



Child Protection Policy Mandatory Reporting and other obligations

(formerly Mandatory Reporting policy 2016)

Under the [DET child protection and reporting requirements policy](#), this policy was designed to ensure all staff are aware of their roles and responsibilities in protecting the safety and wellbeing of children and young people and are able to:

- understand their various legal obligations to report and take other reasonable steps to discharge the duty of care that may be owed to the child or young person
- identify indicators that a child or young person has been, is being, or is at risk of being abused
- make a report about a child or young person who has been, is being, or is at risk of being abused.
- their responsibilities and procedures to protect students by reporting suspected abuse or neglect as required.

This policy is relevant after an event has been detected. For proactive measures to create a safe school environment, thereby, preventing any abuse occurring within the school, please refer to the JSA **Child Environment Policy**.

Recognising different types of Child Abuse

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert staff to the possibility of child abuse and neglect. Types of child abuse include:

- physical abuse
- sexual abuse
- emotional abuse
- grooming
- neglect
- medical neglect
- family violence
- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution)

Child abuse does not have to involve physical contact or force (e.g. child sexual abuse can include talking to a child in a sexually explicit way). Child abuse can be committed by any member of the community, including someone within a child's family or someone within the school setting. The trauma associated with child abuse can significantly impact upon the wellbeing and development of a child. This is why it is critical that we all respond immediately to any form of suspected abuse.

Types of Reporting

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The following table describes the types of reports to be made in relation to significant concerns for the safety or wellbeing of a child or young person:

TYPE OF REPORTING	REPORTER	REPORT TO
Mandatory	Mandatory reporters	DHHS child protection
Failure to disclose	All adults	DHHS child protection Victorian Police
Failure to protect	Adults in a position of authority In a school, this will include Principals, Assistant Principals and Campus Principals.	DHHS child protection Victorian Police
Child in need of protection	Any person	DHHS child protection Victorian Police
Child in need of therapeutic treatment	Any person	DHHS child protection
Significant concerns for the wellbeing of a child	Any person	DHHS Child Protection Child FIRST

Reporting Obligations

The following table summarises the mandatory and other reporting obligations where there is a concern that a child or young person has been, is being, or is at risk of being abused.

TYPE OF REPORTING	OBLIGATION
<p>Mandatory Reporting</p> <p>Note: the following professionals are considered mandatory reporters</p> <ul style="list-style-type: none"> • 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 • Registered medical practitioners, nurses and all members of the police force 	<p>Mandatory reporters must make a report to the Department of Health and Human Services (DHHS) (Child Protection) as soon as practicable if, in the course of practising their profession or carrying out their duties, they form reasonable belief that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child’s parents are unable or unwilling to protect the child from that abuse.</p> <p>A mandatory reporter who fails to comply with these reporting obligations may be committing a criminal offence.</p>
Failure to disclose	<p>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.</p> <p>To read more information about the ‘failure to disclose’ offence,</p>

	<p>see: Department of Justice and Regulation – Failure to disclose offence</p>
<p>Failure to Protect</p>	<p>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.</p> <p>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. To read more information about the 'failure to protect offence', see: Department of Justice and Regulations – Failure to protect offence.</p> <p>For more information about managing and responding to the risk of abuse see: Responding to Student Sexual Offending and Risk Management under Department resources below. See also, the Four Critical Actions on the PROTECT portal.</p>
<p>Child in need of protection</p>	<p>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:</p> <p>the child has suffered or is likely to suffer significant harm as a result of:</p> <ul style="list-style-type: none"> - physical injury and their parents are unable or unwilling to protect the child - sexual abuse and their parents are unable or unwilling to protect the child - emotional or psychological harm and their parents are unable or unwilling to protect the child. - the child has been abandoned and there is no other suitable person who is willing and able to care for the child. - 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. - 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. <p>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.</p>

<p>Child in need of therapeutic treatment</p>	<p>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.</p> <p>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).</p> <p>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.</p>
<p>Significant concerns for the wellbeing of a child</p>	<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> - significant parenting problems - family conflict or family breakdown - pressure due to a family member’s physical/mental illness, substance abuse, or disability - vulnerability due to youth, isolation or lack of support - 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

Forming a belief on reasonable grounds

A person may form a belief on reasonable grounds that a child or young person 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 or young person’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 or young person 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’s 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 or young person’s actions or behaviour may place them at risk of significant harm and the child or young persons parents are unwilling or unable to protect the child or young person.

Reporting a belief

Jacana School for Autism (JSA) staff members, whether or not mandated, need to report their belief when the belief is formed in the course of undertaking their professional duties. The process of responding to incidences, disclosures and suspicions of Child Abuse are outlined in the [Victorian Government 4 Critical](#)

Actions of Child Abuse. 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 or young person is in need of protection, that person is obliged to make a report.

JSA policy and procedures stipulate how its staff fulfil their duty of care towards children and young people in their school.

All staff of JSA 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 staff's obligation to do so if they have formed a reasonable belief that abuse may have occurred. If a 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.

FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse



YOU MUST TAKE ACTION
As a school staff member, you play a **critical role** in protecting children in your care.

- You **must** act, by following the 4 critical actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.
- You **must** act if you form a suspicion/reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).
- You **must** use the *Responding to Suspected Child Abuse* template to keep clear and comprehensive notes.

*A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to **Action 2**.

If a child is at immediate risk of harm you **must** ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling **000** for urgent medical and/or police assistance to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

2 REPORTING TO AUTHORITIES

As soon as immediate health and safety concerns are addressed you **must** report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Q: Where does the source of suspected abuse come from?

WITHIN THE SCHOOL

VICTORIA POLICE
You **must** report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police.

You **must also** report internally to:

GOVERNMENT SCHOOLS

- School Principal and/or leadership team
- Employee Conduct Branch
- DET Security Services Unit

CATHOLIC SCHOOLS

- School Principal and/or leadership team
- Diocesan education office

INDEPENDENT SCHOOLS

- School Principal and/or school chairperson

WITHIN THE FAMILY OR COMMUNITY

DHHS CHILD PROTECTION
You **must** report to DHHS Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

VICTORIA POLICE
You **must also** report all instances of suspected sexual abuse (including grooming) to Victoria Police.

If you believe that a child is not subject to abuse, but you still hold **significant concerns** for their wellbeing you **must** still act. This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DHHS Child Protection or Victoria Police.

3 CONTACTING PARENTS/CARERS

Your Principal **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact** the parents/carer (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- to contact** the parents/carers and provide agreed information that must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion.

4 PROVIDING ONGOING SUPPORT

Your school **must** provide support for children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professionals. This is an essential part of your duty of care requirements.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals.

You **must** follow the *Four Critical Actions* every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

CONTACT

<p>DHHS CHILD PROTECTION AREA North Division 1300 664 977 South Division 1300 655 795 East Division 1300 960 391 West Division (Rural) 1800 075 599 West Division (Metro) 1300 664 977</p>	<p>DET SECURITY SERVICES UNIT (03) 9588 6266</p>
<p>AFTER HOURS After hours, weekends, public holidays 13 1278</p>	<p>STUDENT INCIDENT AND RECOVERY UNIT (03) 9651 3622</p>
<p>CHILD FIRST www.dhhs.vic.gov.au</p>	<p>EMPLOYEE CONDUCT BRANCH (03) 8637 2595</p>
<p>VICTORIA POLICE 000 or your local police station</p>	<p>DIOCESAN OFFICE Melbourne (03) 8267 0228 Ballarat (03) 5337 7155 Sale (03) 5622 6600 Sandhurst (03) 5443 2377</p>
	<p>INDEPENDENT SCHOOLS VICTORIA (03) 9826 7200</p>

Potential Consequences of Making a Report

CONSEQUENCE	DESCRIPTION
Confidentiality	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> the reporter chooses to inform the child, young person or parent of the report the reporter consents in writing to their identity being disclosed a Court or Tribunal decides that it 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 provide evidence
Professional protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter

	<ul style="list-style-type: none"> - the reporter cannot be held legally liable in respect of the report
Interviews	<p>DHHS Child Protection and/or Victoria Police</p> <ul style="list-style-type: none"> - may conduct interviews of children and young people at the school without the parent’s knowledge or consent. Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child or young person to proceed in this manner - will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises <p>When officers from DHHS Child Protection or Victoria Police come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person.</p> <p>When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person. For more information on these requests and school responsibilities, see: Police and DHHS Interviews.</p>
Support for the child or young person	<p>The roles and responsibilities of staff members in supporting children and young people who are involved with DHHS Child Protection may include the following:</p> <ul style="list-style-type: none"> - acting as a support person for the child or young person - attending DHHS Child Protection case planning meetings - observing and monitoring the child or young person’s behaviour - liaising with professionals.
Requests for information	<p>DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person. In certain circumstances,</p> <p>DHHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection.</p> <p>For more information see: Requests for Information About Students</p>
Witness Summons	<p>If DHHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings, see: Subpoenas and Witness Summonses</p>

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.

Escalation mechanisms

Where a school staff member continues to have protective concerns about a child or young person after DHHS Child Protection has closed the case, the school may need to escalate their concerns.

In these cases, schools can escalate the matter by doing the following:

- using DHHS Child Protection's complaints management process. This process can be used to report urgent and important issues about an individual child or young person, as well as systemic issues about the provision of services
- principal of a Victorian Government school can also escalate their concerns to their regional Area Executive Director. The Area Executive Director can then share this information with their counterpart at the DHHS Child Protection.

To ensure that reports to DHHS Child Protection contain the necessary information for an intake worker to assess a report, schools should ensure all school staff use the PROTECT Reporting Template when recording a incident, disclosure or suspicion of child abuse.

Staff Training

Staff at JSA will be informed of Protecting Children - Mandatory Reporting and other obligation training requirements as part of their initial induction to the school and will be provided with supporting documentation in their staff handbook. On line- training in Protecting Children - Mandatory Reporting and other obligation is provided by the Department of Education and Training Victoria. All staff are expected to undertake the training annually.

Resources:

Information and advice on how to protect children:

- create a child safe environment
<http://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/safeenviro.aspx>
- identify and report signs of abuse
<http://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/identify.aspx>
- what your reporting obligations
<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotectobligation.aspx>
- Four Critical Actions for School's – responding to Incidents, Disclosures and Suspicions of Child abuse
http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf
- School Policy and Advisory Guide
<http://www.education.vic.gov.au/management/governance/spag/default.htm>

Evaluation: this policy will be reviewed as part of the school's three-year policy review cycle.

Ratified at School Council	8 th September 2016
Review Date	Term 3, 2019