

# CHILD SAFETY / MANDATORY REPORTING OBLIGATIONS POLICY AND PROCEDURES

## PURPOSE

The purpose of this policy is to ensure that all staff and members of our school community understand the various legal and other reporting obligations related to child safety and mandatory reporting obligations that apply to Mount Ridley P-12 College. The specific procedures that are applicable at our College are contained at Appendix 1.

## RATIONALE

This policy applies to all College staff, contractors, volunteers and College community members. It also applies to all individuals engaged in any College and College Council-run events, activities and services such as Out of School Hours Care and cultural and sporting events.

## GUIDING PRINCIPLES

All children and young people have the right to protection.

Mount Ridley P-12 College understands the important role it plays in protecting children from risk of harm and all forms of child abuse including:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect
- Medical neglect
- Family violence
- Human trafficking (including forced marriage)
- Sexual exploitation (including pornography and prostitution)

The staff at Mount Ridley P-12 College are required by law to comply with various child safety reporting obligations. For detailed information about each obligation, please refer to the resources included in the body of this policy. At Mount Ridley P-12 College we also recognise the diversity of the children and young people at our school and take account of their individual needs and backgrounds when considering child safety.

## IMPLEMENTATION

At Mount Ridley P-12 College:

- All staff are reminded annually through various briefings and email Communiques of their mandatory reporting and child protection responsibilities
- All staff are required to complete DET's online mandatory reporting training as required.
- New staff are informed of their mandatory reporting and child protection responsibilities as part of their induction.

- The College's **Child Safety / Mandatory Reporting Obligations Policy and Procedures** is available to all staff on the Staff Share Drive and to all members of the College community via the College's web site (Policies Section).

### *Mandatory Reporting*

Principals, registered teachers, registered medical practitioners, nurses and all members of the police force are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic). (NB As of March 1, 2019 all registered psychologists will be mandated reporters and as of January 21, 2020 all school counsellors will be mandated reporters.)

Mandatory reporters are required by law to make a report to DHHS as soon as practicable if, in the course of practising their profession or carrying out their duties, they form the **reasonable belief** that a child or young person is in need of protection as a result of physical injury, sexual abuse, emotional harm or psychological harm and the child's parents are unable or unwilling to protect the child from that abuse.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important that all Mount Ridley P-12 College staff are aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the principal does not share their belief that a report is necessary.

At our College, all mandated College staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually. The College will also encourage all other staff to undertake this module, even where they are not mandated reporters.

For more information about Mandatory Reporting see the Department's *School Policy and Advisory Guide: [Child Protection – Reporting Obligations](#)*.

### Child in need of protection

Any person can make a report to the Department of Health and Human Services (DHHS) Child Protection (131 278 – 24 hour service) if they believe on reasonable grounds that a child is in need of protection.

The policy of the Department of Education and Training (DET) requires **all staff** who form a reasonable belief that a child is in need of protection to report their concerns to DHHS or Victoria Police, and discuss their concerns with a member of the school leadership team.

For more information about making a report to DHHS, see the Department's *School Policy and Advisory Guide: [Child Protection – Making a Report](#) and [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#)*.

At Mount Ridley P-12 College, we also encourage all staff to make a referral to DHHS Child FIRST when they have significant concern for a child's wellbeing but do not believe that the child needs protection. For more information about making a referral to Child FIRST see the *School Policy and Advisory Guide: Child Protection – Reporting Obligations*.

### Reportable Conduct

The College Principal must notify the Department's Employee Conduct Branch (9637 2594) of any 'reportable conduct' allegations involving current or former teachers, contractors, volunteers (including parents), allied health staff and school council employees.

There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been:

- a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child;
- behaviour causing significant emotional or physical harm to a child; or
- significant neglect of a child, or misconduct involving any of the above.

The Department, through the Employee Conduct Branch, has a legal obligation to inform the Commission for Children and Young People when an allegation of reportable conduct is made.

If College staff become aware of reportable conduct by any person they should notify the College Principal immediately.

For more information about Reportable Conduct see the Department's *School Policy and Advisory Guide*: [Reportable Conduct Scheme](#).

#### Failure to disclose offence

Reporting child sexual abuse is a community-wide responsibility. Under Section 237 of the Crimes Act 1958 (as amended October, 2014), all adults (i.e. persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable to do so, when they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 by another person aged 18 years or over.

Failure to disclose information to Victoria Police (by calling 000 or a local police station) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"Reasonable belief" is not the same as having proof. 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 when:

- a child states that they have been sexually abused;
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves);
- someone who knows a child states that the child has been sexually abused;
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused; or
- signs of sexual abuse leads to a belief that the child has been sexually abused.

"Reasonable excuse" is defined by law and includes (a) fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation) or (b) where the information has already been disclosed, for example, through a mandatory report to DHHS.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: [Failure to disclose offence](#).

#### Failure to protect offence

This reporting obligation applies to College staff in a position of authority. This includes principals and Assistant Principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of

sexual abuse to a child under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (i.e. persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: [Failure to protect offence](#).

### Grooming

Grooming is a criminal offence under the *Crimes Act 1958* (Vic). This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in a sexual activity at a later time.

For more information about this offence and reporting obligations, see: [Child Exploitation and Grooming](#).

### **EVALUATION**

As part of the college review cycle this policy will be reviewed every three years unless it needs to be reviewed earlier as a result of legislative or ministerial requirements.

Date policy ratified: February 19, 2019

Date of next review: 2022

### **References**

Mount Ridley P-12 College - Child Safety Policy and Statement of Commitment to Child Safety; Student Engagement Policy; Anti-Bullying Policy; Healthy Relationships Policy; and Child Safety Code of Conduct

Ministerial Order No. 870- Child Safe Standards -Managing the risk of child abuse in schools

DET School Policy - Child Protection - Reporting Obligations

DET School policy - Responding to Student Sexual Offending

## APPENDIX 1

### CHILD SAFETY MANDATORY REPORTING PROCEDURES AT MOUNT RIDLEY P-12 COLLEGE

The following procedures are undertaken in relation to mandatory reporting:

#### General procedures

- The College will follow the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* - [https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions\\_ChildAbuse.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf).
- All staff who believe that a child is in need of protection, even if it doesn't meet the threshold required for mandatory reporting, should in the first instance, speak to a member of the Principal Class, Leadership Team or Wellbeing Team before making a report to DHHS and/or Victoria Police as necessary.
- All staff who have made reports, mandatory or otherwise, to any agencies should ensure that a confidential, secure record of the report is made including the date, time, person spoken to at the agency and a brief file note of the information discussed.
- The College Principal is responsible for monitoring overall school compliance with this procedure.

#### 1. Forming a Belief

When a registered teacher forms a reasonable belief that a child is in need of protection from physical injury, neglect or sexual abuse, they must make a report to Child Protection as soon as practicable, in accordance with the *Children, Youth and Families Act 2005 (VIC)*.

A reasonable belief that a child is in need of protection is likely to be formed in circumstances where:

- A child discloses that they have suffered or are suffering non-accidental physical injury or sexual abuse.
- A relative, friend or acquaintance states that a child has been neglected, sexually abused or non-accidentally injured, or
- Professional observations of the child's physical condition or behaviours lead to a reasonable suspicion that the child has suffered or is suffering non-accidental physical injury, neglect or sexual abuse.

If a teacher suspects that, a child is in need of protection, it is essential that they document all concerns and observations as a 'Confidential Note' on the child's file (Compass). This process of documentation may occur over a period.

The concerns and observations regarding the suspected physical injury, neglect or sexual abuse of a child must be discussed with a member of the Principal Class. Information about child abuse must remain confidential and the teacher must not discuss this information with anyone other than a member of the Principal Class.

Teachers must make every effort to contact a member of the Principal Class on the day that a reasonable belief is formed to avoid delay in contacting Child Protection and/or Child FIRST.

## 2. Reporting to Relevant Agencies

The two relevant agencies are **Child Protection** and **Child FIRST**.

If the teacher believes that a child is in need of protection, then they must make a report. The College Principal, an Assistant Principal (or delegate) and/or the teacher will notify **Child Protection**. Child Protection is a Victorian Government agency, provided by the Department of Health and Human Services that protects children at risk of significant harm.

Reports made to Child Protection or Child First must be recorded in Compass as a confidential note outlining the reporter's details, time and date of the report, officer taking the call, the specifics of the case and any actions agreed to or required as a result of the notification. The Department of Education and Training provides a template to document any incident, disclosure or suspicion that a child has been, or is at risk of being abused including exposure to family violence.

[https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT\\_Response\\_TemplateSchools.pdf](https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Response_TemplateSchools.pdf)

Principals and/or teachers can share information and make a referral to **Child FIRST** when they have a significant concern for a child's wellbeing, but do not believe that the child needs protection. Child FIRST is the **Family Information Referral Support Team** run by a registered community service in a local area that can receive confidential referrals about a child of concern. It may be accessed for concerns of an emotional, psychological or social nature. It does not have any statutory powers to protect a child but can refer matters to Family Services.

The College/Assistant Principal and/or teacher does not have to be able to prove that the child has been abused before notifying protective services.

An attempt is to be made to file a report on the same day as the belief is formed.

If the College Principal or Assistant Principal does not share the belief that a child is in need of protection and does not notify **Child Protection**, the teacher must still report the protective concerns. It is College policy that the teacher must inform the College Principal that they have made a report.

Members of the Department of Health and Human Services (DHHS), or associated support or intervention services that visit the College following a notification, will interview staff and children only in the presence of the College Principal, an Assistant Principal or a designated Leading Teacher.

A mandated notifier is both legally and professionally protected, which means that they cannot be sued or subjected to any legal liability, nor can they be disciplined for unprofessional conduct. The mandatory reporter's identity is usually protected under the *Children, Youth and Families Act 2005 (VIC)*. Exceptions include when the choice is made to inform the child or the child's parents/guardians or when the court decides that evidence is required to be given.

**Child FIRST** and **Child Protection** can consult all Victorian principals and teachers when they are deciding how best to respond to a referral or a report they receive. Any information provided should relate directly to the teacher's concerns and should not be based on second-hand information.

The Student Services Team will be responsible for implementing an Action Plan that incorporates a range of support mechanisms that cater for the affected student's wellbeing at the College.

## APPENDIX 2

### Definitions

Definition of child in the Children, Youth and Families Act 2005 (VIC)

S. 3(1) def. of child amended by Nos 52/2008 s. 234, 68/2008 s. 64, 68/2009 s. 59(b), 53/2010 s. 221(Sch. item 2.1(a)).

"Child" means—

(a) in the case of a person who is alleged to have committed an offence, a person who at the time of the alleged commission of the offence was under the age of 18 years but of or above the age of 10 years but does not include any person who is of or above the age of 19 years when a proceeding for the offence is commenced in the Court; and

(aa) in the case of a proceeding under the Family Violence Protection Act 2008 , a person who is under the age of 18 years when an application is made under that Act; and

(ab) in the case of a proceeding under the Personal Safety Intervention Orders Act 2010 , a person who is under the age of 18 years when an application is made under that Act; and

(b) in any other case, a person who is under the age of 17 years or, if a protection order, a child protection order within the meaning of Schedule 1 or an interim order within the meaning of that Schedule continues in force in respect of him or her, a person who is under the age of 18 years;