



## NORTH GEELONG SECONDARY COLLEGE

### MANDATORY REPORTING POLICY

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#### Related legislation

- *Children, Youth and Families Act 2005*
- *Crimes Act 1958*
- *Education and Training Reform Act 2006*
- *Victorian Institute of Teaching Act 2001*

#### Department resources

- Flowchart: [A step-by-step guide to making a report to Child Protection or Child FIRST \(PDF - 270Kb\)](#)
- [Protecting the safety and wellbeing of children and young people](#)
- [Mandatory Reporting eLearning Module](#)

#### 1. PURPOSE/ INTRODUCTION

All children have the right to feel safe and to be safe. As teachers, we have a legal and moral responsibility to respond to incidences involving abuse and neglect of the children with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse or neglect. A broad range of professional groups are identified in the Children and Youth Family Act (CYFA, 2005) as mandatory reporters. Mandated staff members must make a report to Child Protection as soon as practicable after forming a belief, on reasonable grounds, that a child or young person is in need of protection from significant harm as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.

The following professionals are prescribed as mandatory reporters under section 182 of the CYFA:

- Primary and secondary school teachers and principals (including students in training to become teachers)
- Registered medical practitioners (including psychiatrists)
- Nurses (including school nurses)
- Police

There may be times when two or more mandated staff members, for example a teacher and a principal, have formed a belief about the same child or young person on the same occasion. In this situation it is sufficient for only one of the mandated staff members to make a report. The other staff member is obliged to ensure that the report has been made and that all of the grounds for their own belief were included in the report made by the other staff member.

Education Support staff are not mandated under law to report to Child Protection. However, it is the ethical responsibility of everyone to consider the wellbeing, development and safety of all children and young people in our community. Any concerns should be raised in alignment with the below policy.

**If the leadership team does not wish to make a mandatory report, this does not discharge the teacher's obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the teacher's concerns continue, even after consultation with the principal, that teacher is still legally obliged to make a Child Protection report of their concerns.**

## **2. BROAD GUIDELINES**

2.1 All members of the Teaching Service are mandated by law to report signs of physical and/or sexual abuse. While only mandated by law to report incidents of physical and sexual abuse, teachers are also encouraged to report incidents of emotional abuse or neglect.

2.2 A person may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child or young person's health, safety or wellbeing is at risk and the child's parents are unwilling or unable to protect the child.

There may be reasonable grounds for forming such a belief if:

- A child or young person states that they have been physically or sexually abused
- A child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- Someone who knows the child or young person states that the child or young person has been physically or sexually abused
- A child shows signs of being physically or sexually abused
- The staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child or young person's safety, stability or development
- The staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- A child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child

2.3 New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure

2.4 Staff will be reminded of mandatory responsibilities annually and should annually complete the online training provided by the Department of Education and Early Childhood Development

2.5 Members of the Department of Human Services, or associated support or intervention services that visit the College following a notification, may interview staff and children, and this is highly recommended to be only in the presence of a Principal class member or his/her nominee

## **3. IMPLEMENTATION**

3.1 All concerns must be reported immediately to the Principal, or in his/her absence, the Assistant Principal or the Student Wellbeing Coordinator. If one staff member has a different view from another staff member about making a report and the staff member continues to hold the belief that a child is in need of protection, that person is obliged to make a report to Child Protection.

3.2 Student Wellbeing and/or the Principal class will keep a record of all discussions about a student with whom there is a concern. Confidentiality is provided for reporters under the CYFA. The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances.

3.3 The Wellbeing Team will be available for secondary consultation/ discussion to support teaching staff in making a decision or to provide additional information. A failure by mandated professionals and staff members to report a reasonable belief that a child is in need of protection from significant harm as a result of physical or sexual abuse may result in the person being prosecuted and a court imposing a fine under the CYFA.

3.4 If a belief has been formed by a staff member that sexual or physical abuse has taken place the staff member with support from the Principal Class or Student Wellbeing Team will contact the Department of Human Services by telephone as soon as possible to make an official notification on: 1800 075 597.

3.5 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. In most circumstances, Child Protection will inform the reporter of the outcome of the report. When the report is classified by Child Protection as a Wellbeing Report, Child Protection will, in turn, make a referral to Child FIRST. All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.

3.6 All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported. All staff have a duty of care and ethical responsibility to protect and preserve the safety, health and wellbeing of children and young people in their care and staff must always act in the best interests of those children and young people. If a staff member has any concerns regarding the health, safety or wellbeing of a child or young person it is important to take immediate action.

3.7 Child Protection may conduct interviews of children and young people at school without parental knowledge or consent. However, a child will be interviewed at a Victorian school only in exceptional circumstances and if it is in the child's best interests to proceed in this manner. Child Protection will notify the College of any intention to interview a child or young person, and permission must be provided by the Principal prior to this occurring. Children and young people should be advised of their right to have a supportive adult present during interviews. If a child or young person is unable through age, maturity or intellectual disability to understand the significance of the interview, a staff member should make arrangements for a supportive adult to attend with the child. 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.

It is the responsibility of Child Protection to advise the parents, carers or guardians of the interview at the earliest possible opportunity. This should occur either before, or by the time the child arrives home. North Geelong Secondary College does not have the power to prevent parents, carers or guardians from removing their children from the College 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.

3.8 See Protection and Safety

<http://education.vic.gov.au/management/governance/spag/safety/protection/default.htm>

#### 4. EVALUATION

This policy will be reviewed as part of the college's review cycle.

This policy was last ratified by School Council on....

19<sup>th</sup> August 2014