



Mandatory Reporting Policy & Procedures

RATIONALE:

Under the Children Youth and Families Act – 2005, all 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, sexual abuse, grooming, emotional or psychological abuse and or the child's parents are unable or unwilling to protect the child. A broad range of professional groups are identified in the 'Children Youth and Families Act 2005' (CYFA) as mandatory reporters.

Every member of the Maffra Secondary College community has the right to participate fully in an educational environment that is safe, supportive and inclusive. We will support all of our students, regardless of their family circumstances because we believe that everyone has a right to and be able to finish their education regardless of family circumstances. At Maffra Secondary College we welcome and provide all students with an education regardless of their gender, sexuality, cultural background or family circumstances, ensuring that everyone has a right to an education where sexism, sexual harassment and discrimination will not be tolerated. At Maffra Secondary College, students can feel safe and supported to talk to a teacher if they are seeking confidential advice and support from or on any issues relating to family violence, sexual harassment or sexual assault. Students can feel confident their issue will be taken seriously and the right support given. Everyone deserves to be treated with rights that reflect dignity, freedom, respect and equality (*Charter of Human Rights*). This includes; all students including (but not limited to) the needs of Aboriginal & Torres Strait Islander Children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable.

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

- Primary and secondary staff (teaching & non-teaching) 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.

ALL STAFF

Section 183 of the CYFA states that **any person**, who believes on reasonable grounds that a child is in need of protection, may report their concerns to Child Protection. This means that **any person, including non-mandated school staff, must make a report** to Child Protection when they believe that a child or young person is at risk of harm and in need of protection, and the child's parents are unable or unwilling to protect the child. **All staff employed at Maffra Secondary College must have a current Working with Children Check.**

FORMING A BELIEF ON REASONABLE GROUNDS

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. Any staff member who forms a belief or is concerned about a child must make a mandatory report as it is an offence not to. Support can be sought by speaking to a member of the 'Wellbeing Team' or a 'Principal Class Officer' (PCO). However, the staff member who forms a belief that a child is in need of protection **must make a mandatory report immediately.**

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

- A child or young person states that they have been emotionally, physically or sexually abused.

- A child or young person states that they know someone who has been emotionally, 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 emotionally, physically or sexually abused.
- A child shows signs of being physically, emotionally 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.

REPORTING A BELIEF

Staff members, 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. Any staff member who needs to make a mandatory report can seek support by speaking to a member of the 'Wellbeing Team and or a PCO'. All conversations are to be kept confidential however, procedures may need to be put in place to support the student and or member of staff making the report.

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.

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. **Staff must document all information, including the date when the report was made and give this information to the Wellbeing Team and the Principal. This information is to be placed in the student's file located at the office.**

If Child Protection 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 Child Protection 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, emotional or sexual abuse **is a criminal offence under the CYFA legislation.**

MAKING A REPORT TO 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 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 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 school staff member forms the belief on reasonable grounds that a child is in need of protection, the staff member must make a report to Child Protection regarding this belief and the reasonable grounds for it as soon as practicable.

Staff members 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.
- Established protocols.
- Internal policies and procedures in an individual licensed children's service or school.

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.

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 Child Protection. 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.

As part of each staff members duty of care towards children and young people at our College **all teachers and other staff should raise any concerns about the safety and wellbeing of students with a Principal Class Officer or a member of the school's wellbeing team. If a principal or member of the Wellbeing 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 a Principal Class Officer or member of the Wellbeing 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 Child Protection 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.

THE ROLE OF SCHOOL STAFF AT MAFFRA SECONDARY COLLEGE

School staff have a duty of care to protect and preserve the safety, health and wellbeing of children and young people in their care. 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 by completing a mandatory report.

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

The School's Wellbeing Team are trained to work with and support young people / students who are involved with Child Protection. This includes; acting as a support person for students, attending Child Protection case plan meetings, observing and monitoring students' behaviour and liaising with professionals. The Wellbeing Team will advise staff using the 'Wellbeing LEVEL System' when a student is experiencing difficulties. This information needs to be kept confidential and staff are asked not to ask the student questions about their situation. School staff will be asked to observe and monitor a student's behaviour and liaise with the Wellbeing Team if they have any concerns.

CONFIDENTIALITY

Staff must respect confidentiality and privacy laws when dealing with a case of suspected child abuse and neglect. They 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. This will include the Wellbeing Team and PCOs at Maffra Secondary College.

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

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 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 Child Protection.

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

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 Child Protection practitioner should always authorise the staff member to receive information regarding Child Protection's investigation. This may occur verbally or in writing using the relevant Child Protection pro-forma.

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

Staff **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.

ENSURING THAT A CHILD PROTECTION INTERVIEW TAKES PLACE

The school 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 will contact Child Protection or Victoria Police immediately.

MAFFRA SECONDARY COLLEGE MANADATORY REPORTING PROCEDURES

The following procedures have been put in place to support our staff if the need arises to make a mandatory report of any student in or outside of our care:

- 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. Staff can refer to the **PROTECT RESOURCE – Four Critical Actions – Responding to Incidents, Disclosures and suspicions of Child Abuse** for a step by step response plan. *See link below*
- Any staff member who forms a belief or is concerned about a child **can seek support from a** member of the Wellbeing Team or a Principal Class Officer (PCO). However, the staff member who has formed the belief and or raised the concerns is mandated by law to complete a mandatory report as soon as practicable.
- A member of the Wellbeing team or a PCO can support you to make a mandatory report to Child Protection.
- A Wellbeing Team member or a PCO must report Mandatory Reports to Emergency Management – 9589 6266
- When reporting any incidences the child's name, date of birth and address maybe required.
- All conversations are to be kept confidential at all times.
- Time will be given for the staff member involved to complete documentation of the incident. This is to be given / sent to the Principal and Wellbeing Leader to be filed under the student's name and will be used by the staff member or the Principal if there is a need for future reference, ie: court proceedings.
- A member of the Wellbeing team and or the Principal will make contact with the reporting staff member to make sure that their Wellbeing is not affected.
- A member of the Wellbeing Team or a PCO will be the designated support person if the child needs to be interviewed by Child Protection / Police in regards to the report.

STAFF TRAINING

- 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 induction manual. Updates will take place annually as part of the Staff meeting rotation.

SUPPORTING DOCUMENTATION

PROTECT – Four Critical Actions – Responding to Incidents, Disclosures and suspicions of Child Abuse.

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/default.aspx>

Respectful Relationships Resources

<https://www.education.vic.gov.au/school/teachers/teachingresources/discipline/capabilities/personal/Pages/respectfulrel.aspx>

POLICY REVIEW AND APPROVAL

Policy last reviewed	June 2021
Approved by	Principal Class Officers
Next scheduled review date	June 2025