

MANDATORY REPORTING POLICY AND PROCEDURE

Approving authority	School Council
Purpose	This policy and procedure has been developed to meet the mandatory reporting obligations of the Children, Youth and Families Act 2005 (Vic), Victorian Child Safe Standards and Ministerial Order 1359 – Managing the Risk Of Child Abuse In Schools And School Boarding Premises.
Responsible Officer	Principal and Academic Director
Associated documents	Child Safety Policy and Procedure Child Safe Code of Conduct Policy and Procedure Child Safe Risk Management Policy and Procedure Responding to and Reporting Allegations of Suspected Child Abuse Policy and Procedure Human Resources Policy and Procedure Record Management Policy and Procedure

1. Rationale

Oxford College (the College) has **zero tolerance to child abuse** and other behaviour that presents a risk to student safety and wellbeing and is committed to the protection and wellbeing of all children in its school environments.

This policy and procedure has been developed to ensure Oxford staff members meet the Mandatory Reporting obligations.

Under sections 28 and 31 of the Children, Youth and Families Act 2005 (Vic.), any person may make a report to the Department of Human Services or to the family services such as Child FIRST and Child Protection. However, section 182 of the Act lists those professionals who are obliged to notify protective services if they form a belief, based on reasonable grounds, that a child has suffered, or is likely to suffer significant harm as a result of physical injury or sexual abuse, or if the child's parents or guardians have not protected or are unlikely to protect the child from harm of that type.

Failure to notify belief as a mandated reporter, when there are reasonable grounds, is an offence under the Children, Youth and Families Act 2005 – Children, Youth and Families Act 2005 (Vic.) and can lead to criminal prosecution.

2. Scope

Professionals who are mandatory reporters include:

- Principals
- Victorian Institute of Teaching (VIT) registered teachers
- school staff who have been granted permission to teach by the VIT
- registered doctors, nurses and all members of the police force
- registered psychologists
- people in religious ministry
- staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare officers, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff.

3. Policy

3.1 Oxford has **zero tolerance to child abuse** and other behaviour that presents a risk to student safety and wellbeing and is committed to the protection and wellbeing of all children in its school environments.

- 3.2 All staff members have a legal and/or moral responsibility in the prevention and reporting of child abuse and neglect. The Oxford College **Child Safety Policy and Procedure** and the **Responding to and Reporting Allegations of Suspected Child Abuse Policy and Procedure** set out broader obligations to report abuse that include all staff (as defined by the Ministerial Order 1359), volunteers, visitors, students (over the age of 18 years), families and the wider community.
- 3.3 Mandatory reporting refers to the legal requirement (under section 184 of the Children, Youth and Families Act 2005) for certain professional staff to report a reasonable belief of child physical or sexual abuse to child protection authorities.
- 3.4 A mandatory reporter who, in the course of practising his or her profession or carrying out the duties of his or her office, position or employment, forms the belief on reasonable grounds that a child is in need of protection must report that belief and the reasonable grounds for it **as soon as practicable**.
- 3.5 A child under the age of 17 years is in need of protection if any of the following grounds exist:
 - the child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;
 - the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;
 - The harm may be constituted by a single act, omission or circumstance or accumulate through a series of acts, omissions or circumstances.
- 3.6 The mandated report needs to be made either to the Victorian Police or to the Secretary of the Department of Families, Fairness and Housing.
- 3.7 The mandatory reporter needs to make a report on each occasion that they form a belief
- 3.8 The mandated reporter is required to make a report even if the Principal or Senior Management Team members do not share the belief. The duty to report is an individual duty if the person is a mandatory reporter. The individual reporter's duty to report is not subject to direction, if the individual holds the required belief on reasonable grounds, they must report.
- 3.9 Notwithstanding the mandatory reporting obligations, the College policy is that every adult who reasonably believes that a child has been abused, whether within the school environment or not, has an obligation to report that belief to authorities.
- 3.10 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.
- 3.11 This policy has been developed based on the Victorian Department of Education ([Protecting children: Mandatory reporting and other obligations | vic.gov.au](#) and [Your reporting and legal obligations | schools.vic.gov.au](#)) guidance materials and the Victorian Department of Families, Fairness and Housing resources ([Child protection - DFFH Services](#)).
- 3.12 As required by Ministerial Order 1359 Managing the Risk Of Child Abuse In Schools And School Boarding Premises, this policy will be reviewed after any significant mandatory reporting incident, or at least every two years, and improved where applicable.

4. Procedure

Forming a reasonable belief

- 4.1 In cases where staff members have concerns about a child or a young person, they should make his/her own assessment about whether a report or referral is to be made about the child or a young person.
- 4.2 A belief is a belief on reasonable grounds if a reasonable person, doing the same work, would have formed the same belief on those grounds. Grounds for forming a belief are matters of which you have become aware, and any opinions in relation to those matters.
- 4.3 A child may be in need of protection if they have experienced or are at risk of significant harm, and their parents have not protected, or are unlikely to protect them from that harm. Significant harm may relate to:
 - physical injury
 - sexual abuse
 - emotional or intellectual development
 - physical development or health
 - abandonment or parental incapacity.
- 4.4 Professional judgement or belief may be formed, 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; and
 - Professional obligations and duty-of-care responsibilities and established protocols.
 - These notes should be recorded on the **Reporting Record Form** in the **Responding to and Reporting Allegations of Suspected Child Abuse Policy and Procedure**. School staff should discuss any concerns about the safety and wellbeing of students with the High School Coordinator or the Principal and undertake reporting as appropriate. The **Reporting Record form** should be given to the Principal and stored as a cumulative record in the student's file.
- 4.5 The staff member needs to record and report their belief when the belief is formed in the course of undertaking their professional duties.
- 4.6 Mandatory reporters may choose, as can anyone, to report in relation to other types of significant harm. Mandatory reporters can share information and make a referral to Child FIRST when they have significant concern for a child's wellbeing, but do not believe that the child needs protection.
- 4.7 It is the staff member's individual responsibility to report the belief. It is not the responsibility of the Principal or any other person. The staff member can request support from the International Student Coordinator with the reporting.
- 4.8 As a mandatory reporter:
 - if a staff member believes in good faith that a child is in need of protection, then they must make a report to Child Protection without delay. Seeking assistance

or advice should not hold-up the reporting process. Furthermore, the staff member should attempt to file the report on the same day the belief is formed.

- The staff member is required to notify Child Protection each time they become aware of any further reasonable grounds for the belief.
- The staff member does not need to be able to prove that the child has been abused to notify Child Protection .

4.9 If the Principal does not share the belief that a child or young person is in need of protection, the staff member must still notify the Child Protection of the belief. However, the staff member is expected to inform the Principal that a report has been made.

4.10 If the staff member is one of a group of mandated professionals who shares the belief, based on reasonable grounds, that a child or young person is in need of protection from a physical or sexual abuse, then only one mandated person needs to make the report. However, each individual staff member must be satisfied that the report is made promptly and that all of the reasonable grounds are included in the notification.

4.11 The staff member is not legally required to notify Child First or Child Protection if you form a reasonable belief that a child is in need of protection in his/her private life or when you are working in a capacity that is not directly related to the professional affiliation under which you are mandated. However, such reports can be made voluntarily.

4.12 Child FIRST and Child Protection will now consult Victorian teachers and Principals when they are deciding how best to respond to a referral or a report they have received. The legislation allows staff to share relevant information with family services about a vulnerable child without the need to be concerned about legal or professional consequences, provided it is in good faith. However, any information provided should be directly related to concerns about the child and not based on second-hand information.

4.13 Under the Children, Youth and Families Act 2005 (Vic.), the staff member's identity as a notifier remains confidential unless:

- the staff member elects to inform the child and/or the child's parents or guardians of the notification;
- the staff member consents in writing to their identity as the notifier being disclosed by family services;
- the court decides that it needs the information provided in the report in order to ensure the safety and wellbeing of the child; and
- the court decides that it is satisfied in the interests of justice the disclosure of such information be given. Further Information: For courts to order disclosure of a notifier's identity it requires exceptional circumstances as it is otherwise not the normal practice.

4.14 School staff who are non-mandatory reporters who believe on reasonable grounds, that a child is in need of protection, should report their concerns to the Principal immediately.

4.15 School 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 the young person and their families only with those involved in the management of the situation.

Make a report to the relevant agency

4.16 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.

4.17 The **Reporting Record Form** accessible in the **Responding to and Reporting Allegations of Suspected Child Abuse Policy and Procedure** should be used to make the report and the following information should be provided:

- Full name, date of birth, and residential address of the child or young person;
- Details of the concerns and the reasons giving rise for those concerns;
- Description of the concerns (e.g. physical injuries, students' behaviour)
- The individual staff member's involvement with the child;
- Source of those concerns (e.g. observation, report from child or another person);
- Details of any other agencies who may be involved with the child or young person;
- Actions taken as a result of the concerns (e.g. consultation with the Principal, report to Child Protection etc)

4.18 If the staff member wishes to remain anonymous, this information should be conveyed at the time that the reporter makes the mandatory report.

4.19 The current contact details for reporting are as follows:

- To report concerns that are life threatening, contact Victoria Police: 000
- To make a report, you should contact the child protection intake service covering the local government area (LGA) where the child normally resides. Telephone numbers to make a report during business hours (8.45am-5.00pm), Monday to Friday, are listed below.
 - North Division intake: 1300 664 977
 - South Division intake: 1300 655 795
 - East Division intake: 1300 360 391
 - West Division intake - metropolitan: 1300 664 977
 - West Division intake - rural and regional: 1800 075 599
- To report concerns about the immediate safety of a child outside of normal business hours, contact the After Hours Child Protection Emergency Service on 13 12 78.

The contact information can be accessed at the following link: [Child protection contacts - DFFH Services](#)

4.20 Upon receipt of a report, Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required.

4.21 Staff should make a written record of the report on the Mandatory Reporting Record Form which includes the following information:

- 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.
- School staff should advise the Principal or a member of the Senior Management team when a report is made.

- All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.

Parents, carers or guardians

4.22 Staff members 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.

4.23 The parents, carers or guardians should not be notified if the staff member believes that such reporting and/or referral will put them or the child at risk.

4.24 However, it may be reasonable and/or necessary to discuss any concerns prior to making a report or referral, and it would be normal to raise the possibility of making a report or referral during such discussions. The staff member is encouraged to discuss how to approach the family with the Principal and/or International Student Coordinator who can assist with the discussion.

4.25 Staff members do not have the power to prevent parents, carers or guardians from removing their children from the school and should not attempt to prevent the parents, carers or guardians from collecting the child.

4.26 If a parent/carer or guardian removes a child before a planned interview has taken place, the Principal and/or their nominee should contact Child Protection or Victoria Police immediately.

Responding to and Reporting Allegations of Suspected Child Abuse Policy and Procedure

4.27 For further information on how to appropriately respond to and reports allegations of suspected child abuse, refer to the **Responding to and Reporting Allegations of Suspected Child Abuse Policy and Procedure**.

5. Feedback

Feedback or comments on this policy and procedure is welcomed by the listed responsible officer.