



Serpell Primary School

Mandatory Reporting Policy



Rationale

All children have a right to feel safe and to be safe. As staff members, we have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse or neglect.

The challenge of protecting children is everyone's responsibility: parents, schools, communities, governments and businesses. The Department strongly encourages all school staff to protect and preserve the safety, health and wellbeing of all children and young people.

Definitions

Child abuse:

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger a child is the more vulnerable they are and the more serious the consequences are likely to be. For full definitions for all of the types of child abuse listed see: Protecting the safety and wellbeing of children and young people (the protocol) within Department resources below.

Indicators of harm:

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 teachers to the possibility of child abuse and neglect. A comprehensive list of all of the indicators of harm can be found in: Protecting the safety and wellbeing of children and young people (the protocol) within Department resources below.

Definitions (from Ministerial Order 870 – Child Safe Standards Managing the Risk of Child Abuse in Schools)

ETR Act means the Education and Training Reform Act 2006 as amended from time to time.

Child means a child enrolled as a student at the school.

Child-connected work means work authorised by the school governing authority and performed by an adult in a school environment while children are present or reasonably expected to be present.

Child abuse includes –

- (a) any act committed against a child involving –
 - (i) a sexual offence; or
 - (ii) an offence under section 49B(2) of the Crimes Act 1958 (grooming); and
- (b) the infliction, on a child, of –
 - (i) physical violence; or
 - (ii) serious emotional or psychological harm; and
- (c) serious neglect of a child.

Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse.

Proprietor, in relation to a school, means the person who is ultimately responsible for the way the school is managed and conducted:

- (a) in the case of a Government school, the Secretary;
- (b) in the case of a non-Government school, the proprietor of the school.

School environment means any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:

- (a) A campus of the school;
- (b) Online school environments (including email and intranet systems); and
- (c) Other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events).

School governing authority means:

- (a) The proprietor of a school, including a person authorised to act for or on behalf of the proprietor; or
- (b) The governing body for a school (however described), as authorised by the proprietor of a school or the ETR Act; or
- (c) The principal, as authorised by the proprietor of a school, the school governing body, or the ETR Act.

School staff means:

- (a) In a Government school, an individual working in a school environment who is:
 - (i) Employed under Part 2.4 of the ETR Act in the government teaching service; or
 - (ii) Employed under a contract of service by the council of the school under Part 2.3 of the ETR Act; or
 - (iii) A volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary).
- (b) In a non-Government school, an individual working in a school environment who is:
 - (i) Directly engaged or employed by a school governing authority;
 - (ii) A volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary); or
 - (iii) A minister of religion.

Aims

To ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.

To protect children and young people from abuse and neglect by ensuring school staff understand their mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse including physical and sexual abuse. To ensure staff know how to make a mandatory report to the Principal and subsequently to the Department of Human Services (DHS) Child Protection or Child First when they have formed a belief on reasonable grounds that a child or young person is at risk of significant harm and are able to identify and be aware of the indicators of abuse.

Implementation

- Any person who is registered as a teacher under the Education and Training Reform Act (2006), or any person who has been granted to teach under the Act, including Principals, is mandated to make a report of signs of physical and/or sexual abuse, and neglect to the Department of Human Services (DHS) Child Protection or Child First.
- New staff will be informed of mandatory reporting responsibilities and procedures as part of the induction process.
- Staff will be reminded of mandatory responsibilities regularly.
- Staff will complete the online Mandatory Reporting training as required.
- All concerns must be reported immediately to the Principal, or in his/her absence, the Assistant Principal.
- If a Principal or their nominee does not believe that a mandatory report is warranted, this does not discharge the teacher of their 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, that teacher is still legally obliged to make a mandatory report of their concerns.
- 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 make a report to DHS Child Protection or Child First.
- School staff that have concerns about a child or young person because they have been made aware of possible harm via their involvement in the community external to their professional role may make a (protective) report to DHS Child Protection or Child First.
- Reports involving international students: Where any report to the DHS, Child Protection involves an international student, the Principal must advise the Departments International Division on (03) 9637-2990 and consult with the Division to ensure support is arranged.
- The Principal will keep a record of all discussions about a student with whom there is a concern.
- The teacher and/or the Principal class officer will contact the Department of Human Services by telephone as soon as possible to make an official notification on 1300 360 391 / after school hours crisis line 13 12 78 or Child First on 1300 762 125

- Members of the Department of Human Services or Child First, or associated support or intervention services that visit the school following a notification, will interview staff and children only in the presence of a Principal class member or his/her nominee.
- All reports and subsequent discussions and information are to be recorded and remain strictly confidential.
- All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported.
- While only mandated by law to report incidents of physical and sexual abuse, and neglect; teachers are also encouraged to report incidents of emotional abuse or neglect.
- Students, who disclose to staff a desire to harm themselves or others, must be reported by staff to the Principal.

Reporting Obligations

All school staff are required to be aware of their roles and responsibilities in protecting the safety and wellbeing of children and young people and 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. Staff are required to identify indicators that a child or young person has been, is being, or is at risk of being abused and to make a report about a child or young person who has been, is being, or is at risk of being abused.

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. Note: the following professionals are considered mandatory reporters

- 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

Type of reporting	Obligation	Reporter	Report to
Mandatory reporting	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. A mandatory reporter who fails to comply with these reporting obligations may be committing a criminal offence.	Mandatory Reporters	DHHS Child Protection
Failure to disclose	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. To read more information about the 'failure to disclose' offence, see: Department of Justice and Regulation – Failure to disclose offence	All Adults	DHHS Child Protection Victoria Police
Failure to Protect	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. 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 –	Any Person	DHHS Child Protection Victoria Police

[Failure to protect offence.](#)

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.

The table below describes other reporting obligations.

Type of reporting	Obligation	Reporter	Report to
Child in need of protection	<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> <ul style="list-style-type: none"> ▪ the child has suffered or is likely to suffer significant harm as a result of: <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>	Any Person	DHHS Child Protection Victoria Police
Child in need of therapeutic treatment	<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>	Any Person	DHHS Child Protection
Significant concerns for the wellbeing of a child	<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 	Any Person	DHHS Child Protection Child First

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| | <ul style="list-style-type: none"> ▪ 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. | | |
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Four Critical Actions

There are Four Critical Actions that the school will take where a staff members forms a reasonable belief that a child is a victim of child abuse, see: [The Four Critical Actions: Responding to Incidents, Disclosures and Suspicions of Child Abuse.](#)

To ensure clear and comprehensive notes, and to assist in making the report, the Reporting Template which can be found on the Department's web portal - [PROTECT](#) can be used.

Responding to an Incident, Disclosure or Suspicion of Child Abuse

The following actions must be taken when responding to an incident, disclosure or suspicion 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

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.

Action 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.

If the source of suspected abuse is 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:

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

If the source of suspected abuse is from 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.

You must also report internally to:

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

Action 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/carers (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 parents/carers to be contacted)
- to contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

Action 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 etc.

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

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.

CONTACT

DHHS CHILD PROTECTION

AREA

North Division 1300 664 977

South Division 1300 655 795

East Division 1300 360 391

West Division (Rural) 1800 075 599

West Division (Metro) 1300 664 977

AFTER HOURS

After hours, weekends, public holidays 13 12 78

CHILD FIRST

www.dhs.vic.gov.au

VICTORIA POLICE

000 or contact your local police station

DET SECURITY SERVICES UNIT

(03) 9589 6266

STUDENT INCIDENT AND RECOVERY UNIT

(03) 9637 2934

EMPLOYEE CONDUCT BRANCH

(03) 9637 2595

DIOCESAN OFFICE

Melbourne (03) 9267 0228

Responding to Student Sexual Offending

The following actions must be taken when responding to student sexual offending.

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 suspicion that a student is a victim of a student sexual offending and/or a student has engaged in sexual offending.
- You must act even if you are unsure and have not directly observed student sexual offending (e.g. if the victim, or another person tells you about the offence).
- You must use the Responding to Student Sexual Offending Template to keep clear and comprehensive notes.

Action 1: Immediate Response to an Incident

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.

Action 2: Reporting to Authorities

As soon as immediate health and safety concerns are addressed you must report incidents, suspicions and disclosures of student sexual offending as soon as possible.

- Victoria Police: All instances on 000
- DHHS Child Protection

If you believe that:

- the victim's parent/carers are unable or unwilling to protect the child
- The student who is alleged to have engaged in the student sexual offending is:
 - Aged over 10 and under 15 years and may be in need of therapeutic treatment to address these behaviours
 - May be displaying physical and behavioural indicators of being the victim of child abuse.

Internally, also report to:

- School Principal and/or leadership team (all instances)
- DET Security Services Unit

You must identify a contact person at the school for future liaison with Victoria Police and/or Child Protection and seek advice about contacting parents/carers (see Action 3)

Action 3: Contacting Parents/Carers

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

- Not to contact the parents/carers (e.g. in circumstances where contacting the parents/carers is likely to adversely affect a Victoria Police investigation or where the student is a mature minor and has requested that their parent/carer not be notified.
- To contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

Action 4: Providing Ongoing Support

Your school must provide support for students who are victim to a student sexual offence AND students who have engaged in a sexual offence. This is an essential part of your duty of care requirements.

This support should include the development of a Student Support Plan in consultation with wellbeing professionals outlining support strategies.

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

CONTACT

DHHS CHILD PROTECTION

AREA

North Division 1300 664 977

South Division 1300 655 795

East Division 1300 360 391

West Division (Rural) 1800 075 599

West Division (Metro) 1300 664 977

AFTER HOURS

After hours, weekends, public holidays 13 12 78

CHILD FIRST

www.dhs.vic.gov.au

VICTORIA POLICE

000 or contact your local police station

DET SECURITY SERVICES UNIT

(03) 9589 6266

STUDENT INCIDENT AND RECOVERY UNIT

(03) 9651 3622

EMPLOYEE CONDUCT BRANCH

(03) 9637 2595

DIOCESAN OFFICE

Melbourne (03) 9267 0228

Appendices:

The Serpell Primary School Child Safe policy should be read in conjunction with the following:

- Duty of Care
- Child Safe Policy
- Student Engagement and Wellbeing Policy
- Attachment 1: Mandatory Reporting Policy Four Critical Actions Child Abuse
- Attachment 2: Mandatory Reporting Policy Four Critical Actions Child Abuse Responding
- Attachment 3: Attachment 3 Mandatory Reporting Policy Four Critical Actions SSO

Resources:

- Related DET policies (Victorian Government Schools Policy Advisory Guide):
- Police and DHHS Interviews
- Responding to Student Sexual Assault
- Protecting the safety and wellbeing of children and young people
(<http://www.education.vic.gov.au/documents/school/principals/spag/safety/protectionofchildren.pdf>)
- Policy and Advice for Schools (<http://www.education.vic.gov.au/school/principals/spag/Pages/spag.aspx>)
- Child Protection (<http://www.education.vic.gov.au/school/parents/health/Pages/childprotection.aspx>)
- Victorian Registration and Qualification Authority:
<http://www.vrqa.vic.gov.au/childsafes/Pages/resources.html>
- Education and Training:
(<http://www.education.vic.gov.au/about/programs/health/protect/Pages/childsafestandards.aspx>)

Evaluation:

This policy will be reviewed as part of the school's annual review cycle.

Ratification:

This policy was ratified by the School Council on the 21st of May 2018.