



St Christopher's Primary School

5 Doon Avenue, Glen Waverley Vic 3150 **P** (03) 9803 0011 **F** (03) 9803 0504
E principal@scsyndal.catholic.edu.au **W** www.scsyndal.catholic.edu.au

ABN: 50 860 926 569

Mandatory Reporting Policy

Rationale

When teachers form a belief that a child may be at risk of harm due to sexual abuse or physical injury that results from abuse or neglect, they have a legal responsibility to notify the Department of Human Services.

The school must meet the mandatory reporting requirements of the *Children, Youth and Families Act 2005* as well as meet the school's duty of care obligations to students and *Ministerial Order number 870 – Child Safety Standards*.

Purpose

The purpose of this policy is to ensure that children's rights to be safe are maintained and each child is protected against physical, emotional and sexual abuse, and neglect.

Definitions

Child abuse/neglect

- Child abuse and neglect occurs when a parent/guardian or any other person having the care of a child inflicts, or allows to be inflicted, physical injury or gross deprivation on the child that causes or creates a substantial risk of death, disfigurement, impairment of physical or emotional health or development, or creates or allows to be created a substantial risk of such injury. This definition includes sexual abuse, grooming and/or sexual exploitation of the child.
- Children and young people have the right to be protected from abuse and neglect. When teachers form a belief that a child may be at risk of harm due to sexual abuse or physical injury that results from abuse or neglect, they have a legal responsibility to notify the Department of Human Services and/or Victoria Police

Mandatory reporting

- Since 1993 teachers have been mandated to report suspected child abuse or neglect to the Department of Human Services Child Protection. As of July 2003, this was updated to include any person who is registered as a teacher or principal under the *Victorian Institute of Teaching Act 2001* or has been granted permission to teach under that Act. Any and all persons so described are mandated to report physical injury that results from abuse or neglect, and sexual abuse, to the Department of Human Services Child Protection. 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 (DHS) Child Protection.
- This legal requirement to report child physical and sexual abuse arises from Section 184 of the *Children, Youth and Families Act 2005*. In summary:



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-If, in the course of his or her duties, a teacher or principal forms the 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 as a result 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; the person must notify either the Department of Human Services Child Protection (or Victoria Police in the incident where belief of a crime has been committed) of that belief and of the reasonable grounds for it, as soon as practicable -

- (a) after forming the belief; and
- (b) after each occasion on which he or she becomes aware of any further reasonable grounds for the belief.

Forming a belief

The *Children, Youth and Families Act 2005* states that teachers must notify the Department of Human Services when they form a belief on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or as a result of sexual abuse.

- A belief is considered to be more than a suspicion. One may be considered to have formed a belief if one is more likely to accept rather than reject the suspicion that a child is at risk of harm from physical or sexual abuse.
- **Proof is not required that abuse has occurred or is likely to occur.** A belief is sufficient. It is the role of the Department of Human Services to determine whether that belief should be investigated.

Reasonable grounds

- Reasonable grounds can be thought of as the mechanism used for forming the belief. These include situations where:
 - a child tells the teacher they have been abused
 - someone else tells the teacher (perhaps a relative, friend, neighbour or sibling of the child) that a child has been abused or is at risk of abuse
 - a child tells the teacher that they know someone who has been abused (often a child is referring to him or herself)
 - the teacher's own observation of a particular child's behaviour/injuries or their knowledge of children generally leads them to suspect that abuse is occurring.

Implementation

- 1) Any person who is registered as a teacher or principal under the *Victorian Institute of Teaching Act 2001* or has been granted permission to teach under that Act are mandated to report physical injury to any person 17 years of age or younger that results from abuse or neglect, and sexual abuse, to the Department of Human Services Child Protection.
- 2) Teachers will be informed annually of their legal responsibilities to report child abuse and neglect to the Department of Human Services and will be provided with information on how to recognise and respond to child abuse. This policy forms part of the staff



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handbook which is distributed to all staff members at the start of the year. All staff members must complete an online mandatory reporting module annually.

- 3) If a teacher suspects that a child is in need of protection from physical and/or sexual abuse it is essential that he/she document any concerns and observations in a confidential file. In all cases, teachers are advised to inform the principal of his or her concerns as early as possible. Over a period of time it may become apparent to the teacher that there are reasonable grounds on which to form a belief that the child needs protection.
- 4) Relevant staff members may choose to discuss his/her belief with the school principal or member of the leadership team:
 - (a) The teacher may form the belief that it is necessary to make a report. In this case the teacher must make a report to the Department of Human Services as soon as practicable. It is the responsibility of the individual teacher to ensure that this notification has occurred and that all reasonable grounds supporting the belief have been reported.
- 5) Those involved in any process of consultation around mandatory reporting must maintain confidentiality regarding the child, the family, the notifier and any alleged perpetrator.
- 6) A teacher does not need permission from parents or caregivers to notify, nor do you need to inform them that you are notifying.
- 7) A teacher may notify the Department of Human Services Victoria of his/her belief without the prior knowledge of the Principal. It is strongly recommended that the teacher inform the Principal or Principal's nominee of his/her action as soon as practicable.
- 8) It may be necessary for the Department of Human Services to interview a child at school when a notification of abuse has been made. Such requests may be directed to the Principal or the Principal's nominee.

It is important to advise children or young people of their right to have a supportive adult present at such an interview. This may be the Principal or a teacher.
- 9) When Officers of Child Protection Victoria or the Police seek an interview with a child, the Principal should cooperate with the authorised agency.

He or she should:

 - a) Arrange for the child to choose a supportive adult to be present;
 - b) Follow the recommended procedures from the Department of Human Services and the Catholic Education Office;
 - c) Ensure that arrangements are in order for any interview which is to take place at the school;
 - d) Seek or offer appropriate pastoral support for the reporting staff member;
 - e) Observe confidentiality at all times in the management of a mandatory reporting case;
 - f) If legal assistance is required, contact the Catholic Education Office, Archdiocese of Melbourne.



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Evaluation

This policy will be reviewed as part of the school's four year review cycle or as required.

Ratification

This policy was last ratified by School Improvement Team March 2017.