

Mandatory Reporting Policy

All children have a right to feel safe and to be safe. As teachers, 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.

Dandenong South Primary School is committed to child safety. We have a zero tolerance to child abuse. Our school actively promotes the safety and wellbeing of all students, and all school staff are committed to protecting students from abuse or harm in the school environment in accordance with their legal obligations including the Child Safe Standards.

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 each schoolchild from child abuse. "Child abuse includes—

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

IMPLEMENTATION

- (Teachers and Principals are mandated by law under section 184 of the *Children Youth and Families Act 2005* (CYFA) to make a report to child protection)
- Non-mandated staff members who, on reasonable grounds, believe 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 DHHS Child Protection.
- School staff should discuss any concerns about the safety and wellbeing of students with the school Principal or member of the school leadership team; especially if they have a suspicion of possible abuse. Teachers must make a report if they have formed a belief that the child is being harmed. School staff who 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 also make a (protective) report to DHHS Child Protection.
- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- Staff are expected to complete the mandatory reporting online modules annually.

Our Obligations

All school staff members have a moral and legal obligation and a Duty of Care to protect any child under their care from foreseeable harm (not just staff who are classified as mandatory reporters)

As a school staff member, you must respond to any reasonable suspicion that a child has been, or is at risk of being abused by following the Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse

Recent changes to Victorian legislation create additional legal obligations in relation to reporting suspected sexual child abuse. Failing to meet these obligations can constitute a criminal offence, including a:

- failure to disclose a sexual offence
- failure to protect a child (where it is known that a person associated with their organisation poses a substantial risk of sexually abusing children)

Mandatory Reporting Obligations

There are certain classes of professionals, who are classified as “mandatory reporters”. Within a school mandatory reporters include all:

- Victorian Institute of Teaching (VIT) registered teachers (including Principals)
- staff who have been granted permission to teach by the VIT
- registered doctors and nurses.

All mandatory reporters must make a report to Victoria Police and/or DHHS Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse, emotional abuse, neglect, medical neglect, family violence, female genital mutilation, risk taking behavior and/ or sexual abuse, and
- the child’s parents have not protected, or are unlikely to protect, the child from harm of that type.

It is a criminal offence not to report in these circumstances.

Mandatory reporters must also follow the Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse.

FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

PROTECT



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

For suspected student sexual assault, please follow the **Four Critical Actions: Student Sexual Offending**.

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:

GOVERNMENT SCHOOLS

- You **must also** report to:
- School Principal and/or leadership team
 - DET Security Services Unit

CATHOLIC SCHOOLS

- You **must also** report to:
- School Principal and/or leadership team
 - Diocesan education office

INDEPENDENT SCHOOLS

- You **must also** report to:
- School Principal and/or chairperson

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 (this 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

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 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
 Ballarat (03) 5337 7135
 Sale (03)5622 6600
 Sandhurst (03) 5443 2377

INDEPENDENT SCHOOLS VICTORIA

(03) 9825 7200



FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Student Sexual Offending

PROTECT



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 a 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.

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.

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 internally to:

- **School Principal and/or leadership team** (all instances)
- **Government Schools:** DET Security Services Unit
- **Catholic Schools:** Diocesan education office

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**).

*See the *Four Critical Steps for Schools: Responding Incidents, Disclosures and Suspicions of Child Abuse* for further guidance in these circumstances.

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 of all impacted students. 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).

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 9777**

South Division **1300 655 795**

East Division **1300 360 391**

West Division (Rural) **1800 075 599**

West Division (Metro) **1300 664 9777**

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**

Ballarat **(03) 5337 7135**

Sale **(03) 5622 6600**

Sandhurst **(03) 5443 2377**

INDEPENDENT SCHOOLS VICTORIA

(03) 9825 7200



Child Abuse

Child abuse includes any instance of physical or sexual abuse (including grooming), emotional or psychological harm, serious neglect and family violence involving a child.

You Must Act

As a school staff member, you must act as soon as you witness an incident or form a reasonable belief that a child has been, 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 should make sufficient enquiries to form a reasonable belief and to determine a child's immediate needs. However once a reasonable belief has been formed, it is not your role to investigate. This is the role of DHHS Child Protection or Victoria Police

If you hold significant concerns for a child's wellbeing, which do not appear to be a result of child abuse you must still act.

Forming a Suspicion

All suspicions that a child has been, or may be in danger of being abused must be taken seriously. This includes abuse that is suspected to have occurred outside of school grounds and hours.

If you form a reasonable belief that a child has been, or may be at risk of being abused, you must act, even if you have not directly witnessed the child abuse.

Receiving a Disclosure (current student)

If a child discloses that they have been, are being, or are in danger of being abused, you must treat the disclosure seriously and take immediate action by following the Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse (pg 3)

If another child or adult, discloses that they believe another child has been, is being, or is at risk of being abused, you must also treat these disclosures seriously and take immediate action.

Receiving a Disclosure (former student)

If you receive a disclosure from a former student of your school about historical abuse you must act.

If the former student is currently of school age and attending a Victorian school you must follow the Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse (pg 3).

If the former student is no longer of school age or attending a Victorian school you must also still act.

Please visit: <http://www.education.vic.gov.au/about/contact/Pages/reportingabuse.aspx>

This guidance will support you to:

- report any allegations of abuse, by contacting your local Victoria Police station and/ or by contacting the SANO Task Force at sanotaskforce@police.vic.gov.au
- respond to a belief that you or another person is at **immediate risk by contacting Victoria Police on 000.**

This guidance will also support:

- government schools to report to relevant areas within the Department (this may include the Principal of the school, the regional office, and the Security Services Unit)
- Catholic schools to contact their Diocesan education office
- independent schools to notify their School Board.
- Documenting Your Actions

As a Dandenong South Primary School staff member, you must keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse using the [Responding to Suspected Child Abuse Template](#).

Your aim should be to provide as much information within the template as possible. These records will be helpful in making a report of the abuse to the relevant authorities.

This information may be sought at a later date if the matter is the subject of Court proceedings. These notes may also later assist you if you are required to provide evidence to support their decisions.

Strategies for Managing a Disclosure

When managing a disclosure, staff should:

- listen to the child and allow them to speak
- stay calm and not display expressions of panic or shock
- use a neutral tone with no urgency and where possible use the child's language and vocabulary
- be patient and non-judgmental throughout
- highlight to the child that they are doing the right thing in telling you about what has happened and that it is not their fault
- do not ask leading questions, but instead, gently ask, "What happened next?" rather than "Why?"
- be patient and allow the child to talk at their own pace and in their own words
- not pressure the child into telling you more than they want to
- reassure the child that you believe them and that disclosing the matter was the right thing to do
- use verbal facilitators such as, "Okay, I see", restate the child's previous statement, and use non-suggestive words of encouragement, designed to keep the child talking in an open-ended way
- tell the child you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate.

When managing a disclosure, staff should AVOID:

- asking questions that are investigative and potentially invasive. This may make the child feel uncomfortable and may cause the child to withdraw
- going over the information time and time again (you are only gathering information to help you form a belief on reasonable grounds that you need to make

When managing a disclosure of abuse, it is important that you respond in an appropriate and supportive manner. All disclosures of abuse must be taken seriously and addressed immediately by following the Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse

It is the role of school staff members to listen and respond appropriately to a child's concerns. When a disclosure of abuse is made and/or you are concerned that a child has been abused or is at risk of being abused, you must inform the student that their confidentiality cannot be maintained.

This should be done in language appropriate to the student's age and stage of development. For example:

- To a younger student: 'I am not going to be able to keep your story a secret. I really have to tell someone who is going to be able to help you.'
- To an older student: 'The information you have given me has made me very concerned for your welfare and I need to tell you that it is my responsibility to report this information to the Department of Education and Training and the Department of Health and Human Services to help you get some assistance'.

You must document any disclosures within the [Responding to Suspected Child Abuse: Template](#). This may be critical for further investigations and/or legal proceedings.

Forming a Reasonable Belief

If you have witnessed behaviour, have a suspicion, or received a disclosure of child abuse, you will need to determine whether you have formed a 'reasonable belief' or a 'belief on reasonable grounds' that a child has or is being abused or is at risk of being abused.

A reasonable belief is a deliberately low threshold:

- so that people are encouraged to report suspected abuse to the relevant authorities and agencies, enabling authorities to investigate the allegations and take further action to prevent or stop any further abuse
- which does not require proof, but does require something more than a mere rumour or speculation
- is met if a reasonable person in the same position would have formed the belief on the same grounds

Most of the reporting provisions in the Children Youth and Families Act 2005 and Crimes Act require people to report suspected child abuse that has occurred, is occurring, or is at risk of occurring where they have formed a 'reasonable belief' or 'a belief on reasonable grounds'.

Forming a belief on reasonable grounds may include:

- a child stating that they have been abused
- any person telling you they believe someone has been abused (sometimes the child may be talking about themselves)
- physical indicators of abuse such as non-accidental or unexplained injuries; persistent neglect, or inadequate care and supervision lead you to believe that the child has been abused
- behavioural indicators of abuse lead you to believe that the child has been abused
- other signs such as family violence, parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child's safety, stability or development

How to Proceed if the Principal or Leadership Team Advise You Not to Report

- In some circumstances the Principal and/or leadership team may advise you not to proceed with reporting suspected abuse.
- Regardless of this advice, if you hold a reasonable belief that a child has been, or is at risk of being abused you must still make a report to DHHS Child Protection and/or Victoria Police. This report may be critical in protecting a child from abuse
- If you fail to report you may not discharge your duty of care and in some circumstances you may be subject to criminal charges.
- If you decide not to report, this decision should be documented within the [Responding to Suspected Child Abuse: Template](#).

References

http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf

http://www.education.vic.gov.au/Documents/about/programs/health/protect/SSO_Policy.pdf

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/default.aspx>

http://www.vrqa.vic.gov.au/childsafepages/documents/Min_Order_870_Child_Safe_Standards.pdf