

VERMONT PRIMARY SCHOOL



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Learning For Our Future

Mandatory Reporting Policy

Rationale:

A broad range of professional groups are identified in the *Children Youth and Families Act 2005* (CYFA) 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), teachers registered to teach or who have permission to teach pursuant to the *Education and Training Reform Act 2006* (Vic)
- 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.

Vermont Primary School and Kindergarten understands the important role our school plays in protecting children from abuse including:

- Physical abuse
- Sexual abuse (including sexual exploitation)
- Family violence
- Emotional abuse
- Neglect (including medical neglect)
- Grooming

Guiding Principles

1. Non-mandated staff members

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, is able to 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.

School 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.

2. FORMING A BELIEF ON REASONABLE GROUNDS

2.1. Child in Need of Protection

- 2.1.1. Any person can make a report to DHHS Child Protection if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:
 - 2.1.1.1. the child has suffered or is likely to suffer significant harm as a result of:
 - 2.1.1.1.1. physical injury and their parents are unable or unwilling to protect the child
 - 2.1.1.1.2. sexual abuse and their parents are unable or unwilling to protect the child
 - 2.1.1.1.3. emotional or psychological harm and their parents are unable or unwilling to protect the child.
 - 2.1.1.2. the child has been abandoned and there is no other suitable person who is willing and able to care for the child.
 - 2.1.1.3. the child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.
 - 2.1.1.4. the child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.
- 2.1.2. Department policy requires all staff who form a belief on reasonable grounds that a child or young person is in need of protection to report their concerns to DHHS Child Protection or Victoria Police. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.

2.2. Child in Need of Therapeutic Treatment

- 2.2.1. Any person who believes on reasonable grounds that a child over 10 but under 15 years of age has been exhibiting sexually abusive behaviours and may be in need of therapeutic treatment should make a report to DHHS Child Protection.
- 2.2.2. Sexually abusive behaviours can be exhibited when a child uses their power, authority or status to engage another person in sexual activity that is unwanted, or where the other party is incapable of giving informed consent (such as other children who are younger or who have cognitive impairments).
- 2.2.3. In the case of student sexual offending, Department policy requires staff to also report to the Victoria Police. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.

2.3. Significant Concerns for the Wellbeing of a Child

- 2.3.1. Any person who has a significant concern for the wellbeing of a child should report these concerns to DHHS Child Protection, or refer the child and their family to Child FIRST.
- 2.3.2. A significant concern for the wellbeing of a child may arise, for instance, where any of the following factors may have a significant adverse impact on a child's care, welfare or development:
 - 2.3.2.1. significant parenting problems
 - 2.3.2.2. family conflict or family breakdown
 - 2.3.2.3. pressure due to a family member's physical/mental illness, substance abuse, or disability
 - 2.3.2.4. vulnerability due to youth, isolation or lack of support
 - 2.3.2.5. significant social or economic disadvantage. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.

3. REPORTING A BELIEF

- 3.1. 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.

- 3.2.** 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.

4. 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.

- 4.1. 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:
- 4.1.1. the harm or risk of harm has a serious impact on the child's immediate safety, stability or development
 - 4.1.2. 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
 - 4.1.3. the child's parents cannot or will not protect the child or young person from harm.
- 4.2. 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.
- 4.2.1. Staff members may form a professional judgement or belief, in the course of undertaking their professional duties based on:
- 4.2.1.1. warning signs or indicators of harm that have been observed or inferred from information about the child
 - 4.2.1.2. legal requirements, such as mandatory reporting
 - 4.2.1.3. knowledge of child and adolescent development
 - 4.2.1.4. consultation with colleagues and other professionals
 - 4.2.1.5. professional obligations and duty-of-care responsibilities
 - 4.2.1.6. established protocols
 - 4.2.1.7. internal policies and procedures in an individual licensed children's service or school.
- 4.3. 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.
- 4.4. 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.

5. 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.

- 5.1. The identity of a reporter must remain confidential unless:
- 5.1.1. the reporter chooses to inform the child, young person or family of the report
 - 5.1.2. the reporter consents in writing to their identity being disclosed
 - 5.1.3. 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
 - 5.1.4. a court or tribunal decides that, in the interests of justice, the reporter is required to attend court to provide evidence.
- 5.2. 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.
- 5.3. 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.

- 5.4. 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.

5.5. Professional protection for reporters

5.5.1. If a report is made in good faith:

5.5.1.1. it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter

5.5.1.2. the reporter cannot be held legally liable in respect of the report.

- 5.5.2. 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. **Note: The role of investigating an allegation of child abuse rests solely with Child Protection and/or Victorian Police.**

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

5.6. Failure to report

- 5.6.1. 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.

5.7. Failure to disclose offence

- 5.7.1. All adults, not just professionals who work with children, have a legal obligation to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16. Failure to disclose the information may amount to a criminal offence unless you have a "reasonable excuse" or have an "exemption" from doing so.

5.8. Failure to Protect

5.8.1. Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child-related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

5.8.2. The offence applies only to adults in a position of authority within an organisation. In a school context, this may include Principals, Assistant Principals, and Campus Principals.

5.9. Confidentiality

5.9.1. 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.

5.9.2. 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.

5.10. Interviews at Victorian schools

5.10.1. 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.

5.10.2. 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.

5.11. Support persons

5.11.1. 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.

5.11.2. 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 proforma.

5.11.3. 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.

5.12. Advising parents, carers or guardians

5.12.1. 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.

5.12.2. 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.

5.13. Ensuring that a Child Protection interview takes place

5.13.1. 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 should contact Child Protection or Victoria Police immediately.

Implementation at Vermont Primary School

1. All staff must adhere to the guiding principles in this policy.
2. Staff are encouraged to discuss any concerns about the safety and wellbeing of students with the principal, wellbeing leader or a member of the school leadership team.
3. Detailed confidential file notes are to be kept in WORD and provided to the wellbeing leader. These confidential file notes are to be kept by the wellbeing leader, the staff member who wrote the notes and a copy uploaded to the confidential document section in Sentral by the assistant principal at the end of the school year. Note records are to be kept in a public place that would result in a breach of confidentiality.
4. 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.
5. If the staff'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.

This Policy works in conjunction with:

1. VPS Child Safety Policy
2. VPS Child Safety Code of Conduct
3. Wellbeing and Engagement Policy

4. Bullying and Harassment Policy
5. eSmart Policy
6. Duty of Care Policy

References:

<http://www.education.vic.gov.au/school/principals/health/Pages/childprotection.aspx>

<http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/protecting-children-together>

<http://www.dhs.vic.gov.au/for-service-providers/children%2c-youth-and-families/child-protection/specialist-practice-resources-for-child-protection-workers/child-development-and-trauma-specialist-practice-resource>

http://www.dhs.vic.gov.au/_data/assets/pdf_file/0007/586465/information-guide-registered-teachers-principals.pdf

<http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/about-child-abuse>.