

MANDATORY REPORTING POLICY & PROCEDURES



(Child Safe Standard 5)

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 Upwey Primary School. The specific procedures that are applicable at our school are contained in 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 including the Before and After School Care Program (BASC).

Policy

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

The Upwey Primary School community 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 Upwey Primary School 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 Upwey Primary School 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 and all members of the police force are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic). As a result of a recent change to mandatory reporter groups, registered psychologists have been mandatory reporters from 1 March 2019.

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 Upwey Primary School 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.

For more information about Mandatory Reporting see the Department's *School Policy and Advisory Guide: Child Protection – Reporting 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 *School Policy and Advisory Guide: Child Protection – Making a Report and Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*.

At Upwey Primary School 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 *School Policy and Advisory Guide: [Reportable Conduct Scheme](#)*.

Failure to disclose offence

Reporting child sexual abuse is a community-wide responsibility. All adults (i.e. 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 *School Policy and Advisory Guide: [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 (i.e. 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 *School Policy and Advisory Guide: [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: [Child Exploitation and Grooming](#).

RELATED POLICIES AND FURTHER INFORMATION

- Child Safety Policy
- Child Safety Code of Conduct
- Mandatory Reporting Policy and Procedures

REVIEW CYCLE

This policy was last updated on 30/09/2019 and is scheduled for review on September 2022.

APPENDIX A

CHILD SAFETY REPORTING PROCEDURES AT UPWEY PRIMARY SCHOOL

For students

- All students should feel safe to speak to any staff member to raise any concerns about their safety or any other concerns that they have.
- If a student does not know who to approach at Upwey Primary School they should start with the Classroom Teacher, followed by the Welfare Coordinator and the Principal.
- https://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandards_Poster.pdf



FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

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 Four 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 (eg. if the victim or another person tells you about the abuse).

*A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

It is strongly recommended that you use the **Responding to Suspected Child Abuse template** to keep clear and comprehensive notes, even if you make a decision not to report.

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 aid/ or police assistance** in response 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 / REFERRING TO SERVICES

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

- School principal and/or leadership team
- Employee Conduct Branch
- DET Incident Support and Operations Centre

CATHOLIC SCHOOLS

- School principal and/or leadership team
- Diocesan education office.

INDEPENDENT SCHOOLS

- School principal and/or school chaplain
- Commission for Children and Young People on **1300 782 378**.

All allegations of reportable conduct **must** be reported as soon as possible to:

GOVERNMENT SCHOOLS

- Employee Conduct Branch

CATHOLIC SCHOOLS

- Diocesan education office

INDEPENDENT SCHOOLS

- Commission for Children and Young People on **1300 782 378**.

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

- School principal and/or leadership team
- DET Incident Support and Operations Centre

CATHOLIC SCHOOLS

- School principal and/or leadership team
- Diocesan education office.

INDEPENDENT SCHOOLS

- School principal and/or chaplain.

3 CONTACTING PARENTS/CARERS

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

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 (eg. 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/carer and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- how to communicate** with all relevant parties with consideration for their safety

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 and support.

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

<p>DHHS CHILD PROTECTION AREA</p> <p>North Division 1300 664 977 South Division 1300 650 790 East Division 1300 300 381 West Division 1800 075 599 West Division (Metro) 1300 664 977</p> <p>AFTER HOURS After hours, weekends, public holidays 13 12 78</p> <p>CHILD FIRST https://services.dhhs.vic.gov.au/referral-and-support/teams</p> <p>ORANGE DOOR https://www.vic.gov.au/family-violence/the-orange-door.html</p>	<p>VICTORIA POLICE 000 or your local police station</p> <p>DET INCIDENT SUPPORT AND OPERATIONS CENTRE 1800 126 126</p> <p>INCIDENT MANAGEMENT AND SUPPORT UNIT 1800 126 126</p> <p>EMPLOYEE CONDUCT BRANCH (03) 9637 2595</p> <p>DIOCESAN OFFICE Melbourne (03) 8267 6226 Ballarat (03) 5337 7135 Sale (03) 5622 6600 Sandhurst (03) 5443 2377</p>	<p>INDEPENDENT SCHOOLS VICTORIA (03) 9623 7200</p> <p>THE LOOKOUT The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence https://www.lookout.org.au</p> <p>Family violence victims/burden can be referred to 1800 Respect for counselling, information and a referral service: 1800 737 732</p>
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- https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf

Managing disclosures made by students

When managing a disclosure you should:

- listen to the student and allow them to speak
- stay calm and use a neutral tone with no urgency and where possible use the child's language and vocabulary (you do not want to frighten the child or interrupt the child)
- be gentle, patient and non-judgmental throughout
- highlight to the student it was important for them to tell you about what has happened
- assure them that they are not to blame for what has occurred
- do not ask leading questions, for example 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
- do not pressure the child into telling you more than they want to, they will be asked a lot of questions by other professionals and it is important not to force them to retell what has occurred multiple times
- reassure the child that you believe them and that disclosing the matter was important for them to do

- use verbal facilitators such as, “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 (“what happened next?”)
- tell the child in age appropriate language you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate (for a young child this may be as simple as saying “I will need to talk to people to work out what to do next to help you”).

When managing a disclosure you should AVOID:

- displaying expressions of panic or shock
- 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 repeatedly (you are only gathering information to help you form a belief on reasonable grounds that you need to make a report to the relevant authority)
- making any comments that would lead the student to believe that what has happened is their fault
- making promises to the child about what will occur next or that things will be different given the process can be unpredictable and different for each child depending on their circumstances (instead reassure them that you and others will do your best to help).

General procedures

Our school will follow the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* (Four Critical Actions) when responding to incidents, disclosures and suspicions of child abuse.

All staff at our school who believe that a child is in need of protection, even if it doesn’t meet the threshold required for mandatory reporting or the staff member is not a mandatory reporter, should in the first instance, speak to the Principal or should make the required reports to DHHS Child Protection and/or Victoria Police as necessary.

At our school the Principal will be responsible for monitoring overall school compliance with this procedure.

Nothing in this procedure prevents a staff member or any other person from reporting to the relevant authorities if they form a reasonable belief that a child is at risk of abuse.

Reporting suspicions, disclosures or incidents of child abuse

Responsibilities of all school staff

If a school staff member reasonably suspects or witnesses an incident of child abuse or receives a disclosure of child abuse, they must:

- If a child is at immediate risk of harm, separate alleged victims and others involved, administer first aid and call 000.

- Speak to the Principal as soon as possible, who will follow the Four Critical Actions.
- Make detailed notes of the incident or disclosure using the Responding to Suspected Child Abuse: Template and ensure that those notes are kept and stored securely on Compass for view by the Principal.
- If the staff member is a mandatory reporter and reasonably believes that a student has suffered physical and/or sexual abuse from which the child's parents have not protected the child, they must make a report to DHHS Child Protection. At Upwey Primary School the person who is making the report has the opportunity to be supported by the Principal or a member of the Leadership Team in the absence of the Principal.
- If the staff member has formed a 'reasonable belief' that a sexual offence has been against a child, they must make a report to Victoria Police.

In circumstances where a member of the Leadership Team disagrees that a report needs to be made, but the staff member has formed a 'reasonable belief' that the child is in need of protection and/or has been the victim of sexual abuse, the staff member must still contact DHHS Child Protection and/or Victoria Police to make the report.

Responsibilities of the Principal and the Leadership Team allocated to manage and/or report incidents, suspicions or disclosures to Child Protection or Victoria Police

The Principal is responsible for promptly managing the school's response to an incident, suspicion or disclosure of child abuse, and ensuring that the incident, suspicion or disclosure is taken seriously. The Principal is also responsible for responding appropriately to a child who makes or is affected by an allegation of child abuse.

If the Principal receives a report from a school staff member or member of the school community of a suspicion, disclosure or incident of child abuse, they must:

- Follow the Four Critical Actions as soon as possible, including:
 - Responding to an emergency
 - Reporting to authorities/referring to services
 - Contacting parents/carers and
 - Providing ongoing support.
- Make detailed notes of the incident or disclosure, including actions taken using the Responding to Suspected Child Abuse: Template and ensure that those notes are kept and stored securely in on Compass with restricted viewing for the Principal only. The Principal is also responsible for ensuring that any staff member who reported the incident, disclosure or suspicion to them also makes and keeps notes of the incident.
- At Upwey Primary School, the Principal and the Leadership Team will be responsible for ensuring that there is a prompt response to the disclosure and that the child is appropriately supported.

If the principal/other nominated staff member responsible above is unavailable, the Welfare Coordinator will take on the role and responsibilities described in this section.

Duty of care and ongoing support for students

Fulfilling the requirements in this procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of abuse.

All staff have a duty of care to take reasonable steps to prevent reasonably foreseeable harm to students. All staff must ensure that Principal and the Leadership Team or other appropriate staff member is aware of any incidents, suspicions or disclosures of child abuse as soon as possible after they occur. This will allow appropriate supports to be put in place for the student affected.

For school visitors, volunteers and school community members

All community members aged 18 years or over should be aware of their legal obligations – see *Failure to disclose offence* above, in this Policy.

Any person can make a report to DHHS Child Protection if they believe on reasonable grounds that a child is in need of protection. For contact details see the Four Critical Actions - https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf

There is no requirement for community members to inform the school if they are making a disclosure to DHHS Child Protection or the Victoria Police. However, where a community member is concerned about the safety of a child or children at the school, and where disclosure of that concern will not compromise any potential police investigation, the community member should report this concern to the Principal, so that appropriate steps to support the student can be taken.

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 the Upwey Primary School Staff Handbook.

Support Persons

Children and young people 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.

The staff member may be identified as a support person for the child or young person during the interview. Prior to the commencement of the interview, the Child Protection practitioner should always authorise the staff member to receive information regarding the 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.

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 or the young person and their family only with those involved in managing the situation.

When a child or young person has moved to another school, professional judgement should be exercised as to what information needs to be passed on. This will be guided by the usual procedure for passing on information about a child's general wellbeing or special needs, and the role of the school in any ongoing care plans.

References:

<https://providers.dhhs.vic.gov.au/mandatory-reporting>

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

<https://www.vit.vic.edu.au/news/news/2017/the-child-safe-standards-and-mandatory-reporting>

<https://www.vit.vic.edu.au/news/news/2018/protecting-children-mandatory-reporting-elearning-modules>

<https://www.cpmannual.vic.gov.au/advice-and-protocols/advice/investigation/investigation-phase>