

Protection of Children- Mandatory Reporting Policy



1.0 INTRODUCTION

The school must meet the mandatory reporting requirements of the Children, Youth and Families Act 2005 as well as meet its duty of care obligations to students.

2.0 PURPOSE

The purpose of this policy is to protect children's rights to be safe and to protect each child against physical and sexual abuse, and neglect.

This policy is to inform Lavallo Catholic College staff of the principles and responsibilities of mandatory reporting obligations.

3.0 PRINCIPLES

When teachers form a belief, on reasonable grounds, 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.

4.0 DEFINITIONS

4.1 Child abuse/neglect

There are four basic types of child abuse.

- Physical abuse – any non-accidental form of injury or serious physical harm inflicted on a child or young person. This refers to a situation in which a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver. Physical abuse can include beating, shaking, burning and assault with implements.
- Sexual abuse – when any person uses their authority or power over the child or young person to engage in sexual activity. The child's parent or caregiver has not protected the child.
- Emotional abuse – occurs when a child or young person is repeatedly rejected, isolated or frightened by threats or by witnessing family violence. It also includes hostility, derogatory name-calling and put downs, or persistent coldness from a person, to the extent that the behaviour of the child or young person is disturbed or their emotional development is at serious risk of being impaired.
- Neglect – a failure to provide the child or young person with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health or development of the child is significantly impaired or placed at serious risk.
- A child is defined as any person who is under the age of 17 years.

4.2 Mandatory Reporting Requirements:

- 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 Department of Human Services Child Protection.



- Under Section 182(1) of the Child, Youth and Families Act (2005) the following persons are mandatory reporters for the purposes of this Act—:
 - (a) a registered medical practitioner;
 - (b) a nurse;
 - (ba) a midwife;
 - (c) a person who is registered as a teacher or an early childhood teacher under the Education and Training Reform Act 2006 or has been granted permission to teach under that Act;
 - (d) the principal of a Government school or a non-Government school within the meaning of the Education and Training Reform Act 2006 ;
 - (e) a police officer;
 - (f) on and from the relevant date, the proprietor of, or a person with a post-secondary qualification in the care, education or minding of children who is employed by, a children's service to which the Children's Services Act 1996 applies or a person who is a nominee within the meaning of that Act for the children's service;
 - (fa) on and from the relevant date, the approved provider or nominated supervisor of, or a person with a post-secondary qualification in the care, education or minding of children who is employed or engaged by an education and care service within the meaning of the Education and Care Services National Law (Victoria);
 - (g) on and from the relevant date, a person with a post-secondary qualification in youth, social or welfare work who works in the health, education or community or welfare services field and who is not referred to in paragraph (h);
 - (h) on and from the relevant date, a person employed under Part 3 of the Public Administration Act 2004 to perform the duties of a youth and child welfare worker;
 - (i) on and from the relevant date, a registered psychologist;
 - (j) on and from the relevant date, a youth justice officer;
 - (k) on and from the relevant date, a youth parole officer;
 - (l) on and from the relevant date, a member of a prescribed class of persons.
- 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.
- This legal requirement to report child physical and sexual abuse arises from Section 182 of the Children, Youth and Families Act 2005. In summary:

If, in the course of his or her duties, a mandated staff member 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 the Department of Human Services Child Protection 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.*

4.3 Forming a belief on reasonable grounds:

The Children, Youth and Families Act 2005 states that mandated staff members must notify the Department of Health & 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 Health & Human Services to determine whether that belief should be investigated.
- Reasonable ground is formed if a reasonable person in the same position would have formed the belief on the same 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.

5.0 PROCEDURES

- 5.1 Mandated staff members will be informed annually of their legal responsibilities to report child abuse and neglect to the Department of Health & Human Services and will be provided with information on how to recognise and respond to child abuse.
- 5.2 If a mandated staff members suspects that a child is in need of protection from physical and/or sexual abuse he/she is to document any concerns and observations in a confidential file.
- 5.3 If the mandated staff members consider there are reasonable grounds on which to form a belief that the child needs protection, the mandated staff members must make a report to the Department of Health & 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.
- 5.4 Mandated staff members are not required to inform the Principal of his or her concerns, but may do so if they wish to discuss the matter or seek support with making the report. It is also acceptable for the principal to make the report on behalf of the mandated staff member, if he/she agrees.
- 5.5 A mandated staff members may notify the Department of Health & Human Services Victoria of his/her belief that the child is at risk of abuse without the prior knowledge of the Principal. The mandated staff member must inform the Principal or a member of the leadership team (if the matter relates to the Principal) of his/her action as soon as practicable.
- It may be necessary for the Department of Health & 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.
- 5.6 Those involved in any process of consultation around mandatory reporting must maintain confidentiality regarding the child, the family, the notifier and any alleged perpetrator.
- 5.7 If the mandatory reporter continues to suspect that a child is in need of protection after the report is made, the teacher should continue to monitor and support the child. If there is additional information, it may be appropriate, or necessary, to make a subsequent report to the Department of Health & Human Services.



- 5.8 A mandatory reporter does not need permission from parents or caregivers to notify, nor is there a need to inform them that you are notifying.
- 5.9 When Officers of Child Protection Victoria or the Police seek an interview with a child, the Principal should co-operate with the authorised agency.

The Principal should:

- a) Arrange for the child to choose a supportive adult to be present;
 - b) Follow the recommended procedures from the Department of Health & 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, Diocese of Sale.
- 5.10 The role of investigating an allegation of child abuse rests with Child Protection and/or Victoria Police.

6.0 RELATED POLICIES

- Pastoral Care Policy
- Child Protection and Safety Policy
- Child Protection – Grooming Policy
- Child Protection – Failure to Disclose Policy
- Child Protection – Mandatory Reporting Policy

9.0 REVIEW

Draft Review: January 2016
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