



# MANDATORY REPORTING POLICY

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## **Policy Statement:**

A broad range of professional groups are identified in the *Children Youth and Families Act 2005* (CYFA) as mandatory reporters. Mandated staff members must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds that a child is in need of protection from significant harm as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child. Primary and secondary school teachers and principals (including students in training to become teachers) are prescribed as mandatory reporters under section 182 of the CYFA.

## **Aims:**

1. Define the roles and responsibilities of school staff in protecting the safety and wellbeing of children.
2. Enable staff to identify the indicators of a child who may be in need of protection.
3. Enable staff to make a report of a child who may in need of protection

## **Implementation:**

### **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'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 states that they have been physically or sexually abused.
- a child states that they know someone who has been physically or sexually abused
- someone who knows the child states that the child 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 impacting on the child's safety, stability or development.
- the staff member observes signs or indicators of abuse, including non-accidental 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**

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 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 require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

### **Professional protection for reporters**

If a report is made in good faith:

- it does not constitute unprofessional conduct or breach of professional ethics.
- 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**

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 is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or 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 from harm.

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

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.

Teachers are encouraged to discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. If a principal or member of the leadership team does not wish to make a mandatory report, this does not discharge the teacher's obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the teacher's concerns continue, even after consultation with the principal or member of the leadership team, that teacher is still legally obliged to make a mandatory report of their concerns.

Information about the identity of a person making a report to Child Protection must be kept confidential unless the reporter consents to the disclosure of their identity. If the staff member wishes to remain anonymous, this information should be conveyed at the time that the reporter makes the mandatory report.

### **The role of school staff**

School staff have a duty of care to protect and preserve the safety, health and wellbeing of children in their care and staff must always act in the best interests of those children. If a staff member has any concerns regarding the health, safety or wellbeing of a child it is important to take immediate action.

**Note: The role of investigating an allegation of child abuse rests solely with Child Protection and/or Victoria Police.**

The roles and responsibilities of staff in supporting children who are involved with Child Protection may include acting as a support person for students, attending Child Protection case plan meetings, observing and monitoring students' behaviour, and liaising with professionals.

### **Confidentiality**

Staff must respect confidentiality when dealing with a case of suspected child abuse and neglect, and may discuss case details and the identity of the child or their family only with those involved in managing the situation.

When a child has moved to another school no teacher is to pass on information, professional judgement should be exercised by the principal as to what information needs to be passed on. This will be guided by usual procedures for passing on information about a child's general wellbeing or special needs, and the role of the school in any ongoing care plans.

### **Interviews at Victorian schools**

Child Protection may conduct interviews of children at school without parental knowledge or consent. However, a child will be interviewed at a Victorian school only in exceptional circumstances and if it is in the child's best interests to proceed in this manner. Child Protection will notify the school of any intention to interview a child. This may occur regardless of whether the school is the source of the report to Child Protection.

When Child Protection practitioners arrive at the school, the principal or their nominee should ask to see their identification before allowing Child Protection to have access to the child.

### **Advising parents, carers or guardians**

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.

It is the responsibility of Child Protection to advise the parents, carers or guardians of the interview at the earliest possible opportunity. This should occur either before, or by the time the child arrives home

### **Staff Training**

Staff will be informed of Mandatory Reporting requirements as part of their initial induction to the school and will be provided with supporting documentation in their staff handbook.

Updates will take place annually as part of the Performance and Development/Staff meeting rotation.

### **Evaluation:**

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

Ratified March 2020  
Review October 2023

# A step-by-step guide to making a report to Child Protection or Child FIRST

## Protective concerns

You are concerned about a child because you have:

- received a disclosure from a child about abuse or neglect
- observed indicators of abuse or neglect
- been made aware of possible harm via your involvement in the community external to your professional role.

## At all times remember to:

- record your observations
- follow appropriate protocols
- consult notes and records
- consult with appropriate colleagues if necessary
- consult with other support agencies if necessary

STEP 1 RESPONDING TO CONCERNS	STEP 2 FORMING A BELIEF ON REASONABLE GROUNDS	STEP 3 MAKING A REFERRAL TO Child FIRST	STEP 4 MAKE A REPORT TO CHILD PROTECTION
<p>1. If your concerns relate to a child in need of immediate protection; or you have formed a belief that a child is at significant risk of harm*.</p> <p><b>Go to Step 4</b></p> <p>2. If you have significant concerns that a child and their family need a referral to Child FIRST for family services.</p> <p><b>Go to Step 3</b></p> <p>3. In all other situations <b>Go to Step 2.</b></p> <p><i>* Refer to Appendix 2: Definitions of child abuse and indicators of harm in the Protocol – Protecting the safety and wellbeing of children and young people</i></p>	<p>1. Consider the level of immediate danger to the child.</p> <p>Ask yourself:</p> <p>a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm? <b>YES / NO</b> and</p> <p>b) Am I in doubt about the child's safety and the parent's ability to protect the child? <b>YES / NO</b></p> <p>2. If you answered yes to a) or b) <b>Go to Step 4</b></p> <p>3. If you have significant concerns that a child and their family need a referral to Child FIRST for family services. <b>Go to Step 3</b></p>	<p><b>Child Wellbeing Referral</b></p> <p>1. Contact your local Child FIRST provider.</p> <ul style="list-style-type: none"> <li>• See over for contact list for local Child FIRST phone numbers.</li> </ul> <p>2. Have notes ready with your observations and child and family details.</p>	<p><b>Mandatory/Protective Report*</b></p> <p>1. Contact your local Child Protection Intake provider immediately.</p> <ul style="list-style-type: none"> <li>• See over for contact list for local Child Protection phone numbers.</li> </ul> <ul style="list-style-type: none"> <li>• For <b>After Hours Child Protection</b> Emergency Services, call <b>131 278.</b></li> </ul> <p>2. Have notes ready with your observations and child and family details.</p> <p><i>* Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection</i></p>

For further information refer to *Protecting the safety and wellbeing of children and young people – A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools*

## Contact Numbers

Department of Education and Early Childhood Development

Department of Human Services Child Protection

CHILD FIRST

METROPOLITAN REGIONS	
Eastern	(03) 9265 2400
Northern	(03) 9488 9488
Western	(03) 9291 6500
Southern	(03) 9794 3555

RURAL REGIONS	
Barwon South Western	5225 1000
Gippsland	5127 0400
Grampians	5337 8444
Hume	5761 2100
Loddon Mallee	5440 3111

Office for Children and Licensed Children's Services:

METROPOLITAN REGIONS	
Eastern	(03) 9265 2400
Northern	(03) 9412 5333
Western	(03) 9275 7000
Southern	(03) 9096 9555

RURAL REGIONS	
Barwon South Western	5225 1000
Gippsland	5127 0400
Grampians	5337 8444
Hume	5761 2100
Loddon Mallee	5440 3111

Important information for government schools

Principals of Victorian Government schools must report all incidents to the Emergency and Security Management Unit on **03 9589 6266**.

Victorian Government schools should contact the Student Critical Incident Advisory Unit (SCIAU), Student Wellbeing Division, for advice and support when responding to allegations of student sexual assault or inappropriate sexual behaviours.

The SCAU can be contacted on **03 9637 2934** or **03 9637 2487**.

Victorian Government School Principals should refer to the flowchart – Responding to Allegations of Student Sexual Assault *Compulsory Actions for Principals* at:

<http://www.education.vic.gov.au/healthwellbeing/safety/childprotection/childprotection.htm>

METROPOLITAN REGIONS		METROPOLITAN REGIONS	
Intake Unit	Regional Office		
Eastern	1300 360 391 Box Hill	(03) 9843 6000	
North and West	1300 664 977 Preston Footscray	1300 664 977	1300 360 462
Southern	1300 655 795 Dandenong	(03) 9213 2111	

RURAL REGIONS		Regional Office	
Intake Unit			
Barwon South Western	1800 075 599 Geelong	(03) 5226 4540	
Gippsland	1800 020 202 Traralgon	(03) 5177 2500	
Grampians	1800 000 551 Ballarat	(03) 5333 6530	
Hume	1800 650 227 Wangaratta Wodonga	(03) 5722 0555	(02) 6055 7777
Loddon Mallee	1800 675 598 Bendigo	(03) 5434 5555	

After hours Child Protection Emergency Services (AHCPEs)

Statewide number for all emergency child protection matters outside of normal business hours (24 hours, 7 days a week):

**131 278**

Victoria Police

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Catholic Education Offices

Catholic Education Office, Melbourne	(03) 9267 0228
Catholic Education Office, Ballarat Diocese	5337 7135
Catholic Education Office, Sale Diocese	5622 6600
Catholic Education Office, Sandhurst Diocese	5443 2377

Independent Schools Victoria

(03) 9825 7200

Other

Victorian Aboriginal Education Association, Inc.	(03) 9481 0800
Victoria Police Sexual Offences and Child Abuse Unit	(03) 9247 6666
Centre Against Sexual Assault	1800 806 292
Gatehouse Centre, Royal Children's Hospital (for specialist counselling and medical assistance)	(03) 9345 6391
Child Safety Commissioner	(03) 8601 5884
Victorian Aboriginal Child Care Agency	(03) 8388 1855

Local Catchment Area	Contact
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Barwon South Western	Greater Geelong, Queenscliff, Surf Coast Colac - Otway, Corangamite Warrambool, Moyne, Glenelg, Southern Grampians	1300 551 948 5332 5500 1300 889 713
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Gippsland	East Gippsland Wellington La Trobe, Baw Baw South Gippsland, Bass Coast	5152 0052 5144 7777 1800 339 100 5662 5150
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Grampians	Northern Grampians, West Wimmera, Hindmarsh, Yarrambat, Horsham Ararat, Pyrenees, Hepburn, Ballarat, Golden Plains, Moorabool	1800 195 114 1300 783 341
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Hume	Wodonga, Towong, Indigo Alpine, Benalla, Mansfield, Wangaratta Greater Shepparton, Strathbogie, Moira	1800 705 211 1800 705 211 1300 854 944
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Loddon Mallee	Mitchell, Murrindindi Greater Bendigo, Campaspe, Central Goldfields, Loddon, Macedon Ranges, Mount Alexander Buloke, Goonawarra, Swan Hill, Mildura	1800 663 107 1800 260 338 1800 625 533 1800 MALLEE
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Eastern Metropolitan	Yarra Ranges, Knox, Maroondah Monash, Whitehorse, Manningham, Booroondarra	1300 369 146 1300 762 125
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North and West Metropolitan	Nilnimbik, Whittlesea, Banyule, Yarra and Darebin Brimbank, Melton Hume, Moreland Hobson's Bay, Maribyrnong, Melbourne, Moonee Valley and Wyndham	(03) 9450 0955 1300 138 180 1300 786 433 1300 786 433
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Southern Metropolitan	Casey, Cardinia, Greater Dandenong Aboriginal children and families (Casey, Cardinia and Great Dandenong) Frankston, Mornington Peninsula Kingston, Bayside, Glen Eira, Stonnington, Port Phillip	(03) 9705 3939 (03) 9794 5973 1300 721 383 1300 367 441
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# Reporting a child safety concern

**STRICTLY CONFIDENTIAL**

To be used to record suspicion of child physical, sexual abuse or neglect

<b>Date:</b>	
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<b>Child's name:</b>	
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<b>Child's date of birth:</b>	
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<b>Child's address:</b>	
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<b>Parent names:</b>	
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<b>Parent contact numbers:</b>	
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<b>Indicators of Harm:</b> The reason for believing that the injury or behaviour is the result of abuse or neglect.
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**Safety Assessment:**

Assessment of immediate danger to the child – information may be sought from Protective Services regarding the whereabouts of the alleged abuser.

**Description:**

Description of the injury or behaviour observed.

**Other Services:**

Knowledge of other services involved with the family.

**Other:**

Other details which may help the child

**Notes of Report:**

Notes of telephone conversation with relevant service including the name of call taker, advice given and other instructions received.



**Notes of Interviews:**

Notes of interviews (if any) involving Child Protection, Police or other agencies and the student (including list of all present).

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**Actions Taken:**

Details of actions taken before and after report was made, including details of support for child and staff, contact with parents, additional contact with others etc.

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Attach additional reports, statements from staff or additional pages if necessary.

<b>Name of reporting staff member:</b>	
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Protecting Children Booklet –

<http://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/ProtectingChildrenProtocol.pdf>