



Talbot Primary School

Mandatory Reporting Policy

Date Approved: 22nd August 2019

PURPOSE

This policy applies to the whole school community in supporting safe environments for all children and young people. Its purpose concerns the Child Youth and Families Act (CYFA) 2005, in which mandated professionals are legally compelled to make a report to the Department of Health and Human Service (DHHS) Child Protection, as soon as practicable, if in the course of practicing their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person 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 unable or unwilling to protect the child.

In Victoria, mandated reporters are: Teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic) Principals of government and non-government schools and Educational Support Staff.

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

In the case where one mandated professional directs another mandated professional not to make a report, and one professional continues to hold the belief that a child is in need of protection, then that professional is legally obliged to make a report to Child Protection.

A mandated professional who fails to report a 'belief based on reasonable grounds that a child is in need of protection' because of physical or sexual abuse is liable to be prosecuted under s. 184(1), CYFA.

Note: There are also obligations for ALL Victorian adults under the 2014 'failure to disclose' amendments to the Crimes Act separate from, and in addition to, Mandatory Reporting obligations. Confidentiality is provided for reporters in the CYFA (ss. 190 and 191), and prevents the disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with the legislation except in very specific circumstances.

KEY PRINCIPLES

- A safe environment is required to protect children and young people from harm and to prevent staff from abusing their position of authority and trust.
- The child and young person's ongoing safety and wellbeing must be the primary focus of all decision making.
- School leaders and staff must be fully self-aware of, and comply with, their professional obligations and responsibilities.
- The commitment to protecting children is embedded in the organisation's culture and responsibility for taking action is understood and accepted at all levels of the organisation.

DEFINITIONS

CHILD

In relation to Mandatory Reporting the Child Youth and Families Act 2005 (s.3) defines a child as a person who is under the age of 16 years or, if a protection order, a child protection order or an interim order continues in force in respect of him or her, a person who is under the age of 18 years

A child in need of therapeutic treatment is defined in the Children Youth and Families Act 2005 (s.244) as over the age of 10 and under the age of 15 and has exhibited sexually abusive behaviours.

Reasonable belief

A 'belief on reasonable grounds' is formed if a reasonable person in the same position would have formed the belief on the same grounds. (s. 184(4), CYFA)

For example, there may be reasonable grounds when:

- a child states that they have been physically or sexually abused
- a child 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 states that the child has been physically or sexually abused
- professional observations of the child's behaviour or development leads the mandated professional to form a belief that the child has been abused or is likely to be abused
- signs of physical or sexual abuse leads to a belief that the child has been abused.

Physical abuse

Physical abuse consists of any non-accidental form of injury or serious physical harm inflicted on a child or young person by any person. Physical abuse can include beating, shaking, burning and assault with implements.

Physical abuse can also include female genital mutilation (FGM).

Sexual abuse

Sexual abuse occurs when a person uses power or authority over a child to involve the child in sexual activity. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity, including physical activity and/or exposure of the child to pornography.

IMPLEMENTATION

This policy applies to the whole school community in supporting safe environments for all children and young people.

- This policy is communicated to staff each year, and during induction of staff members.
- Staff members undertake training each year on mandatory reporting via the DET eLearning module.
- In the event that a teacher or other staff member makes a mandated report, they should keep appropriate records.
- Staffs making a report are also encouraged to advise the Principal that a report is being made, or to seek support in making the report.
- Staff making a mandated report should keep records that include dates and times, what has led to the report being made and what has been detailed in the report itself.
- 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. (Refer to Sections 4.5 and 4.6)
- 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 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.

This policy will be reviewed as part of the school's two-year review cycle.

Chrissy Drummond
PRINCIPAL

Amanda Conn
SCHOOL COUNCIL PRESIDENT