



CASTLEMAINE SECONDARY COLLEGE MANDATORY REPORTING POLICY 2012

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Approved By	
Approval Authority (Signature & Date)	
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References	Victorian Government Schools Reference Guide

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 (DHS). Castlemaine Secondary College must meet the mandatory reporting requirements of the *Children, Youth and Families Act 2005* (CYFA) as well as meet the school's duty of care obligations to students.

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 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 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.

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.

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

Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are encouraged to speak to their Principal as well as being able to report their concerns to 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:

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 the Department of Human Services Child Protection of that belief and of the reasonable grounds for it, as soon as practicable -

After forming the belief

And

After each occasion on which he or she becomes aware of any further reasonable grounds or the belief.

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.

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), and 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

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 DHS Child Protection.

Teachers will be informed annually of their legal responsibilities to report child abuse and neglect to the DHS and will be provided with information on how to recognise and respond to child abuse.

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.

Following a discussion with the Principal or Principal's nominee about his/her concerns and observations:

- 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 DHS 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.
- The teacher may continue to suspect that a child is in need of protection. In this case the teacher should continue to monitor and support the child.

Those involved in any process of consultation around mandatory reporting must maintain confidentiality regarding the child, the family, the notifier and any alleged perpetrator.

A teacher does not need permission from parents or caregivers to notify, nor do you need to inform them that you are notifying.

A teacher may notify the DHS 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.

It may be necessary for the DHS 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.

Reporting a belief

Castlemaine Secondary College staff members, whether or not mandated, need to report their belief when the belief is formed in the course of undertaking their professional duties. 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.

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 the DHS.

Protecting the identity of the reporter

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.

The identity of a reporter must remain confidential unless:

- the reporter chooses to inform the child, young person or family of the report
- the reporter consents in writing to their identity being disclosed
- a court or tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child
- a court or tribunal decides that, in the interests of justice, the reporter is required to attend court to provide evidence.

Information provided during a protective investigation may be used in a court report if the risks to the child or young person require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

If the DHS decides that the report is about a significant concern for the wellbeing of a child, they may refer the report to a community-based child and family service and disclose the identity of the reporter to that service.

However, the CYFA provides that neither DHS nor the community-based child and family service may disclose the reporter's identity to any other person without the reporter's consent.

Professional protection for reporters

If a report is made in good faith:

- it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter
- the reporter cannot be held legally liable in respect of the report.

This means that a person who makes a report in accordance with the legislation will not be held liable for the eventual outcome of any investigation of the report.

Failure to report

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.

Making a report to DHS: Child Protection

The CYFA 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 the DHS or a referral to Child FIRST.

A report to the DHS should be considered if, after taking into account all of the available information, the staff member forms a 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
- the child's parents cannot or will not protect the child or young person from harm.

Where during the course of carrying out their normal duties, a Castlemaine Secondary College staff member forms the belief on reasonable grounds that a child is in need of protection, the staff member must make a report to the DHS regarding this belief and the reasonable grounds for it as soon as practicable.

Staff members of Castlemaine Secondary College may form a professional judgement or belief, 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
- professional obligations and duty-of-care responsibilities
- internal policies and procedures in an individual licensed children's service or school.

Upon receipt of a report, the DHS 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, the DHS will inform the reporter of the outcome of the report. When the report is classified by DHS as a Wellbeing Report, DHS will, in turn, make a referral to Child FIRST.

Teachers of Castlemaine Secondary College are encouraged to discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. If a principal or member of 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 or member of the leadership team, that teacher is still legally obliged to make a mandatory report of their concerns.

Information about the identity of a person making a report to DHS must be kept confidential unless the reporter consents to the disclosure of their identity. If the staff member wishes to remain anonymous, this information should be conveyed at the time that the reporter makes the mandatory report.

Where any report to the DHS involves a Koorie student, the Principal must advise the regional office. The regional office, with the Koorie support officer, ensures support is arranged.

The role of Castlemaine Secondary College staff

Castlemaine Secondary College staff have a duty of care 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.

Note: The role of investigating an allegation of child abuse rests solely with the Department of Human Services: Child Protection and/or Victoria Police.

The roles and responsibilities of staff in supporting children and young people who are involved with DHS may include acting as a support person for students, attending DHS Child Protection case plan meetings, observing and monitoring students' behaviour, and liaising with professionals.

Confidentiality

Castlemaine Secondary College 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 family only with those involved in managing the situation.

When a child or young person has moved to another school, professional judgement should be exercised as to what information needs to be passed on. This will be guided by usual procedures for passing on information about a child's general wellbeing or special needs, and the role of the school in any ongoing care plans.

Interviews at Victorian schools

DHS may conduct interviews of children and young people at Castlemaine Secondary College 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. DHS will notify the school of any intention to interview a child or young person. This may occur regardless of whether the school is the source of the report to DHS.

When DHS practitioners arrive at the school, the principal or their nominee should ask to see their identification before allowing DHS to have access to the child or young person.

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:

Arrange for the child to choose a supportive adult to be present.

Follow the recommended procedures from the Department of Human Services and the DEECD.

Ensure that arrangements are in order for any interview which is to take place at the school.

Seek or offer appropriate pastoral support for the reporting staff member.

Observe confidentiality at all times in the management of a mandatory reporting case.

If legal assistance is required, contact the DEECD.

Support persons

Children and young people should be advised of their right to have a supportive adult present during interviews. If a child is too young to understand the significance of the interview, a staff member should make arrangements for a supportive adult to attend with the child.

A staff member may be identified as a support person for the child or young person during the interview. Prior to the commencement of the interview, the DHS practitioner should always authorise the Castlemaine Secondary College staff member to receive information regarding the DHS:Child Protection's investigation. This may occur verbally or in writing using the relevant DHS proforma.

Independent persons must refrain from providing their opinions or accounts of events during interviews. A principal or their delegate may act as an independent person when the child or young person is to be interviewed, unless they believe that doing so will create a conflict of interest.

Advising parents, carers or guardians

Castlemaine Secondary College staff **do not require** the permission of parents, carers or guardians to make a report to DHS, nor are they required to tell parents, carers or guardians that they have done so.

It is the responsibility of DHS 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.

Ensuring that a Child Protection interview takes place

Castlemaine Secondary College does 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 DHS or Victoria Police immediately.

Castlemaine Secondary College Staff Training

Castlemaine Secondary School staff will be informed of Mandatory Reporting requirements as part of their initial induction to the school and will be provided with supporting documentation in their Mentor handbook at the start of each calendar year.

Updates will take place annually as part of the regular whole staff meetings.

Evaluation

This policy will be reviewed as part of Castlemaine Secondary College's review cycle or as required.

Further Information

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

http://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/Flowchart_Mandatory_Reporting_Sep_2010.pdf