

Mandatory Reporting Policy

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

Purpose:

- 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 reporting obligations under child protection law and criminal law and in-line with Child Safe Standards in Ministerial Order 870.

Scope: All school staff

Implemented by: School Principal

Approved by: KVS Board

Reviewed: Annually or as regulatory changes arise or improvements are identified

Communicated via: KVS Website, Staff induction, Meetings and Handbook, Parent Handbook, Policies and Procedures Manual

Overview

Koonwarra Village School (KVS) is committed to being a Child Safe organisation and embedding a child safe culture into our practices and processes to ensure that all children who attend the School are safe at all times.

KVS will act on any allegations or disclosures of child abuse made by, or in relation to a child, school staff, visitor, or any other person connected to the school environment in accordance with this policy to ensure that children under the care of the school are supported and protected.

KVS will act to reduce or remove the risk of child sexual abuse posed by an adult associated with the school by immediately removing them from the possibility of contact with children and reporting them to the appropriate authorities and investigated. This includes (but is not limited to) employees, volunteers and parents who are involved in direct contact with children at the school.

Reporting child protection concerns

Any KVS Staff Members, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to Department of Human Services (DHS) Child Protection.

If staff have significant concerns for the wellbeing of a child or young person they must report their concerns to DHS Child Protection or Child FIRST (see accompanying documentation: *Step-by-step Guide to Making a Report to Child Protection or Child FIRST*).

In cases where staff have concerns about a child or young person, they should discuss their concerns with the Principal or a member of the school leadership team.

If staff believe a child to be in imminent danger, the police should be notified by calling 000 immediately.

Reporting criminal child abuse

Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police. Failure to disclose the information to police is a criminal offence (see accompanying documentation: *Department of Justice – Failure to Disclose Fact Sheet*), except in limited circumstances such as where the information has already been reported to DHS Child Protection.

A new criminal offence for failing to protect a child under the age of 16 from a risk of sexual abuse commenced on 1 July 2015. The offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation 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.

Failure to disclose

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 disclose that information to police. Failure to disclose the information to police is a criminal offence (see accompanying documentation: *Department of Justice – Failure to Disclose Fact Sheet*), except in limited circumstances including where there is a reasonable fear for their own safety or the safety of another person (such as a child or another family member) or where the person believes on reasonable grounds that the information has already been disclosed to police and they have no further information to add.

Duty of care

School staff have a duty of care to protect the safety, health and wellbeing of children in their care. This includes taking reasonable precautions to prevent the abuse of a child by an individual associated with, or engaged by KVS, while the child is under the care, supervision or authority of KVS.

While any child can be victim to sexual abuse, children who are vulnerable, isolated and/or have a disability are much more likely to be victimised and are a significantly over represented group. Younger students or students with a disability, therefore, may require greater measures of protection than older children or teenagers. 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 the following action:

- reporting their concerns to the DHS Child Protection or another appropriate agency (as identified above), and
- notifying the Principal or a member of the school leadership team of their concerns and the reasons for those concerns.

The duty of care extends to all staff within the school to take immediate action to protect children as soon as they become aware that a person associated with the school poses a substantial risk of abusing children. Failure to do so is a criminal offence.

If such a belief is formed, staff must inform the Principal. It is important that immediate action is taken to ensure children are protected from harm. Such action shall include preventing the person who is believed to pose a risk of sexual abuse to children in the organisation from further contact with children and reporting the matter to police.

Mandatory reporters

Any staff member can make a report to DHS Child Protection if they believe on reasonable grounds that a child is in need of protection, however the following professionals are mandated to make a report if they form such a belief;

- Teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic)
- Principals of government and non-government schools
- Registered medical practitioners, nurses, and all members of the police force

Mandatory reporters must make a report to the Department of Health and Human Services (DHS Child Protection) as soon as practicable if, in the course of practising their profession or carrying out their duties, they form reasonable belief 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 from that abuse.

A mandated reporter must make a report on each occasion that they form a belief, and must make a report even if the Principal or others within the organisation do not share their belief.

Mandatory reporters must ensure that a report has indeed be made in any instance that another mandated reporter has undertaken to make the report.

A mandated reporter who fails to comply with these reporting obligations may be committing a criminal offence.

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 states that they have been physically or sexually abused
- a child 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 states that the child has been physically or sexually abused
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused
- signs of abuse lead to a belief that the child has been physically or sexually abused.

Types of child abuse and indicators of harm

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger a child the more vulnerable he/she is and the more serious the consequences are likely to be.

Types of child abuse include:

- physical abuse
- sexual abuse
- emotional abuse
- neglect
- medical neglect
- family violence
- grooming
- human trafficking (including forced marriage).

Other reports to DHS Child Protection may be needed for:

- risk-taking behaviour
- female genital mutilation
- risk to unborn child

- child or young person exhibiting sexually-abusive behaviours.

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.

Staff should also be aware of signs of 'grooming'. Grooming is when an adult engages in predatory conduct to prepare a child or young person for sexual activity at a later time.

Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child. Young people are often 'groomed' before they are sexually abused. Groomers may rely on mobile phones, social media and the internet to interact with children in inappropriate ways and will often ask the child to keep their relationship a secret. Offenders are deceptive and manipulative in the way they work, so it is important to draw on a range of information, such as the warning signs of sexual exploitation, if you have concerns.

Making a report

This table describes how to make a mandatory report, to report child abuse or child protection concerns.

<u>Step</u>	<u>Description</u>
1	<p style="text-align: center;">In case of emergency or if a child is in immediate danger contact Triple Zero (000) or the local police station.</p> <p>To report concerns about the immediate safety of a child (which isn't an emergency), call the Child Protection Crisis Line on 13 12 78 (24 hours 7 days, toll free)</p>
2	<p>Complete a Child Safety Incident Report that includes comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> • a description of the concerns (e.g. physical injuries, student behaviour) • the source of those concerns (e.g. observation, report from child or another person) • the actions taken as a result of the concerns (e.g. consultation with Principal, report to DHS Child Protection etc.).

3	<p>Notify the Principal prior to making a report to discuss the concerns about the safety and wellbeing of the student, so the Principal can assist the staff member through the</p>
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	reporting process and ensure the child's welfare is maintained.
4	<p>Gather the relevant information necessary to make the report by using the Child Safety Incident Report. This includes the following information:</p> <ul style="list-style-type: none"> • full name, date of birth, and residential 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.
5	<p>Make a report to the relevant agency.</p> <p>To report concerns that are life threatening phone 000 or the local police station.</p> <p>To report concerns about the immediate safety of a child call the Child Protection Crisis Line on 13 12 78 (24 hrs 7 days, toll free)</p> <p>To report concerns to DHS Child Protection, contact your local child protection office.</p>
6	<p>Make a written record of the report using the Child Safety Incident Report template which includes the following information:</p> <ul style="list-style-type: none"> • 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.
7	<p>Provide the Principal a copy of the completed Child Safety Incident Report after the report to DHS Child Protection or Child FIRST has been made. The Incident Report will be securely stored in the administration area.</p>
8	<p>The Principal will advise the Board that a Child Safety Incident Report has been lodged. The Board will oversee management of the Report to ensure the school response is handled in accordance with this policy and other legal obligations.</p>

Fulfilling the roles and responsibilities contained in this procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

Potential consequences of making a report

This table describes the potential consequences of making a report.

<u>Potential consequence</u>	<u>Description</u>
Confidentiality	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> the reporter chooses to inform the child, young person or parent of the report. the reporter consents in writing to their identity being disclosed. a Court or Tribunal decides that it 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 provide evidence.
Professional Protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> 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.
Interviews	<p>DHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent's knowledge or consent.</p> <p>Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.</p> <p>DHS Child Protection and/or Victoria Police will notify the Principal or a member of the leadership team of their intention to interview the child or young person on the school premises.</p> <p>When DHS Child Protection practitioners/Victoria Police officers come to the school premises, the Principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person.</p> <p>When a child or young person is being interviewed by DHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.</p>
Support for the child or young person	<p>The roles and responsibilities of staff members in supporting children who are involved with DHS Child Protection may include the following:</p> <ul style="list-style-type: none"> acting as a support person for the child or young person attending DHS Child Protection case planning meetings

	<ul style="list-style-type: none"> observing and monitoring the child's behaviour liaising with professionals.
Support for the staff who make a report	<p>Making a report is likely to be a stressful event for the staff members involved. The school has a duty of care to ensure that all staff members are supported throughout the process. This will involve:</p> <ul style="list-style-type: none"> Allowing time for staff members to deal with their own emotional responses Providing support for staff including debriefing by appropriately qualified counsellors when needed Ensuring the workplace remains a safe environment.
Supporting families	<p>Families will have a range of responses to a report and the school, via the Principal, will support families in the following ways:</p> <ul style="list-style-type: none"> Respect the family's privacy and decision whether to discuss the situation with the school Provide time and a private space should a family choose to discuss what has happened Recommend support from appropriately qualified counsellors when needed Provide feedback about any changes in their child's behaviour while at school. Implement support strategies requested by the family or appropriately qualified counsellor.
Requests for Information	<p>DHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.</p> <p>In certain circumstances, DHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHS Child Protection.</p>
Witness Summons	<p>If DHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings.</p>

Staff Training

KVS school staff play a vital role in protecting children from harm and are well placed to observe signs or behaviours that may indicate risks of child abuse, neglect or exploitation. Training will ensure that all staff understand mandatory reporting, and the failure to disclose and failure to protect offences. KVS Staff

members will be made aware of their reporting requirements via the Staff Induction Handbook. This will be provided to all new staff commencing work at KVS.

The document: *Protecting the Safety of Children and Young People* provides further information about child protection and community based child and family services.

All Mentors will complete the on-line Mandatory Reporting Professional Learning Module provided by DEECD. <http://www.elearn.com.au/deecd/mandatoryreporting/external/> Login: deecd Password: external

The module provides detailed information for identifying and responding to child abuse, and includes case studies and practical scenarios to assist staff fulfil their reporting obligations. Mandatory reporters must undertake this training once per calendar year.

Related Resources

Step-by-step Guide to Making a Report to Child Protection or Child FIRST

Children, Youth and Families Act 2005

Department of Justice – Failure to Disclose Fact Sheet

Department of Justice – Failure to Protect Fact Sheet

Protecting the Safety of Children and Young People

Mandatory Reporting Professional Learning Module

Child Safety Incident Report

Child Safe Standards Statement

Converge International - [Employee Assistance Program](#)

Related Policies

- Student Welfare Policy
- Critical Incident Policy
- Concerns & Complaints Policy