher and/or the Principal class officer will contact the Department of Human Services by telephone as soon as possible to make an official notification on:

(03) 8765 5444 or After School Hours Crisis Line 131 278

- 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 a Principal class member of his/her nominee.
- All “Mandatory Reporting Information Sheets” remain filed in the Principal’s office.
- All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.
- Students who have been subject to Mandatory Reporting 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; teachers are also 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.

GUIDELINES

Type Of Reporting	By Whom	To Whom
<p>Mandatory Reporting - DHHS Child Protection 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>Mandatory reporters</p> <p>Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006 (Vic)</i></p> <p>Principals of government and non-government schools.</p>	<p>DHHS Child Protection</p>
<p>Child in need of protection 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 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 harm as a result of sexual abuse and their parents are unable or unwilling to protect the child. 	<p>Mandatory reporters</p> <p>Any individual who is employed by the DET</p> <p>Volunteer workers and pre service teachers at Malvern Central School</p>	<p>DHHS Child Protection</p> <p>Victoria Police</p>

<ul style="list-style-type: none"> • 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 harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care. 	<p>Any member of the school or greater community</p>	
<p>Child in need of therapeutic treatment 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 because he or she has exhibited sexually-abusive behaviours.</p>	<p>Mandatory reporters</p> <p>Any individual who is employed by the DET</p> <p>Volunteer workers and pre service teachers at Malvern Central School</p> <p>Any member of the school or greater community</p>	<p>DHHS Child Protection</p>
<p>Reasonable belief that a sexual offence has been committed by an adult against a child under 16. 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. You will not be guilty of an offence if you do not report 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. 	<p>Any Person aged over 18</p>	<p>Victoria Police</p>
<p>Instances where an individual may delay complying with the requirement include:</p> <ul style="list-style-type: none"> • belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information • a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm 		

Related Policies and Further Information

- Children, Youth and Families Act, 2005
- Ministerial Order No. 870, 2015 - Child Wellbeing and Safety Amendment Bill
- Crimes Act 1958
- Education and Training Reform Act, 2006
- Victorian Institute of Teaching Act 2001
- MCS Child Safety Policy
- MCS Child Safe Code of Conduct
- MCS Student Engagement and Wellbeing Policy
- MCS Duty of Care Policy
- MCS Child Protection Reporting Obligations
- Child Safe Standards
<https://ccyp.vic.gov.au/child-safety/being-a-child-safe-organisation/the-child-safe-standards/>

Evaluation

This policy was last updated on 16th July, 2019 and is scheduled for review on 16th July, 2021

This policy was endorsed by School Council on 21st August, 2019