

MANDATORY REPORTING

Last Ratified by School Council: June 2018

Review Date: 2020

Rationale

The purpose of this policy is to outline the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people. The full DET policy with detailed information that all staff in Victorian government schools must follow is found at:

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

Aims

To protect children and young people from abuse and neglect by ensuring school staff:

- a) understand their mandatory reporting responsibilities, and duty of care obligations, to protect children and young people from child abuse, including physical and sexual abuse
- b) are aware of the DHHS reporting process
- c) understand they must raise any concerns with their sub-school assistant principal, principal class member or person acting in their stead
- d) are vigilant in monitoring student wellbeing and follow protocols as per the Education Department's Mandatory Reporting, and other obligations, guidelines.

Mandatory Reporters

All staff employed at Creekside K-9 College are '*mandatory reporters*' as outlined by the Victorian Institute of Teaching (VIT) and State Government.

With the support of a relevant member of leadership (assistant principal), staff must report when belief has been formed that a child is in need of protection from significant harm as outlined by the Mandatory Reporting Guidelines.

Non-mandated staff members

Any person, who believes on reasonable grounds that a child is in need of protection, may report their concerns to an assistant principal who, in turn, will contact Child Protection.

In order to discharge duty of care, staff members, whether or not mandated, need to report a belief 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 that a belief is formed on reasonable grounds.

Failure to disclose the offence

In addition to mandatory reporting and duty of care obligations, any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must report that information to an assistant principal who will inform the police. Failure to disclose the information to police is a criminal offence except in limited circumstances, such as where the information has already been reported to Child Protection or the child is older than 16 when the belief is formed.

More information about the offence can be found at:

<http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>

Duty of care

School staff have a duty of care to take reasonable steps to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care it is important to take immediate action and report this to an assistant principal.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, school staff must take action by:

- o Notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns. The situation will then be carefully assessed and any concerns will be reported to Child Protection, Victoria Police or another appropriate agency.

Duty of care obligations are separate and additional to mandatory reporting and 'failure to disclose' reporting obligations.

Making a report

Staff do not require the permission of parents, carers or guardians to make a report, nor are they required to tell parents, carers or guardians that they have done so.

Staff are expected to follow the Department policy for making a report set out at:

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

Reports to Child Protection and Victoria Police are confidential unless you consent or a court or tribunal decides that it is necessary in the interests of justice for your identity to be disclosed.

Staff training

As part of their initial induction to the school, staff will be informed of child protection reporting requirements and Department policy (<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>) and will be provided with supporting documentation in their staff handbook.

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.

This policy should be read in conjunction with relevant legislation and the DET Policy and Advisory Guide: sections relating to *but not limited to*:

- o Duty of care
- o Police and DHS Interviews
- o Responding to Student Sexual Assault
- o Requests for Information about Students
- o Risk Management
- o Subpoenas and Witness Summonses
- o Related legislation
- o *Children, Youth and Families Act 2005*
- o *Crimes Act 1958*
- o *Education and Training Reform Act 2006*
- o *Victorian Institute of Teaching Act 2001*