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## Mandatory Reporting

### Rationale:

The challenge of protecting children is everyone's responsibility: parents, schools, communities, governments and businesses. The Department strongly encourages all school staff to protect and preserve the safety, health and wellbeing of all children and young people. This policy should be read in conjunction with *Ministerial Order 870- Child Safe Standards*, and the college's *Statement of Commitment to Child Safety*.

### Aims:

To protect children and young people from abuse and neglect by ensuring school staff undertake the following-

- Part 4.4 of the Children, Youth and families Act, 2005, Section 184 imposes an obligation on teachers, principals and other persons listed in section 182, to make a mandatory report if they form a belief on reasonable grounds that a child is in need of protection on the grounds that a child has suffered, or is likely to suffer, significant harm because of physical injury or sexual abuse, and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.
- Understand mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse including physical and sexual abuse.
- Know how to make a mandatory report to the Department of Human Services (DHHS) Child Protection or Victoria Police 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.

### Implementation:

- Any person who is registered as a teacher under the *Education and Training Reform Act (2006)*, or any person who has been granted to teach under the Act, including principals, is mandated to make a report to the Department of Human Services (DHHS) Child Protection.

### Duty of care

All school staff members have a duty to take reasonable steps to protect the safety, wellbeing and health of children under their care and supervision from harm that is reasonably foreseeable. The question of what constitutes "reasonable steps" will depend on the individual circumstances of each case.

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.

- Staff may breach their duty of care towards a student if they fail to act in the way a reasonable or diligent professional would have acted in the same situation. In relation to suspected child abuse, reasonable steps may include:
  - Acting on concerns and suspicions of abuse as soon as practicable.
  - Seeking appropriate advice or consulting with other professionals or agencies when the school staff member is unsure of what steps to take.
  - Reporting the suspected child abuse to appropriate authorities such as Victoria Police and DHHS Child Protection.
  - Arranging counselling and/or other appropriate welfare support for the child.
  - Providing ongoing support to the child – this may include attending DHHS Child Protection Case Planning meetings and convening regular Student Support Group meetings.
  - Sharing information with other school-based staff who will also be responsible for monitoring and providing ongoing support to the child.

Kambrya College staff need to liaise with the Child Safety Officer in all cases of suspicion or reasonable belief that child abuse has occurred, is occurred or is at risk of occurring.

### **Student Understanding of Reporting**

Kambrya College will institute processes and protocols to make students aware of child safety / child abuse and their need to report matters of child abuse to authorities. Child safe information will be developed and shared through a variety of sessions of Kambrya College, including but not limited to the H/PE curriculum, Home group, wellbeing and safety programs.

### **Mandatory Reporting**

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 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 the following web link:

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

## Failure to protect offence

This applies where there is substantial risk that a child under the age of 16 under the care, supervision or authority of a school will become a victim of a sexual offence committed by an adult associated with that school. A person in a position of authority in the school will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so. Organisations other than schools are also covered by the offence. Further information can be found at the following web link:

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

All Kambrya College staff must act as soon as they witness an incident that breaches student safety or when they form a reasonable belief that a child has been or is at risk of being abused.

Kambrya College will record any child safety complaints, disclosures or breaches of the Code of Conduct (and subsequent action) and store these to DET and Kambrya College security and privacy conventions. To make processes, understandings and obligations clear, our College has appointed a dedicated Child-Safety Officer (Wellbeing Co-ordinator) which staff must liaise with on all child safety areas.

## Receiving a Disclosure (current student / former student)

If a child discloses that they have been, are being, or are in danger of being abused, Kambrya College staff must treat the disclosure seriously and take immediate action by following the Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse. (Processes to such are discussed below).

If a former student discloses historical abuse, all staff **must** act. If the former student is currently of school age and attending a Victorian school, staff must follow the Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse. If the student is no longer of school age or attending a Victorian school, staff must still act by contacting Victoria Police.

\*\* All disclosures **MUST** be documented utilising the **Responding to Suspected Child Abuse template**

\*\* Additional strategies and advice on how to handle a disclosure can be found on the DET website:

[www.education.vic.gov.au/protect](http://www.education.vic.gov.au/protect)

This information has been taken from DET's **PROTECT** documents- Identifying and Responding to ALL Forms of Abuse in Victorian Schools and linked website- [www.education.vic.gov.au/protect](http://www.education.vic.gov.au/protect) to address Standard 5

## Forming a Reasonable Belief

If Kambrya College staff witness behaviour, have a suspicion or receive a disclosure of child abuse, that staff member needs to determine whether they have formed a Reasonable Belief that a child is being abused or is at risk of being abused. A reasonable belief does not require proof (but needs to be more than a rumour).

## Six different identified types of abuse

All staff who believe that a child is being abused by any type of abuse or at risk of being abused must follow the **Four Critical Actions for Schools** (discussed in detail later)

Detailed information on each area (and physical / behavioural indicators) can be gained from DETs website- [www.education.vic.gov.au/protect](http://www.education.vic.gov.au/protect)

### **1: Physical**

Abuse which is any non-accidental infliction of physical violence on a child by any person.

### **2: Sexual**

Is when a person uses power or authority over a child to involve them in sexual activity (which can also include non-contact offences). It may not always involve force, as in some circumstances, a child may be manipulated.

### **3: Grooming**

Is when a person engages in predatory conduct to prepare a child for sexual activity at a later time. This may involve communicating and / or attempting to befriend or establish a relationship or other emotional connection with the child or their parent / carer.

### **4: Emotional**

Emotional child abuse occurs when a child is repeatedly rejected, isolated, or frightened by threats or by witnessing family violence.

### **5: Neglect**

Serious neglect significantly impairs the health or physical development of the child or places this development at serious risk.

### **6: Family Violence**

Family violence can include physical violence or threats, verbal abuse, emotional and physical abuse, sexual abuse and financial and social abuse.

### **\*\* When identifying child abuse, it is critical to remember that:**

- The trauma associated with child abuse can significantly impact upon the wellbeing / development of a child.
- All concerns about the safety and wellbeing of a child, or the conduct of a staff member, contractor or volunteer **must** be acted upon as soon as practicable.

## **Responding to Incidents, Disclosures and Suspicions of Child Abuse -Taking Action**

Staff members of Kambrya College play a critical role in protecting children in their care; including: -

- Staff must act, by following the four critical actions, as soon as they witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.
- Staff must act if they form a suspicion / reasonable belief, even if they are unsure and have not directly observed child abuse (e.g. if the victim or another person tells them about the abuse).
- Staff **must** use the *Responding to Suspected Child Abuse* template to keep clear and comprehensive notes.

**Please note:** 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.

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.

### **ACTION 1: RESPONDING TO AN EMERGENCY** (If there is no risk of immediate harm go to ACTION 2)

If a child is at immediate risk of harm, the staff member must ensure their safety by:

- Separating alleged victims and others involved
- Administering first aid
- Calling 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns
- Liaising with Kambrya's Child Safety Officer at the school who will confer with Police on the specific incident.

### **ACTION 2: REPORTING TO AUTHORITIES**

As soon as immediate health and safety concerns are addressed, the staff member **must** report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

If the source of suspected abuse is from within our College, all staff members must report all instances of suspected child abuse and sexual abuse involving a school staff member, contractor or volunteer to Victoria Police. School staff **must also** report the incident **internally** to:

- School Principal and/or leadership team
- Employee Conduct Branch
- DET Security Services Unit

If the source of suspected abuse is from within the family or community, all staff **must** report to DHHS Child Protection if a child is considered to be:

- In need of protection from child abuse.
- At risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

### **ACTION 3: CONTACTING PARENTS/CARERS**

The Principal **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents / carers. They may advise:

- **Not to contact** the parents / carers (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parents / carers to be contacted).
- **To contact** the parents / carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

### **ACTION 4: PROVIDING ONGOING SUPPORT**

Kambrya College **will** provide ongoing support for children impacted by abuse via **Student Support Plans**, liaison with DET / External agencies, SSGs and wellbeing strategies.

If a staff member believes that a child is not subject to abuse, but still holds **significant concerns** for their wellbeing, they must still act. This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DHHS Child Protection or Victoria Police.

**Strategies in support of a child may include liaison and communication with, but not limited to, the following:**

- DHHS Child Protection and Victoria Police;
- Regional Office and engagement of Student Incident and Recovery Unit (SIRU);
- Parents/carers of all impacted students (where appropriate, following advice from authorities);
- If an international student is impacted, liaison with International Education Division (Government schools);
- If an Aboriginal or Torres Strait Islander Student is impacted, liaison with Koorie Education Officer;
- Liaison with Victoria Police;
- Ongoing communication and action as set out by the Employee Conduct Branch (Government schools).

**Strategies of ongoing support of a child may include (but not limited to), the following:**

- Overseeing the development of a short-term action plan for all children impacted by suspected abuse in consultation with the Region and the Student Incident and Recovery Unit (SIRU);
- Ensuring ongoing education and support services are provided for all children involved via formation of a Student Support Group (SSG), overseen by the Child Safety Officer and representatives from a number of support agencies, including Student Incident and Recovery Unit (SIRU);
- Developing, implementing and reviewing a **Student Support Plan** in partnership with children and their parents/carers, allied health workers and external support agencies where appropriate (this plan should list appropriate school-level and non-school based supports and should assist students in returning to school);
- Addressing concerns as they arise.

**Provision of school-based wellbeing services for a child may include (but not limited to), the following:**

- Continued monitoring of the situation and the health and wellbeing of impacted children and staff members;
- Ensuring the provision of ongoing support for the children, families and staff members involved.

\*\* The Principal (or representative) will undertake a **review process between 4-6 weeks** after a report is made.

\*\* **Please note:** if a staff member believes that a child is not subject to abuse, but still holds **significant concerns** for their wellbeing, they must still act. This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DHHS Child Protection or Victoria Police.

### **Staff training**

As part of their initial induction to the school, staff will be informed of child protection reporting requirements and Department policy: [www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx](http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx) and will be provided with support via the following:

- Annual Professional Development in Mandatory Reporting obligations and Managing Disclosures
- Annually completing DETs E-Learning module on Mandatory Reporting
- Reading the College policy on Child Safety Code of Conduct and Statement of Commitment annually, then signing a register to acknowledge such and their commitment to adhering to its obligations.

## Contact information for staff

- **DHHS - Child Protection:** South Division: 1300 655 795; Dandenong (03) 8765 5444; A/H: 13 12 78
  - **Sexual Offences and Child Abuse Investigation Team:** (SOCIT) Dandenong: (03) 8769 2200
  - **Regional Office:** Dandenong: (03) 8765 5600
  - **(DET) Security Services Unit:** (03) 9589 6266
  - **(DET): Student Incident and Recovery Unit:** (03) 9637 2934
  - **Child First (Casey):** (03) 9705 3939 [www.dhs.vic.gov.au](http://www.dhs.vic.gov.au)
  - **(Casey) Aboriginal children and families:** (03) 9794 5973
  - **Victoria Police:** 000
  - **eHeadspace** (online and a 9am-1am telephone support service) [www.eheadsace.org.au](http://www.eheadsace.org.au) or 1800 650 850
  - **KidsHelp Line** on 1800 55 1800 or visit for 24-hour support
  - Talk to your doctor, psychologist, social worker
- \*\* In the case of **international students**, the Principal must notify the International Education Division on (03) 9637 2990 to ensure that appropriate support is arranged for the student.
- \*\* In the case of **Koorie students**, the Principal must notify the Regional Office to ensure that the Regional Koorie support officer can arrange appropriate support for the student.
- \*\* **Please note:** whilst staff members may need to gather information to make a report, it is not the role of Kambrya College staff to investigate abuse- leave this to Victoria Police and / or DHHS Child Protection.

Information contained in this policy has been taken, in part, from DET's **PROTECT** documents- *Identifying and Responding to ALL Forms of Abuse in Victorian Schools* and linked website- [www.education.vic.gov.au/protect](http://www.education.vic.gov.au/protect)

### Evaluation:

This policy will be reviewed as part of the school's three-year review cycle.

<b>Author</b>	Keith Perry- College Principal
<b>Approved by Kambrya College School Council</b>	May 2018
<b>Responsible for Review</b>	Paul Looker- Assistant Principal
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