

Mandatory Reporting Policy



Rationale:

All children have a right to feel safe and to be safe. At GWSC 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. This Policy is in line with **Ministerial Order No. 870- Child Safe Standards- Managing the risk of child abuse in schools**. This policy helps all staff understand mandatory reporting, and the failure to disclose offence which commenced on 27 October 2014, and the failure to protect offence which commenced on 1 July 2015. In summary:

- **The mandatory reporting obligation** is set out in Part 4.4 of the *Children, Youth and Families Act 2005*. Section 184 imposes an obligation on teachers, principals and other persons listed in section 182, to make a mandatory report if they form a belief on reasonable grounds that a child is in need of protection on the grounds that the child has suffered, or is likely to suffer, significant harm because of physical injury or sexual abuse, and the child's parents have not protected, or are unlikely to protect, the child from harm of that type
- **The failure to disclose offence** requires any adult (subject to specific exemptions) who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16, to report that information to police. Failure to disclose the information to police is a criminal offence. Further information can be obtained at:

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

Aims:

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

Implementation:

- All members of the Teaching Service are mandated by law to report signs of physical and / or sexual abuse, and neglect.
- The College will institute processes for informing staff on Mandatory Reporting and the reporting suspected child abuse which are clear and robust; including:
 - Step by step guides for staff outlining when and to whom a report must be made.
 - Requirements for accurate recording of relevant information and actions taken.
 - Clear criteria for assessing how and when to report to the Child Safety Officer / Principal / Authorities (the police and/or child protection), which comply with all legal requirements.
 - Provision of a dedicated person for staff and children to contact to discuss a suspected abuse or child safety concern.
 - Publicise on our website information about Mandatory Reporting; enabling for families and children avenues for reporting incidents or concerns.

- Institute a feedback process for staff, volunteers, children and families on organisational policies and procedures for reporting abuse, recognising particular needs of Aboriginal peoples, people from culturally and/or linguistically diverse backgrounds and people with a disability.
- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- Staff will be reminded of mandatory responsibilities annually.
- All concerns must be reported immediately to the Child Safety Officer (Wellbeing Co-ordinator), Principal, or in his / her absence, an Assistant Principal.
- The Child Safety Officer (Wellbeing Co-ordinator), Principal, or in his / her absence, an 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 child abuse has taken place a “Mandatory Reporting Template” available from the Assistant Principal must be completed and filed in the student’s file in a sealed envelope marked ‘Confidential – to be opened by Principal class only’
- 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: **Inner East Division: 1300 655 795 or after school hours crisis line 131278**
- Members of the Department of Health & Human Services (DHHS) or associated support or intervention services that visit the College following a notification, will interview staff and children only in the presence of a Principal class member or his/her nominee.
- All reports, information sheets and subsequent discussions and information will remain strictly confidential.
- Students, who disclose to staff a desire to harm themselves or others, must be reported by staff to the Child Safety Officer and Principal.

In response to the *Betrayal of Trust Report*, the Victorian Government has introduced new criminal offences to protect children from sexual abuse. New legislation states that failure to report, or take action in relation to suspected child sexual abuse can now constitute a criminal offence. This includes:

Failure to Disclose

This offence applies to all adults (not just professionals who work with children) who form a reasonable belief that another adult may have committed a sexual offence against a child under 16 years of age and fail to report this information to Victoria Police.

Failure to Protect

This offence applies to people in positions of authority (Principal Class) who:

- Knows of a substantial risk that a child under the age of 16, under the care, supervision or authority of the organisation will become a victim of a sexual offence committed by an adult associated with the organisation (e.g. employee, contractors, volunteer, visitor); and
- Negligently fails to remove or reduce the risk of harm.

All GWSC staff **must act** as soon as they witness an incident that breaches student safety or when they form a reasonable belief that a child has been or is at risk of being abused.

Six different identified types of abuse

1: Physical

Abuse which is any non-accidental infliction of physical violence on a child by any person.

2: Sexual

Is when a person uses power or authority over a child to involve them in sexual activity (which can also include non-contact offences). It may not always involve force, as in some circumstances, a child may be manipulated.

3: Grooming

Is when a person engages in predatory conduct to prepare a child for sexual activity at a later time. This may involve communicating and / or attempting to befriend or establish a relationship or other emotional connection with the child or their parent / carer.

4: Emotional

Emotional child abuse occurs when a child is repeatedly rejected, isolated, or frightened by threats or by witnessing family violence.

5: Neglect

Serious neglect significantly impairs the health or physical development of the child or places this development at serious risk.

6: Family Violence

Family violence can include physical violence or threats, verbal abuse, emotional and physical abuse, sexual abuse and financial and social abuse.

Receiving a Disclosure (current student / former student)

If a child discloses that they have been, are being, or are in danger of being abused, GWSC staff 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***.

If a former student discloses historical abuse, all staff **must** act. If the former student is currently of school age and attending a Victorian school, staff must follow the *Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse*. If the student is no longer of school age or attending a Victorian school, staff must still act by contacting Victoria Police.

All disclosures **MUST** be documented utilising the **Mandatory Reporting template**. Strategies and advice on how to handle a disclosure can be found on the Departments website: www.education.vic.gov.au/protect

Forming a Suspicion

All staff suspicions that a child has been or may be in danger of being abused must be taken seriously. GWSC staff should liaise with our Child Safety Officer, who will advise on the specific incident.

Forming a Reasonable Belief

If GWSC staff witness behaviour, have a suspicion or receive a disclosure of child abuse, that staff member needs to determine whether they have formed a Reasonable Belief that a child is being abused or is at risk of being abused. A reasonable belief does not require proof (but needs to be more than a rumour).

When identifying child abuse, it is critical to remember that:

- The trauma associated with child abuse can significantly impact upon the wellbeing / development of a child.
- All concerns about the safety and wellbeing of a child, or the conduct of a staff member, contractor or volunteer **must** be acted upon as soon as practicable.

Responding to Incidents, Disclosures and Suspicions of Child Abuse

Staff members of GWSC play a critical role in protecting children in their care; including:

- Staff must act, by following the ***four critical actions***, as soon as they witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused. Detailed information on each area (and physical / behavioural indicators) can be gained from DETs website- www.education.vic.gov.au/protect
- Staff must act if they form a suspicion / reasonable belief, even if they are unsure and have not directly observed child abuse (e.g. if the victim or another person tells them about the abuse).
- Staff must understand that fulfilling the roles and responsibilities contained in the procedures does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.
- If a staff member believes that a child is not subject to abuse, but still holds significant concerns for their wellbeing, they 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.
- Staff **must** use the *Responding to Suspected Child Abuse* template to keep clear and comprehensive notes.
- The Principal (or representative) will undertake a review process between 4-6 weeks after a report is made.

Contact Information for Staff:

- **DHHS - Child Protection:** South Division: Box Hill (03) 9843 6000A/H: 13 12 78
- **Sexual Offences and Child Abuse Investigation Team:** (SOCIT) Box Hill (03) 8892 3292
- **Regional Office:** Glen Waverley (03) 8392 9300
- **(DET) Security Services Unit:** (03) 9589 6266
- **(DET): Student Incident and Recovery Unit:** (03) 9637 2934
- **Child First 1300 762 125** www.dhs.vic.gov.au
- **Victoria Police:** 000
- **eHeadspace** (online and a 9am-1am telephone support service) www.eheadspace.org.au or 1800 650 850
- **KidsHelp Line** on 1800 55 1800 or visit for 24-hour support
- Talk to your doctor, psychologist, social worker

- ** In the case of **international students**, the Principal must notify the International Education Division on (03) 9637 2990 to ensure that appropriate support is arranged for the student.
- ** In the case of **Koorie students**, the Principal must notify the Regional Office to ensure that the Regional Koorie support officer can arrange appropriate support for the student.

It is a requirement under **Ministerial Order No. 870- Child Safe Standards- Managing the risk of child abuse in schools** for schools to keep clear and comprehensive notes on all observations, disclosures and other details that led them to suspect the abuse. All documentation will be stored securely.

References

- Information contained in this policy has been taken, in part, from DET's **PROTECT** documents- *Identifying and Responding to ALL Forms of Abuse in Victorian Schools* and linked website www.education.vic.gov.au/protect
- <http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>

Review

- This Statement will be reviewed every three years.
- This Statement was re-ratified in February 2018.
- Next review in February 2021.