



# Reporting Obligations

## POLICY

### Rationale

All students 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 students with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse or neglect.

Cardinia Primary School has zero tolerance for child abuse and is committed to meeting the requirements of Ministerial Order No. 870 and the Child Safe Standards. Mandatory reporting is vital to ensuring that any instances of child abuse are reported according to the Child Safe Standards.

### Aim

- To ensure that a student's right to be safe is maintained and each student is protected against physical abuse, sexual abuse and neglect.
- To define the roles and responsibilities of school staff in protecting the safety and wellbeing of our students.
- To know the process for making a report about a student who may be in need of protection.
- To comply with reporting obligations under child protection law and criminal law.
- To adhere to Department of Education and Training (DET) policy on Mandatory Reporting.

### Scope

This policy applies to all staff, volunteers and contractors at Cardinia Primary School.

This policy should be read in conjunction with the *Child Safe Policy* and *Child Safety Code of Conduct*.

### Implementation

#### *Mandated Staff*

- All primary school teachers and Principals (including students in training to become teachers) are mandated by law to report signs of physical and/or sexual abuse, and neglect.
- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- Staff will be reminded of mandatory reporting responsibilities annually.
- There may be times when two or more mandated staff members have formed a belief about the same child on the same occasion. In this situation, it is sufficient for only one of the mandated staff members to make a report. The other staff member is obliged to ensure that the report has been made and that all of the grounds for their own belief were included in the report made by the other staff member.

#### *Non-mandated Staff Members*

- Section 183 of the *Children Youth and Families Act 2005* (CYFA) states that **any person**, who believes on reasonable grounds that a child is in need of protection, may report their concerns to

Child Protection. This means that any person, including non-mandated school staff, is able to make a report to Child Protection when they believe that a child is at risk of harm and in need of protection, and the child's parents/carers are unable or unwilling to protect the child.

#### *Forming a Belief on Reasonable Grounds*

- A person may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child's health, safety or wellbeing is at risk and the child's parents/carers are unwilling or unable to protect the child. There may be reasonable grounds for forming such a belief if:
  - \* a child states that they have been physically or sexually abused;
  - \* a child 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 states that the child has been physically or sexually abused;
  - \* a child 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 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's actions or behaviour may place them at risk of significant harm and the child's parents/carers are unwilling or unable to protect the child.

#### *Reporting a Belief*

- Staff members, whether or not mandated, need to report their belief when the belief is formed in the course of undertaking their professional duties.
- Staff members are encouraged to discuss any concerns about the safety and wellbeing of students with the Principal, Assistant Principal or Child Safety Officer.
- If the Principal, Assistant Principal or Child Safety Officer does not wish to make a mandatory report, this does not discharge the teacher's obligations 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, Assistant Principal or Child Safety Officer, that teacher is still legally obliged to make a mandatory report of their concerns.
- 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.
- Staff should use the 'Responding to Suspected Child Abuse' template to document any incident, disclosure or suspicion that a child has been, or is at risk of being, abused.
- 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 is in need of protection, that person is obliged to make a report to Child Protection.
- Staff members may form a professional judgement or belief, in the course of undertaking their professional duties, based on:
  - \* warning signs or indicators of harm that have been observed or inferred from information about the child;
  - \* legal requirements, such as mandatory reporting;
  - \* knowledge of child and adolescent development;

- \* consultation with colleagues and other professionals;
- \* professional obligations and duty of care responsibilities;
- \* established protocols;
- \* internal policies and procedures.

#### *Making a Report to Child Protection*

- The CYFA allows for two types of reports to be made in relation to significant concerns for the safety or wellbeing of a child – a report to Child Protection or a referral to Child FIRST.
- A report to Child Protection should be considered if, after taking into account all of the available information, the staff member forms a view that the child is in need of protection because:
  - \* the harm or risk of harm has a serious impact on the child’s immediate safety, stability or development;
  - \* the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child’s safety, stability or development;
  - \* the child’s parents/carers cannot or will not protect the child from harm.
- Upon receipt of a report, Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required.
- In most circumstances, Child Protection will inform the reporter of the outcome of the report. When the report is classified by Child Protection as a Wellbeing Report, Child Protection will, in turn, make a referral to Child FIRST.
- Information about the identity of a person making a report to Child Protection must be kept confidential unless the reporter consents to the disclosure of their identity. If the staff member wishes to remain anonymous, this information should be conveyed at the time that the reporter makes the mandatory report.

#### *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.

#### *Failure to Report*

- A failure by mandated professionals and staff members to report a reasonable belief that a child is in need of protection from significant harm as a result of physical or sexual abuse may result in the person being prosecuted and a court imposing a fine under the CYFA.

#### *The Role of School Staff*

- School staff have a duty of care to protect and preserve the safety, health and wellbeing of children in their care and staff must always act in the best interests of those children. If a staff member has any concerns regarding the health, safety or wellbeing of a child it is important to take immediate action.
- The role of investigating an allegation of child abuse rests solely with Child Protection and/or Victoria Police.

- The roles and responsibilities of staff in supporting children who are involved with Child Protection may include acting as a support person for students, attending Child Protection case plan meetings, observing and monitoring students' behaviour, and liaising with professionals.

#### *Confidentiality*

- Staff must respect confidentiality when dealing with a case of suspected child abuse and neglect, and may discuss case details and the identity of the child and their family only with those involved in managing the situation.
- When a child has moved to another school, professional judgement should be exercised as to what information needs to be passed on. This will be guided by usual procedures for passing on information about a child's general wellbeing or special needs, and the role of the school in any ongoing care plans.

#### *Interviews at School*

- Child Protection may conduct interviews of children at school without parental knowledge or consent. However, a child will be interviewed at school only in exceptional circumstances and if it is in the child's best interests to proceed in this manner.
- Child Protection will notify the school of any intention to interview a child. This may occur regardless of whether the school is the source of the report to Child Protection.
- When Child Protection practitioners arrive at the school, the Principal or their nominee should ask to see their identification before allowing Child Protection to have access to the child.
- The school does not have the power to prevent parents/carers from removing their children from the school and should not attempt to prevent parents/carers from collecting the child. If a parent/carer removes a child before a planned interview has taken place, the Principal and/or their nominee should contact Child Protection or Victoria Police immediately.

#### *Support Persons*

- Children should be advised of their right to have a supportive adult present during interviews. If a child is too young to understand the significance of the interview, a staff member should make arrangements for a supportive adult to attend with the child.
- A staff member may be identified as a support person for the child during the interview. Prior to the commencement of the interview, the Child Protection practitioner should always authorise the staff member to receive information regarding Child Protection's investigation. This may occur verbally or in writing using the relevant Child Protection proforma.
- Independent persons must refrain from providing their opinions or accounts of events during interviews. A Principal or their delegate may act as an independent person when the child or young person is to be interviewed, unless they believe that doing so will create a conflict of interest.

#### *Advising Parents/Carers*

- Staff do not require the permission of parents/carers to make a report to Child Protection, nor are they required to tell parents/carers that they have done so.
- It is the responsibility of Child Protection to advise the parents/carers of the interview at the earliest possible opportunity. This should occur either before, or by the time the child arrives home.

#### *Staff Training*

- Staff will be informed of Mandatory Reporting requirements as part of their initial induction to the school and will be provided with supporting documentation in their Staff Handbook.
- Staff who are mandated reporters must undertake the Protecting Children – Mandatory Reporting and Other Obligations eLearning module once per calendar year.

- Staff who are not mandated reporters are strongly encouraged to undertake the Protecting Children – Mandatory Reporting and Other Obligations eLearning module once per calendar year.
- As part of the Staff Meeting rotation each year, all staff will be reminded of their reporting obligations at least once per calendar year.

### **References**

- School Policy and Advisory Guide
  - Child Safe Standards
  - Child Protection – Reporting Obligations
  - Child Protection – Making a Report

### **Evaluation**

This policy will be reviewed every three (3) years or as deemed necessary.

### **Ratified**

This policy was ratified by School Council on 5<sup>th</sup> September 2018.