

MANDATORY REPORTING POLICY AND PROCEDURES

Approving authority	Executive Management Team
Purpose	This policy and procedure has been developed to meet the Children, Youth and Families Act 20015 (Vic), Victorian Child Safe Standards and Ministerial Order 870 – Child Safe Standards - Managing the risk of child abuse in schools.
Responsible Officer	Academic Director/Principal
Associated documents	<ul style="list-style-type: none"> • Child Safety Policy and Procedures • Child Safe Risk Management Policy and Procedures • Younger Students Policy and Procedures • Responding to and reporting allegations of suspected child abuse policy and procedures • Student Support & Services Policy & Procedures • Homestay Policy and Procedures • Human Resources Policy

1. Rationale

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

2. Scope

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.

Professionals who are legally required to report child physical and sexual abuse are:

- **registered principals and teachers (including pre-service and visiting teachers);**
- registered medical practitioners and psychiatrists;
- registered nurses including school nurses; and
- members of the police force.

The above people are referred to as mandatory reporters.

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

In Victoria, under the CYFA (Vic.) a child or a young person is a person under 17 years of age.

3. Policy

- 3.1 Ozford has zero tolerance to child abuse and is committed to the protection and wellbeing of all children in its school environment.
- 3.2 All staff members have a legal and/or moral responsibility in the prevention and reporting of child abuse and neglect.
- 3.3 Child abuse is an act by parents or caregivers that endanger a child or young person's physical or emotional health or development. Child abuse can be a single incident, but usually takes place over time. Child abuse includes physical abuse, sexual abuse, emotional abuse, neglect and/or family violence. All staff members 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.

- 3.4 There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert teachers to the possibility of child abuse and neglect.
- 3.5 Child abuse can take many forms:

- Physical Child Abuse

Physical child abuse can consist of any non-accidental infliction of physical violence on a child by any person. Examples of physical abuse may include beating, shaking or burning, assault with implements and female genital mutilation.

- Child Sexual Abuse

Child sexual abuse: is when a person uses power or authority over a child to involve them in sexual activity can include a wide range of sexual activity including fondling the child's genitals, oral sex, vaginal or anal penetration by a penis, finger or other object, or exposure of the child to pornography. Child sexual abuse may not always include physical sexual contact and can also include non-contact offences, for example: talking to a child in a sexually explicit way sending sexual messages or emails to a child exposing a sexual body part to a child forcing a child to watch a sexual act (including showing pornography to a child) having a child pose or perform in a sexual manner (including child sexual exploitation). Child sexual abuse does not always involve force. In some circumstances a child may be manipulated into believing that they have brought the abuse on themselves, or that the abuse is an expression of love, through a process of grooming.

- Grooming

Grooming is a criminal offence and occurs when an adult engages in predatory conduct to prepare a child for sexual abuse at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer. Sometimes it is hard to see when someone is being groomed until after they have been sexually abused, because some grooming behaviour can look like "normal" caring behaviour.

- Family Violence

The Family Violence Protection Act 2008 (Vic) defines family violence as behaviour by a person towards a family member where the behaviour: is physically or sexually abusive is emotionally or psychologically abusive is economically abusive is threatening or coercive OR in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person. A child can be victim to any of these behaviours. Family violence also includes behaviour that causes a child to hear or witness, or otherwise be exposed to the effects of, any of these behaviours.

- Emotional Child Abuse

Emotional child abuse occurs when a child is repeatedly rejected, isolated or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person, to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health.

- Neglect

Neglect includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision.

In some circumstances the neglect of a child:

- can place the child's immediate safety and development at serious risk, or
 - may not immediately compromise the safety of the child, but is likely to result in longer term cumulative harm.
- Student sexual offending

Student sexual offending refers to sexual behaviour that is led by a student 10 years and over which may amount to a sexual offence.

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. 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.

4. Procedures

4.1 Forming and Recording a belief report - 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 School staff needs to record and report their belief when the belief is formed in the course of undertaking their professional duties.

4.3 Professional judgement or belief may be formed, in the course of undertaking their professional duties based on:

- 4.3.1 Warning signs or indicators of harm that have been observed or inferred from information about the child;
- 4.3.2 Legal requirements, such as mandatory reporting;
- 4.3.3 Knowledge of child and adolescent development;
- 4.3.4 Consultation with colleagues and other professionals; and
- 4.3.5 Professional obligations and duty-of-care responsibilities and established protocols.
- 4.3.6 These notes should be recorded on the Mandatory Reporting Record Form. 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 Mandatory Reporting Record forms should be given to the Principal and stored as a cumulative record in the student's file.

4.4 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.

Further Information: 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.

4.5 As a mandatory reporter:

- 4.5.1 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.
- 4.5.2 If the staff member has some general concerns for the wellbeing of the child but have assessed that the child is not at immediate risk of harm, the staff member can make a referral to Child FIRST.
 - 4.5.3 The staff member is required to notify DHS each time they become aware of any further reasonable grounds for the belief.
 - 4.5.4 The staff member does not need to be able to prove that the child has been abused to notify DHS.
 - 4.5.5 The staff member does 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 you have done so. However, often it is going to be good practice 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. Consent should not be sought if the staff member believes that such reporting and/or referral will put them or the child at risk.
 - 4.5.6 It is the staff member responsibility to report the belief – it is not the responsibility of the Principal or any other person.
 - 4.5.7 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 Department of Human Services of the belief. However, Ozford requests that the staff member informs the Principal that a report has been made.
 - 4.5.8 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, the staff member must be satisfied that the report is made promptly and that all of the reasonable grounds are included in the notification.
 - 4.5.9 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.
 - 4.5.10 The staff member can only report Children under the age of 17.
 - 4.5.11 Under the CYFA (Vic.), the staff member's identity as a notifier remains confidential unless:
 - 4.5.12 the staff member elects to inform the child and/or the child's parents or guardians of the notification;
 - 4.5.13 the staff member consents in writing to their identity as the notifier being disclosed by family services;
 - 4.5.14 the court decides that it needs the information provided in the report in order to ensure the safety and wellbeing of the child; and
 - 4.5.15 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.
 - 4.6 School staff who are non-mandatory reporters who believes on reasonable grounds, that a child is in need of protection, should report their concerns to the Principal immediately.

4.7 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.

4.8 Make a report to the relevant agency

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. The Mandatory Reporting

Record should be used to make the report and the following information should be provided:

- 4.8.1 Full name, date of birth, and residential address of the child or young person;
- 4.8.2 Details of the concerns and the reasons giving rise for those concerns;
- 4.8.3 Description of the concerns (e.g. physical injuries, students' behaviour)
- 4.8.4 The individual staff member's involvement with the child;
- 4.8.5 Source of those concerns (e.g. observation, report from child or another person);
- 4.8.6 Details of any other agencies who may be involved with the child or young person;
- 4.8.7 Actions taken as a result of the concerns (e.g. consultation with the Principal, report to DHS Child Protection etc).
- 4.8.8 The CYFA (Vic.) 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 the view that the child or young person 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; and
 - the child's parents cannot or will not protect the child or young person from harm.
- 4.8.9 Upon receipt of a report, the 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. If the staff member wishes to remain anonymous, this information should be conveyed at the time that the reporter makes the mandatory report.

Contact Details:

 - Child Protection Services – ph: 1300 655 795 (business hours) or ph: 13 12 78 (after hours).
 - Department of Human Services (DHS) Ph: 1300 655 795

4.9 Once a report has been made, staff should make a written record of the report on the 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 leadership team when a report is made.
 - All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.
- 4.10 Advising parents, carers or guardians
- 4.10.1 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.
 - 4.10.2 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. 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.

- 4.11 For further information on how to appropriately respond to and reports allegations of suspected child abuse, refer to “Responding to and Reporting Allegations of Suspected Child Abuse Policy and Procedures” sections 4.4 to 4.7.

5. Feedback

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

Mandatory Reporting Record Form

Name of student: _____ D.O.B _____

Residential Address: _____

Name of Staff Member: _____ Class: _____

Involvement with the child: _____

Time, date and place of incident: _____

Description of incident/injury and/or behaviour observed:

Staff Member's Reason for Believing that the Injury or Behaviour is the Result of Abuse or Neglect:

Action taken by Staff/Principal:	Comments and Date:
<input type="checkbox"/> Report to Principal	_____
<input type="checkbox"/> Report to DHS Child Protection	_____
Report made by: _____ on: (DD/MM/YY) _____	

Response from DHS:

Name of person who received the report:

Parents/guardian notified (Y/N) If No, provide reason why:

Other action: _____