



# MANDATORY REPORTING

## Child Safety Obligations

### POLICY



#### PURPOSE

The purpose of this policy is to ensure that all staff and members of our school community understand the various legal and other reporting obligations related to child safety that apply to Footscray West Primary School (FWPS). The specific procedures that are applicable at our school are contained at Appendix A.

#### SCOPE

This policy applies to all school staff, volunteers and school community members. It also applies to all staff and students engaged in any school and school council-run events, activities and services.

#### POLICY

All children and young people have the right to protection in their best interests.

FWPS understands the important role our school plays in protecting children from abuse including:

- Physical abuse
- Sexual abuse (including sexual exploitation)
- Family violence
- Emotional abuse
- Neglect (including medical neglect)
- Grooming

The staff at FWPS are required by law to comply with various child safety reporting obligations. For detailed information about each obligation, please refer to Identifying and Responding to All Forms of Abuse in Victorian Schools.

At FWPS we also recognise the diversity of the children and young people at our school and take account of their individual needs and backgrounds when considering child safety.

#### Mandatory Reporting

Principals, registered teachers, registered medical practitioners, nurses, psychologists, school councillors and all members of the police force are mandatory reporters under the *Children, Youth and Families Act 2005 (Vic)*.

All mandatory reporters must make a report to the Department of Health and Human Services (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 and/ or sexual abuse, and
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at FWPS to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the principal does not share their belief that a report is necessary.

At our school, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually. We also encourage all other staff to undertake this module, even where they are not mandatory reporters.

For more information about Mandatory Reporting see the Department's *Policy and Advisory Library: Protecting Children — Reporting and Other Legal Obligations*.

#### Child in need of protection

Any person can make a report to DHHS Child Protection (131 278 – 24 hour service) if they believe on reasonable grounds that a child is in need of protection.

The policy of the Department of Education and Training (DET) requires **all staff** who form a reasonable belief that a child is in need of protection to report their concerns to DHHS or Victoria Police, and discuss their concerns with the school leadership team.

For more information about making a report to DHHS Child Protection, see the Department's *Policy and Advisory Library: Protecting Children — Reporting and Other Legal Obligations* and [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

At FWPS we also encourage all staff to make a referral to Child FIRST when they have significant concern for a child's wellbeing. For more information about making a referral to Child FIRST see the School Policy and Advisory Guide: Child Protection – Reporting Obligations.

## **Reportable Conduct**

Our school must notify the Department's Employee Conduct Branch (9637 2594) if we become aware of an allegation of 'reportable conduct'.

There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been:

- a sexual offence (even prior to criminal proceedings commencing), sexual misconduct or physical violence committed against, with or in the presence of a child;
- behaviour causing significant emotional or physical harm to a child;
- significant neglect of a child; or
- misconduct involving any of the above.

The Department, through the Employee Conduct Branch, has a legal obligation to inform the Commission for Children and Young People when an allegation of reportable conduct is made.

Our principal must notify the Department's Employee Conduct Branch of any reportable conduct allegations involving current or former teachers, contractors, volunteers (including parents), allied health staff and school council employees.

If school staff become aware of reportable conduct by any person in the above positions, they should notify the school principal immediately. If the allegation relates to the principal, they should notify the Regional Director.

For more information about Reportable Conduct see the Department's *Policy and Advisory Library*: [Reportable Conduct](#).

## **Failure to disclose offence**

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 by another person aged 18 years or over.

Failure to disclose information to Victoria Police (by calling 000 or local police station) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"Reasonable belief" is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed when:

- a child states that they have been sexually abused
  - a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
  - someone who knows a child states that the child has been sexually abused
  - professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
  - signs of sexual abuse leads to a belief that the child has been sexually abused.
- "Reasonable excuse" is defined by law and includes:
- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
  - where the information has already been disclosed, for example, through a mandatory report to DHHS Child Protection.

For more information about this reporting obligation, see the Department's *Policy and Advisory Library*: [Failure to disclose offence](#).

## **Failure to protect offence**

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (ie persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

For more information about this reporting obligation, see the Department's *Policy and Advisory Library*: [Failure to protect offence](#).

## **Grooming**

Grooming is a criminal offence under the *Crimes Act 1958* (Vic). This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in sexual activity at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer.

For more information about this offence and reporting obligations see: [Protecting Children — Reporting and Other Legal Obligations](#).

## **SUPPORTING DOCUMENTS**

Statement of Commitment to Child Safety,  
Child Safety Policy  
Duty of Care  
Student wellbeing and engagement

## **REVIEW CYCLE**

This policy was last updated in 2020 and is scheduled for review in 2022.

This policy was endorsed by Staff and tabled at school council in: November 2020

**Appendix A**  
**MANDATORY REPORTING - Child Safety Obligations**  
Procedures at FWPS

**Rationale:**

- School staff have a duty of care to protect and promote the safety, health and wellbeing of children and young people in their care.
- Any person registered to teach by the *Victorian Institute of Teaching* is mandated to report to child protection when a belief based on reasonable grounds is formed that a child has suffered or is likely to suffer significant harm resulting from physical injury or sexual abuse, and parents have not or are unlikely to protect the child from harm.

**Aims:**

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

**Implementation:**

- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- Staff will be reminded of mandatory responsibilities are required to complete the online professional learning: Protecting Children-Mandatory Reporting and Other Obligations, annually.
- All concerns must be reported immediately to the Principal, or in his/her absence, the Assistant Principal.
- The Principal/Assistant Principal will keep a record of all discussions about a student with whom there is a concern.
- If a belief has been formed by a staff member that sexual or physical abuse has taken place a "Mandatory Reporting Information Sheet" available from the Principal or Assistant Principal must be completed and filed in the Principal's office.
- It is not the responsibility of staff to investigate.
- The teacher and/or the Principal class officer will contact the Department of Health and Human Services (DHHS) by telephone as soon as possible to make an official notification on:  
**1300 664 977**
- The child's right to protection throughout the process will be upheld.
- Members of the DHHS, 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 "Mandatory Reporting Information Sheets" remain filed in the Principal's/Nominee's office.
- All reports, information sheets 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, teachers are also encouraged to report incidents of emotional abuse or neglect.